

Referral Request: Lands File 4405975 & 4406201

From: Podealuk, Julia FLNR:EX
To: Siemens, Alisa FLNR:EX <Alisa.Siemens@gov.bc.ca>
Sent: August 17, 2021 2:09:48 PM PDT
Attachments: image001.jpg, Terus Grand Forks.kml, Referral Package.pdf
Hi Alisa,

Hope you are doing well. I was just working on this application and realized that I missed sending you a referral for comment. This is for a gravel pit and roadway by Terus Construction Ltd., up Volcanic FSR and there is an overlapping range tenure held by Carl Sidwell RAN077222.

Just wanted to check in and see if you have any concerns with the proposal and/or if there are any mitigation measures that need to be considered for this application if it were to go forward.

Thanks,



Julia Podealuk, RFT

Authorizations Specialist
Ministry of Forests, Lands, Natural Resource Operations and Rural Development
845 Columbia Avenue
Castlegar, BC V1N 1H3
Tel: 778-364-1170
Julia.Podealuk@gov.bc.ca



Crown Land Tenure Application

Tracking Number: 100338875

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? Employee

REFERRAL / PUBLIC COMMENT CONTACT INFORMATION

Company / Organization: Terus Construction Ltd.
Contact Name: Tyson Craiggs
Contact Address: 300-15288 54A Avenue
Surrey BC V3S 6T4
Contact Phone: s.22
Contact Email: tyson.craiggs@terusconstruction.ca

APPLICANT COMPANY / ORGANIZATION CONTACT INFORMATION

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

Name: Terus Construction Ltd.
Doing Business As:
Phone: s.22
Fax:
Email: tyson.craiggs@terusconstruction.ca
BC Incorporation Number: BC1206911
Extra Provincial Inc. No:
Society Number:
GST Registration Number:
Contact Name: Tyson Craiggs
Mailing Address: 300-15288 54A Avenue
Surrey BC V3S 6T4

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:
Contact Name: Tyson Craiggs

ELIGIBILITY

Question	Answer	Warning
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Do all applicants and co-applicants meet the eligibility criteria for the appropriate category as listed below?	Yes	
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Applicants and/or co-applicants who are Individuals must:

1. be 19 years of age or older and
2. must be Canadian citizens or permanent residents of Canada. (Except if you are applying for a Private Moorage)

Applicants and/or co-applicants who are Organizations must either:

1. be incorporated or registered in British Columbia (Corporations also include registered partnerships, cooperatives, and non-profit societies which are formed under the relevant Provincial statutes) or
2. First Nations who can apply through Band corporations or

Indian Band and Tribal Councils (Band or Tribal Councils require a Band Council Resolution).

TECHNICAL INFORMATION

Please provide us with the following general information about you and your application:

EXISTING TENURE DETAILS

Do you hold another Crown Land Tenure?

Yes

Please specify your file number:

4405975

If you have several file numbers, please make a note of at least one of them above. Example numbers: 1234567, 153245, others

ALL SEASONS RESORTS

The All Seasons Resorts Program serves to support the development of Alpine Ski and non-ski resorts on Crown land. For more detailed information on this program please see the operational policy and if you have further questions, please contact FrontCounter BC.

Are you applying within an alpine ski resort? No

WHAT IS YOUR INTENDED USE OF CROWN LAND?

Use the "Add Purpose" button to select a proposed land use from the drop down menu.

In some situations, such as short term, low impact use of Crown land or docks/moorage that meet specific criteria, Crown land use is allowed without needing to apply for authorization. Some examples are uses listed within the Land Use Policy - Permissions and, for docks/moorage, within the Private Moorage policy.

For all application types, you should review the Land Use Policy that describes your intended use of Crown land to determine if your activity is permissible under the Land Act.

Purpose	Tenure	Period
Aggregates & Quarry Materials Sand And Gravel	Licence of Occupation	Ten to thirty years

ACCESS TO CROWN LAND

Please describe how you plan to access your proposed crown land from the closest public road:

Site will be accessed via Volcanic Creek FSR just as the MoTI pit adjacent does at this time.

AGGREGATES & QUARRY MATERIALS

All uses of Crown land for mining, quarrying, digging or removal of building, construction and other materials listed in the Land Act, Section 19, Includes ancillary activities of material sorting, crushing, stockpiling and washing, and the operation of a temporary portable asphalt plant on site. Applies to quarrying of abandoned tailings areas on Crown land.

Specific Purpose:	Sand And Gravel
Period:	Ten to thirty years
Tenure:	Licence of Occupation

TOTAL APPLICATION AREA

Please give us some information on the size of the area you are applying for.

Please specify the area: 5.06 hectares

MINES ACT: NOTICE OF WORK

To explore and develop the Province's aggregate resources you may/will be required to obtain a Notice of Work under the Mines Act.

Have you submitted a Notice of Work application for a Mines Act permit? No

application for a Mines Act permit?

You will be required to apply for Notice of Work Application.

IMPORTANT CONSIDERATIONS

Do you intend to use the aggregates for hydraulic fracturing No

(Fracking)?

ADDITIONAL QUESTIONS

In many cases you might require other authorizations or permits in order to complete your project. In order to make that determination and point you in the right direction, please answer the questions below. In addition, your application may be referred to other agencies for comments.

Is the Applicant or any Co-Applicant or their Spouse(s) an employee of the Provincial Government of British Columbia? No

Are you planning to cut timber on the Crown Land you are applying for? Yes

To cut timber on the Crown Land once your tenure has been issued you may require an Occupant Licence to Cut. Check out the website of the forest district responsible for more information or contact them if you have any questions.

Are you planning to use an open fire to burn timber or other materials? Yes

Please check the Wildfire Management Branch website to learn more about your responsibilities. Check the 'Guides to Open Burning' for the appropriate fire category. A Category 3 Open Fire will require a burn registration number. More information can also be provided by the Burn Registration line at 1-888-797-1717.

Do you want to transport heavy equipment or materials on an existing forest road? Yes

You must obtain a Road Use Permit from the Ministry of Forests, Lands and Natural Resources Operations if the road is a Forest Service road, or negotiate a Maintenance Agreement with an existing permit holder if the road is under road permit or special use permit.

Are you planning to work in or around water? No

Does your operation fall within a park area? No

LOCATION INFORMATION

LAND DETAILS

DRAWINGS

Please provide information on the location and shape of your Crown land application area. You can use one or more of the tools provided.

☒ I will upload files created from a Geographic Information System (GIS)

SPATIAL FILES

Do you have a spatial file from your GIS system? You can upload it here.

NOTE: When uploading a shapefile, we require the .dbf, shp and .shx files at minimum. Please ensure that it is a polygon that has been projected in BC Albers in NAD83 format. For more information, refer to Commonly Used Spatial File Formats.

Description	Filename	Purpose
dbf	Polygon.dbf	Aggregates & Quarry Materials
prj	Polygon.prj	Aggregates & Quarry Materials

shp	Polygon.shp	Aggregates & Quarry Materials
shx	Polygon.shx	Aggregates & Quarry Materials

ATTACHED DOCUMENTS

Document Type	Description	Filename
General Location Map	Location Map	Location Map.pdf
Management Plan	Mgmt Plan	Volcanic Management Plan Fe...
Other	PFR Report	Terus Volcanic Cr Pit AOA-P...
Other	Public Meeting Q&A	Volcanic Meeting Q&A.pdf
Site Plan	Site Plan	Site Plan.pdf

PRIVACY DECLARATION

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

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.

OTHER INFORMATION

Is there any other information you would like us to know? Julia Podealuk is the Land Officer on the File # 4405975

APPLICATION AND ASSOCIATED FEES

Item	Amount	Taxes	Total	Outstanding Balance
Crown Land Tenure Application Fee	\$1,000.00	GST @ 5%: \$50.00	\$1,050.00	\$0.00

OFFICE

Office to submit application to: Cranbrook

PROJECT INFORMATION

Is this application for an activity or project which requires more than one natural resource authorization from the Province of BC? Yes

What is the name of your project? Volcanic Road Project

Please provide any of the following: reference number(s), project number(s), tracking number(s), or Mine # 1631059

other descriptive information which would allow us
to group these applications together:

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



Terus Construction Ltd. (dba Selkirk Paving)

April 16, 2021

Ministry of Forests, Lands, Natural Resource Operations and Rural Development
1902 Theatre Road
Cranbrook, BC
V1C 7G1

Email: Julia.podealuk@gov.bc.ca

Re: Management Plan for the Volcanic Road Pit and Roadway – Tracking # 100338875

Terus Construction Ltd. (dba Selkirk Paving) is providing this Management Plan to accompany its' License of Occupation Application (**Tracking #100338875, File No. 4405975**) on the above project. This Management Plan is intended to meet the requirements of the General Application for Aggregates and Quarry Materials, dated February 2007 and the Management Plan for associated Roadway Use.

Section A – Project Overview

This project is a long-term development (up to 30 years) of an aggregate resource by Terus Construction Ltd. (dba Selkirk Paving).

The project site is located on a section of crown land noted as "That part of District Lot 693, SDYD" located in the vicinity of Volcanic Creek, containing 5ha, more or less. The project area is approximately at UTM (11U) 394720E and 5445730N. This particular crown parcel is illustrated as a "**red polygon**" on the attached mapping.

The project is located ~14.6 km due north of Grand Forks. To access the site you cross the Granby River bridge on the east end of Grand Forks, and turn left onto Granby Road and follow for ~15.7 km to a point just east of the Granby River Crossing, then you turn right onto North Fork Road and proceed for ~940 m to Volcanic Creek FSR located on the right. Follow Volcanic Creek FSR for ~600 m to the project site (Figure 1).

The proposed mine plan covers mine development of the project site for 30 years, however, the company is anticipating a License of Occupation for a minimum ten (10) year period will be received from FLNRORD.

It is expected that mining of the aggregate resource over the next five (5) years, will be at a nominal mining rate of 9,500 tonnes (4,750 m³) per year. **Note:** The defined area within the proposed License of Occupation (LoO) boundary (red polygon) has an overall reserve of ~400,000 tonnes of aggregate materials (Figure 2).

It is anticipated that the mining and development will comply with the **Mines Act** and the **Health, Safety and Reclamation Code for Mines in BC, 2017 (HSRC)**. The operational intent will be to locate equipment to the site during the work (summer) season (April to end of November), with the purpose of extracting aggregate products for use in the Grand Forks area.

This development is not expected to have any environmental and/or socio-community impacts given its relatively small size and/or location. The company will have in-place; plans regarding archaeological chance find procedures and mine emergency response plan (including fuel management & spill contingencies), Noise and Dust Control Plan and a Badger Plan.

The project is expected to be developed in an environmentally sensitive manner, and the company proposes to accomplish this by implementing plans, utilizing technology and using industry standard “best management practices” (BMP’s), as a means to either eliminate and/or minimize the environment impacts associated with the project. It is expected that the company’s standard sediment and erosion control procedures will suffice for the site. The company will utilize the “Aggregate Operators Best Management Practices Handbook for BC, Volume II, April 2002” as a point of reference for its operation.

http://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/mineral-exploration-mining/documents/permitting/agg_bmp_hb_2002vol2.pdf

The company’s reclamation plan for this project is meant to achieve an end land use of wildlife habitat.

The Roadway Plan is also described in this management plan and is included in Section B1 – Roadway.

Section B – Project Description - Aggregates

Part 1. – Investigative Plan

In order to determine the suitability of the material for the intended purpose, an investigation of the material was conducted to determine the overall quality and quantity of material available. During the investigative period the site was accessed with a tracked excavator which will perform test hole digging for the purpose of sampling. The week-long testing was conducted when suitably dry conditions exist so that minimal disturbance of the ground is achieved. The excavator dug 1m x 3m holes to a maximum depth of 5m and pile the material next to the hole. A 25kg sample of the material was collected and logged by on-site staff. The piled material (minus the sample) was then be placed back in the hole and reclaimed to pre-excitation conditions. Topsoil and overburden was be separated for reclamation and no trees or shrubs were disturbed during the process. A total of 25 test holes were dug in regularly spaced intervals, as possible by vegetation and terrain, to get a representative sample of the material within the investigative area.

All land within the investigative permit area was returned to a natural state and seeded with native grass species. Temporary accesses was reclaimed in the same fashion. The material was deemed suitable and application is now being made to convert the investigative license to a 10 year tenure to conduct mining operations.

Part 2. – Description of Work

The mine plan consists of operations, decommissioning of components and associated activities that would be typical for any small sized aggregate operation in BC. Whereby aggregate materials are excavated, screened and sometimes crushed on-site to obtain the preferred grain size and quality for construction, concrete and/or asphalt production. For this project, crushing and screening of aggregate materials are contemplated; however there will be no washing of aggregate materials.



The mining area is noted on Figure 3, and is marked as a “**dashed outline**”. Within the next five (5) year mine plan, it is anticipated that mining will be initiated within Phase 2 - Yellow Polygon that is indicated on Figure 3.

The extraction (mining) faces will be at a maximum height of approximately seven (7) meters as shown in cross section (Figure 5). The pit faces will to be mined using either a loader and/or excavator, as a means to excavate the materials to an approximate 1.5:1 interim slope angle, in order to maintain compliance with **Part 6.23.4** of the HSRC.

The annual production from the pit as indicated will be 9,500 tonnes (4,750 m³) per year during the first five year period. It should be noted that there will be substantial aggregate reserves left to be mined after 2026.

The operation will be in compliance with the HSRC, and will utilize the following equipment – loader, excavator, tandem dump trucks for excavation of aggregate for the company’s paving and/or concrete plants and for other local infrastructure projects. The operation will use typical equipment such as Cat 966C - Front End Loader, Volvo 290 – Excavator, Tandem dump trucks, 350 TPH crushing unit and 100 TPH screening unit (CEC, 2010 Double Deck and Extec 5367).

During and on completion of mining, all final pit slopes will be resloped to a consistent 2:1 slope angle. The slopes will then be covered with the stockpiled topsoil/mineral soils. As well, all pit floors will be covered with stockpiled topsoil/mineral soils and planted as necessary for the end land use.

It should be noted that no reclamation work is planned for the first five (5) years, as the extraction area is very small, the company needs the development area for product stockpiles, screening and/or general operating aspects and that the initial bench will be mined out in future years. If there is any reclamation undertaken, it would involve resloping of final pit wall from the Phase 1 along the eastern boundary buffer zone.

The area of the Volcanic Road Pit development was selected due to its extensive supply of good quality aggregate materials, relatively flat terrain, existing nearby sand & gravel operations within close proximity of the site, and existing access infrastructure which will allow for an acceptable development plan.

As part of the development, the company will be applying for an Occupant License to Cut for removal of the forest cover that overlays the aggregate resource.

There will not be a requirement for an *Environmental Management Act* – Effluent Permit given that the project is not anticipated to have any effluent discharge. The control of TSS and turbidity of any contact surface waters (if required) will be achieved through use of erosion and sediment control measures such as sediment ponds, silt fencing and straw (hay) bales.

Part 3. - Present State of Land

The present state of the land is shown in the orthophoto of the site (Figure 4).

The site is not located within the ALR, but is within the Regional District of Kootenay Boundary (RDKB), designated under Electoral Area “D” - Official Community Plan, Bylaw No. 1555, 2016 and Electoral Area “D” - Zoning Bylaw 1299, 2005. Terus Construction will comply with all applicable laws pertaining to the Regional District including zoning, if necessary.



A mountain bike trail also exists along the north side of Volcanic Forest Service Road. The Kettle River Mountain Biker's Association (KRMBA) administers this trail network and President, Josh Strezlik has been contacted regarding the proposed pit. As the mountain bike trail runs parallel to the FSR a marked crossing would be constructed to cross the trail and access the pit and the license area will be otherwise outside of the trail network. Terus will work with the KRMBA to construct a safe crossing for the truck and bike traffic and maintain berms and/or tree buffers around the pit area where possible to limit the visual disturbance.

The topography of the site is a sloping 10% gradient from an east to west direction over the property alignment, and it is vegetated with timber consisting of mature conifer trees and shrubs.

The site is dry, and there are no watercourses that will be affected by the aggregate extraction.

At this time, there are no structures and/or other improvements on the land. It is expected that no structures will be constructed during this development.

The pit is located within several first nation consultative boundaries, and these first nations were consulted on by MEMPR as part of an Aggregate Exploration Permit, which was issued under approval number 18-1631059-0612. It has been noted that the area overlaps high and moderate archaeological potential. A registered archaeologist was hired to perform a preliminary field reconnaissance and overview assessment to determine the existence of any sensitive areas and provided recommendations and action items to direct the mine plan. The report indicated low potential and advised that only a chance find procedure be implemented. A chance archaeological chance find procedure will be in place to provide personnel with a procedure in the event of a find.

The topsoil (organics) within the development area was noted to be ~30 to 40 cm in thickness over the proposed mining area, during the test pit program. Prior to mining, these soils will be salvaged and stockpiled (see Figure 3) for future site reclamation requirements. Below the organics, it was noted in the test pits that there were no mineral soils, only aggregate materials. However, if mineral soils are encountered during mining activities they will as well be stockpiled.

There are overlapping and/or proposed land use (Parks and Recreation) criteria over this land base; however given that the operation will generally be sporadic and/or limited on an annual basis, there should be limited impact on these other uses. The gravel use is a temporary use of the land and can be reclaimed as necessary to accommodate future uses.

Part 4. - Reclamation

The reclamation and closure of the Volcanic Road (aggregate) operation will follow the general guidelines recommended by **Part 10.7.1 to 10.7.10** of the HSRC. It will be the intent of Terus, to prevent long-term environmental impacts at the site. It is expected that the end land use for this site will be wildlife habitat, and that the reclamation plan will foster return to appropriate and functional values on the site.

The objectives of the reclamation plan will be to create a physically stable environment, and to ensure that there are no impacts to aquatic and/or terrestrial resources from the mining activities. These objectives would be consistent with the requirements of the HSRC.

It should be noted that Terus, reserves the right to have an opportunity for the reclamation plan to be refined during the operational period of the project. After closure, the site will be left in a safe and secure



manner for the long-term with no projected maintenance. The final site reclamation will meet the end land use objectives.

The reclamation will be undertaken in a timely manner to limit potentially negative site values. However, given the location and no watercourses located at the site, any potential negative site values to the environment can be avoided.

It will always be the intent of the company to achieve the following goals:

- Minimize or eliminate public safety hazards;
- Minimize potential effects to the environment, particularly water resources;
- Provide long-term stable landform configurations;
- Reclaim surface disturbances for beneficial use; and
- Minimize the requirements for post-closure monitoring and maintenance.

It was concluded during the planning stage that progressive reclamation was a viable option; however for the first five (5) years there is limited option given the initial small area of development. Reclamation efforts on the site will be undertaken as final areas become available through completion of development, which could be some of the eastern wall that could be resloped during the 2021 to 2026 period. It is expected that the company will not go outside the estimated 2.0 ha of disturbance (mining, stockpiling, etc.) at the site during the next five (5) years.

It is expected that the reclamation activities of the Volcanic Road Pit development will generally consist of the following:

- During operations, stripping of topsoil/mineral soil to just below the rooting depth will be undertaken, and the soil(s) will be stockpiled within the nineteen (19) meter retained buffer zone. Any remaining material such as overburden, dirty sand, etc. that might be encountered, will be placed in an adjoining stockpile located on the western and eastern boundaries of the Mine Permit Area. The developed soil stockpiles within this buffer zone will have an application of erosion control grass seeding, to reduce erosion and noxious weed invasion. Noxious weeds will be controlled by spraying with approved weed control products that are acceptable for this area; and
- On pit completion, all final pit slopes created by mining activities will be resloped to a 2H:1V slope angle. The resloped area(s) and pit floor will then have ~30 cm minimum of topsoil/mineral soil replaced over the area. Portions of the disturbed area (60%) will be replanted with appropriate tree (pine) seedlings for the elevation, aspect and area, and the remaining 40% of disturbed area will be covered with an appropriate seed mixture for wildlife.

No external fill will be placed into the mined out pit area, however any unused stockpile fill materials such as overburden, dirty sand, etc. will be pushed onto the mined out pit floor and spread out, prior to placement of topsoil.

The goals of the reclamation plan will be to provide the necessary details of the reclamation objectives, and to provide an opportunity for the plan to be refined during the operational period of the project. After closure work has been completed, the project will need to be left in a safe and secure manner for the long-term with little projected maintenance.

Section B1 – Roadway



Part 1. – Background

This will be a new road which does not require upgrading to Ministry of Transportation standards and a gazette plan of the Right of Way will not be prepared.

The term of the road is expected to be in line with the life of mine operations for which it is used to access. The expected life of mine for the tenure is 30 years.

Road maintenance will be carried out during active operations of the aggregate pit. This will consist of regular grading and surface treatment to prevent fugitive dust emissions during use. The road will be maintained in accordance with provincial standards as outlined in the FLNRO Engineering Manual: <https://www2.gov.bc.ca/gov/content/industry/natural-resource-use/resource-roads/engineering-publications-permits/engineering-manual>

The road also falls within an active mine site, appropriate maintenance standards for haul roads in the HSRC.

Part 2. – Location and Present State of Land

The road is will be new and, as yet, has not been flagged. There is no fencing affected and no restoration to fence integrity required. No reasonable alternatives to the road exist to reach the tenures as there are no other Forest Service Roads adjacent to the tenure area. Use will be mainly seasonal with traffic volume related to the aggregate production and sale activities. It is anticipated that 9,500 tonnes per year of material will leave the pit translating to between 235 and 800 one-way truck passages depending on whether the truck hauls 12t or 40t.

The present state of the land is forest. There are no permanent structures or buildings. Road is accessed directly from Volcanic FSR.

The site is dry, and there are no watercourses that will be affected by the road.

At this time, there are no structures and/or other improvements on the land. It is expected that no structures will be constructed during this development.

Part 3. – Infrastructure

The road is accessed directly from Volcanic FSR and is used solely to access the Crown Land tenures under application by Terus Construction. There are no known private interests affected by the road use and the access to the mine sites will be regulated under the *Mines Act* which prohibits public access without permission from the Mine Manager.

The construction method of the road will be granular top course over granular base course. The of gravel used for construction will come from the Volcanic Pit, once approved. Clearing width will be minimal to maintain visual screening and approximately 5m on either side of the road prism. The construction schedule will be minimal, approximately 2 days, as it is very short in length. The brush will be burned, if allowed, or shredded and disposed in the same areas of the gravel pit as approved by the Ministry of Mines. Topsoil and overburden will be salvaged and placed in the same areas of the mine for later use in reclamation. Those disposal areas are shown on the Mine Plan. The road ditch depth is approximately 0.5m.



Part 4. – Environmental

Removal of timber and disposal of slash will be in accordance with the mine clearing area and approved by the Ministry of Mines. The area is underlain by sand and gravel and the road surface will consist of crushed granular base. Soil erosion mitigation will be to place the materials in stockpile and seed to grass along with materials from the mine site clearing. All materials will be salvaged for later use in reclamation. Drainage from the road is managed by ditches along the edge of the road bed to capture and minimize velocity. Excess water exfiltrates to ground.

Part 6. - Reclamation Program

The reclamation and closure of the Volcanic Pit operation and road will follow the general guidelines recommended by **Part 10.7.1 to 10.7.10** of the HSRC. It will be the intent of Terus, to prevent long-term environmental impacts at the site. It is expected that the end land use for this site will be forestry and wildlife habitat, and that the reclamation plan will foster return to appropriate and functional values on the site. Commercially viable tree species will be planted as progressive reclamation over the next 30 years. Progressive reclamation means that as areas of the pit are exhausted and no longer used for production and sales, those areas will be reclaimed to end use objectives during production. These areas will be identified in each 5 year mine plan renewal with the Ministry of Energy, Mines and Petroleum Resources.

The objectives of the reclamation plan will be to create a physically stable environment, and to ensure that there are no impacts to aquatic and/or terrestrial resources from the mining activities. These objectives would be consistent with the requirements of the HSRC.

It should be noted that Terus, reserves the right to have an opportunity for the reclamation plan to be refined during the operational period of the project. After closure, the site will be left in a safe and secure manner for the long-term with no projected maintenance. The final site reclamation will meet the end land use objectives.

The reclamation will be undertaken in a timely manner to limit potentially negative site values. However, given the location and no watercourses located at the site, any potential negative site values to the environment can be avoided.

Deactivation will achieve the following:

- Minimize or eliminate public safety hazards;
- Minimize potential effects to the environment, particularly water resources;
- Provide long-term stable landform configurations;
- Reclaim surface disturbances for beneficial use; and
- Minimize the requirements for post-closure monitoring and maintenance.

No reclamation will occur within the road tenure until closure of the mine in 30 years.

The goals of the reclamation plan will be to provide the necessary details of the reclamation objectives, and to provide an opportunity for the plan to be refined during the operational period of the project. After closure work has been completed, the project will need to be left in a safe and secure manner for the long-term with little projected maintenance.



Section C – Additional Information

The development is not expected to have any environmental and/or socio-community impacts given its relatively small size and/or location. The company will have in-place; plans regarding archaeological chance find procedures (CFP) and fuel management & spill contingencies (MERP). **Note:** These particular plans are part of the **Mines Act** Permit. A public meeting was held on January 13, 2021 and residents provided feedback on the proposed operation. A record of this engagement is available and no concerns that could not be avoided or mitigated were noted as a result of the meeting.

It is expected that the company, will operate and use “Best Management Practices” approach in the development and operation of the site.

I. Environmental

a. Land Impacts

This Management Plan highlights the proposed operational area and its potential impacts to the land base.

The operation will be “stockpiled buffered” in order to reduce visual impacts to outside sources, as noted in Figure 3. As well, on Figure 4, it can be seen that the proposed LoO is surrounded by forest at this time with the exception of the area next to the MOTI pit.

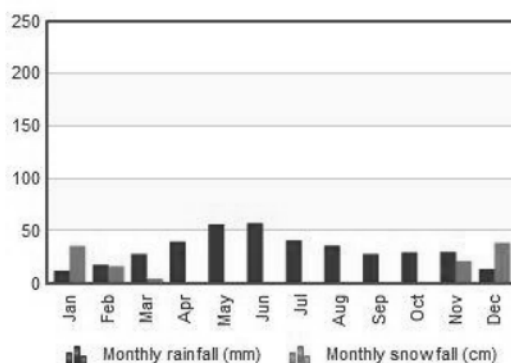
There are no known or documented archaeological sites within the proposed development area.

b. Atmospheric Impacts

Climate

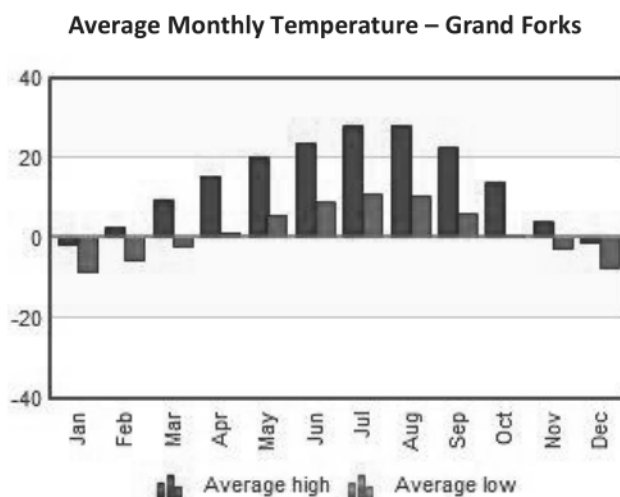
Annual rainfall in nearby Grand Forks averages 391 mm per year with the majority falling during March to November. The area gets snowfall at an average rate of 118 cm per year mainly between November and February. The following graph shows the average monthly precipitation for Grand Forks, to be 509 mm per year.

Average Monthly Precipitation – Grand Forks, BC



The extreme daily rainfall event for the site in 24 hrs was 48 mm, and the extreme daily snow event was 41 cm.

Annual temperatures in the area averages 7.7°C, with the warmest months being April through September with daily maximum averages of +15.6 to +28.1°C, and the coldest months being December through February with daily minimums of -5.6 to -8.5°C. The following graph illustrates the average monthly in the area.



Atmospheric Effects

It is expected that potential atmospheric impacts will be minimal from equipment emissions and/or fugitive dust during mobilization, demobilization, land clearing, excavating, haulage and screening operations.

It is expected that there will be minimal (insignificant effects) impacts (such as deterioration or air quality and lower visibility due to diesel and fugitive dust emissions) on and from the site during construction and operations.

However, to assist with reducing atmospheric effects the company will undertake the following:

- Use modern construction (mining) equipment that meets latest applicable Canadian emission standards;
- Ensure proper inspection and maintenance of equipment;
- Operate equipment within specifications and capacity;
- Limit vehicle and construction equipment idling;
- Use low sulphur fuels for all diesel equipment;
- Revegetate any parts of the development that will not be disturbed in the future;
- Clear only the trees needed for mining in that particular area;
- Through a planned site layout (minimize creation), operational controls (control escape); air quality (dust removal) and cessation, the company can manage and mitigate any generated fugitive dust; and

- Maximize use and commit to Best Management Practices such as following the guidelines set forth by the *“Aggregate Operators Best Management Practices Handbook for British Columbia (April, 2002)”*.

c. Aquatic Impacts

For the Volcanic Road Pit, it is expected that the development will have insignificant (minor) changes to surface water quality and quantity. It is expected; that given the project’s location and that it will not be operating continuously, any potential aquatic impacts would be intermittent, if at all.

The company will utilize mitigation and monitoring as tools to minimize aquatic impacts, as necessary. The operation will use water management structures, and appropriate erosion and sediment control strategies such as managing sediment mobilization and erosion by installing sediment controls prior to land disturbance, limiting land disturbance to the minimum practicable extent, reducing water velocities across the ground, progressively rehabilitating disturbed land, ripping areas to promote infiltration, and restricting access to rehabilitated areas, and installing appropriate temporary erosion and sediment control measures or “Best Management Practices” prior to, and during activities.

In regards to groundwater protection, several test pits were dug and did not encounter any groundwater (table). However, to help protect groundwater quantity and quality from potential impacts of the proposed mining activity, no fuel storage will occur on-site during normal mining activities. If and when a large project is to be undertaken, then fuel storage will include double walled fuel tanks with appropriate additional protection. As well, there will be adequate training for on-site personnel with the emergency response equipment and supplies (spill kits) that are available for use when and if required during fueling.

d. Fish and Wildlife Habitat

Given the relatively small size of the development, fish and wildlife habitats baseline studies were not required to be undertaken as part of the original applications. Meaning there were no literature reviews of management plans specific to the region, no identification of species at risk and/or no field surveys.

There will be no disturbance to fish and/or fish habitat during construction/operations of the development, given its location and proposed operating philosophy.

As a means to minimize potential impacts to fish and wildlife habitat, it is expected that the company, will adhere to the requirements contained within the *“Handbook for Mineral and Coal Exploration in BC, 2008/09”* and the *“Health, Safety and Reclamation Code for Mines in BC, 2017”*.

II. Socio-Community

a. Land Use

There are no known designated National Parks, National Historic Sites, National Marine Conservation Areas, National Wildlife Areas, Migratory Bird Sanctuaries or Marine Wildlife Areas within the development area.

There are currently no active forestry operations within the proposed LoO boundary.

The mountain bike trail that runs adjacent to the site will be accommodated with a dedicated crossing with good sight lines and a forested buffer.



b. Socio-Community Conditions

The project will not affect or influence any community services or infrastructure requirements due to it being a small operation that will operate intermittently. Having said that, a public meeting was held in Grand Forks to give members of the public an opportunity to view the proposed plan and make comments. The comments were considered in the context of the application and addressed by Terus Construction. Typical nuisance concerns for aggregate pits such as noise, dust, water quality, traffic and safety concerns were addressed at the public meeting. Relevant experts in the fields above were made available in a on line Zoom meeting that provided information and constructive dialogue to members of the public. Additional concerns brought forward will also be addressed.

c. Public Health

The project is not projected to affect public health, again due to it being a limited size operation.

d. First Nations

The project is located within the traditional territories of several First Nations, as indicated by the Consultative database.

If you have any questions, please contact the undersigned by email tyson.craiggs@terusconstruction.com or (604) 575-3689.

Regards



Tyson Craiggs, Aggregate Manager
Terus Construction Ltd.
604-575-4453 (Direct)

Attachments





iMapBC Mapping

Legend

☐ Tenures - Tantis - Outlinec



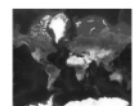
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Datum: NAD83
Projection: WGS_1984_Web_Mercator_Auxiliary_Spher

Key Map of British Columbia

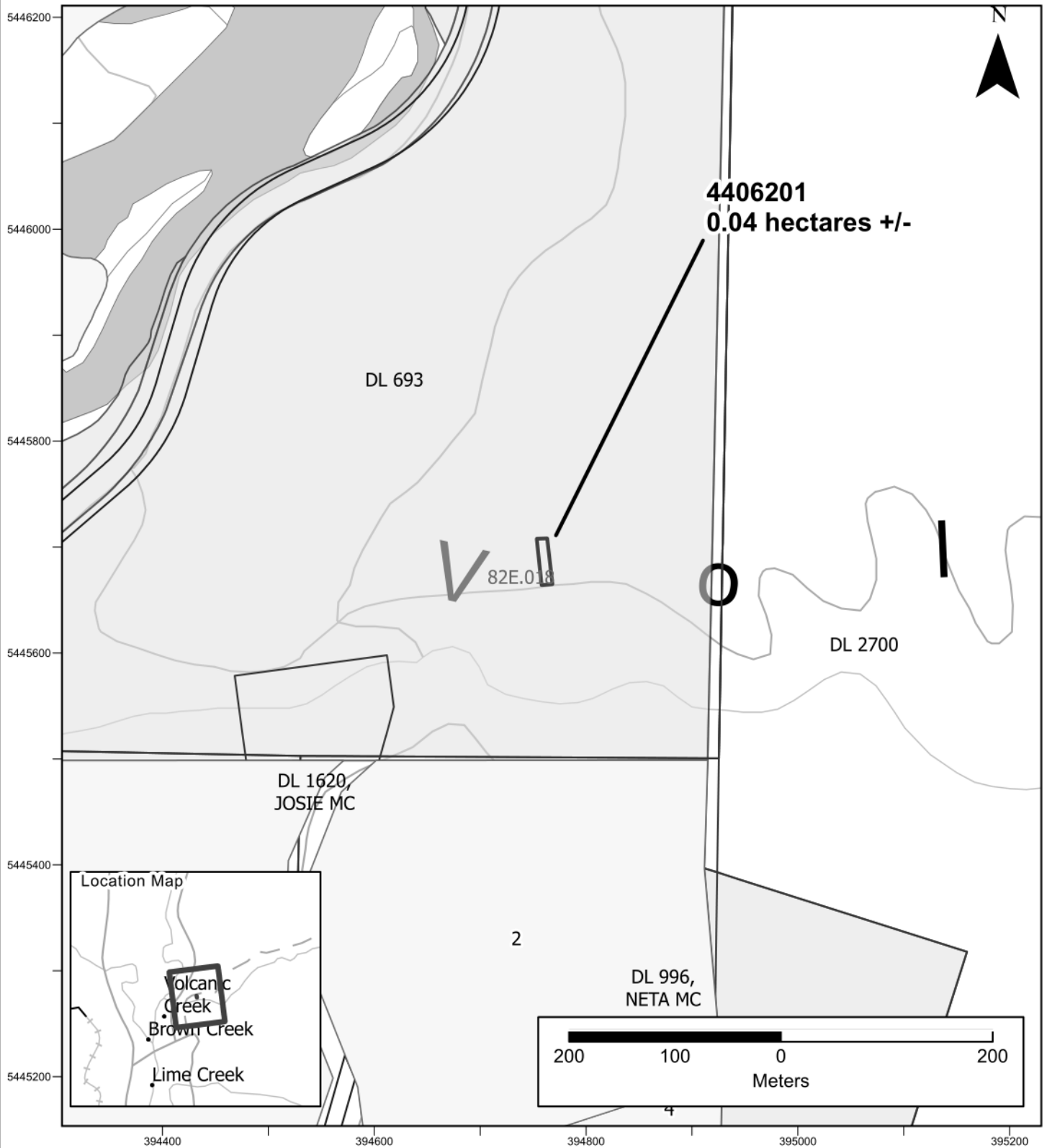


This topographic map displays a study area with various land parcels and geographical features. The map includes a coordinate grid with UTM Easting (horizontal axis, 394000 to 395600) and Northing (vertical axis, 5444800 to 5446800) values. Key features include:

- Land Parcels:** Several parcels are labeled, including DL 606, DL 693, DL 1225, DL 1620 (JOSIE MC), DL 996 (NETA MC), DL 1617 (BONANZA MC), DL 1334 (GOLDEN EAGLE MC), DL 1351 (LASKAY MC), DL 1352 (JUNCTION CITY MC), DL 300S (BILLEN MC), DL 350S (MAMMON FRACTION MC), and DL 2700.
- Creeks:** Volcanic Creek and Brown Creek are shown as shaded areas.
- Plot 82E018:** A specific plot is outlined in black and labeled 82E018. It is associated with the value 4405975 and 5.02 hectares +/-.
- Topography:** Contour lines are shown, indicating elevation changes.
- Inset Map:** A 'Location Map' in the bottom left corner shows the study area's location relative to Volcanic Creek, Brown Creek, and Lime Creek.
- Scale and Orientation:** A scale bar at the bottom right indicates distances in meters (350, 175, 0, 350). A north arrow is located in the top right corner.

Page _____ of _____

That part of District Lot 693, SDYD, more particularly shown outlined in red and containing 0.04 hectares, more or less.



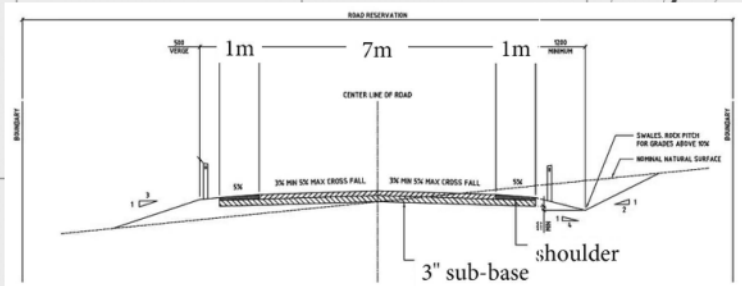
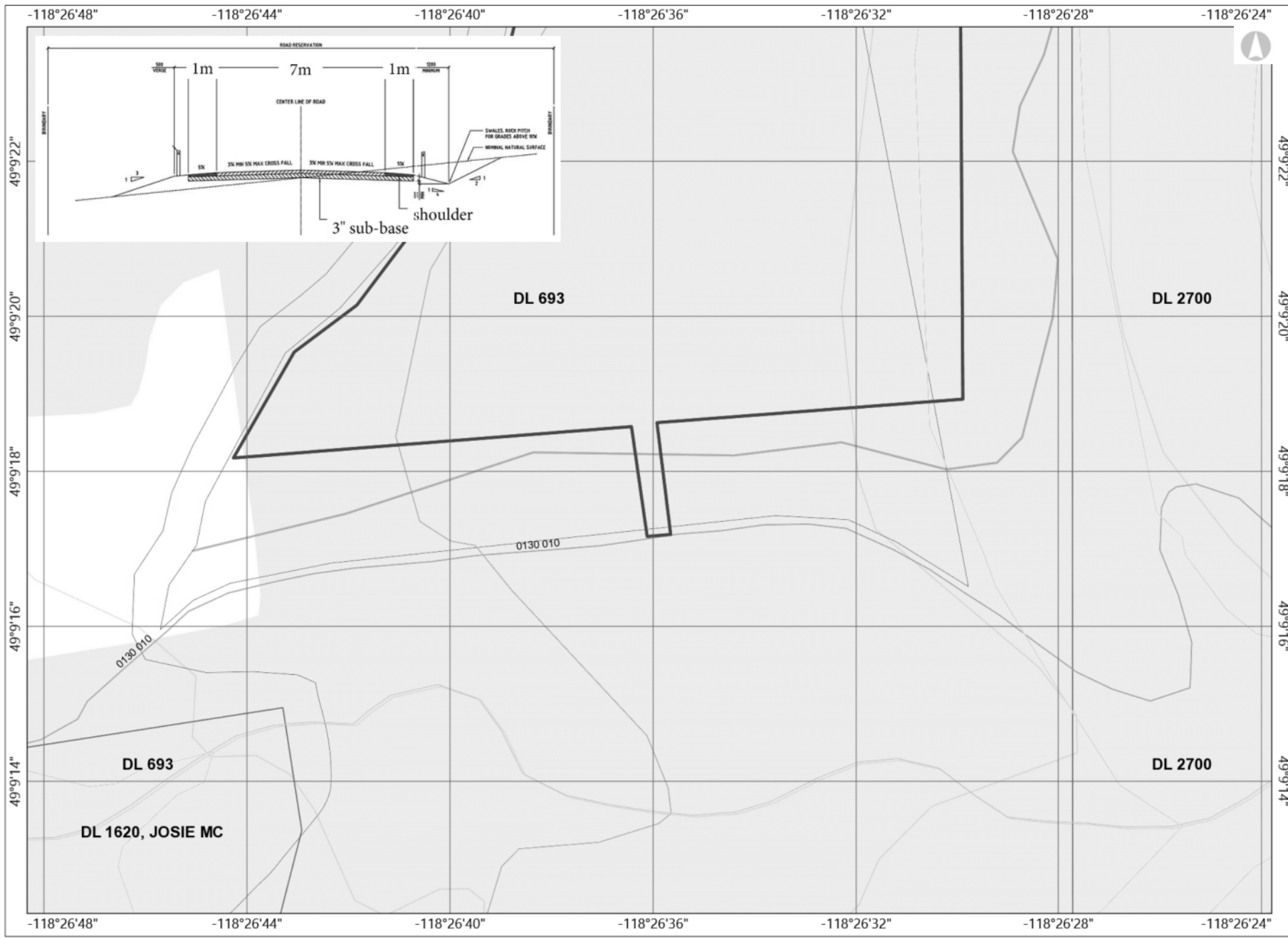
...cranbrook\Status\mxd\2021\4406201.aprx LG Apr 20 2021

Scale: 1:5,000

4406201

BCGS Mapsheet(s): 82E.018

Page ____ of ____



Roadway Map

Legend

- Water - Rivers, Creeks, Sho**
- FCODE
- Canal
 - Dam
 - Dam - Beaver
 - Ditch
 - Falls
 - Flume
 - Rapids
 - River or Stream - Definite
 - River or Stream - Dry
 - River or Stream - Indefinite
 - River or Stream - Left Bank
 - River or Stream - Right Bank
 - Dam - section Base
 - Flooded Land - Inundated
 - Lake - Definite
 - Lake - Indefinite
 - Lake - Intermittent
 - Reservoir - Definite
 - Reservoir - Indefinite
 - Reservoir - Intermittent
 - Marsh
 - Swamp
 - Glacier
 - Icefield
 - Breakwall or Breakwater - Large
- 0 0.05 0.1 km
- 1:2,257

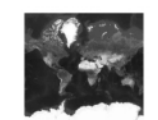
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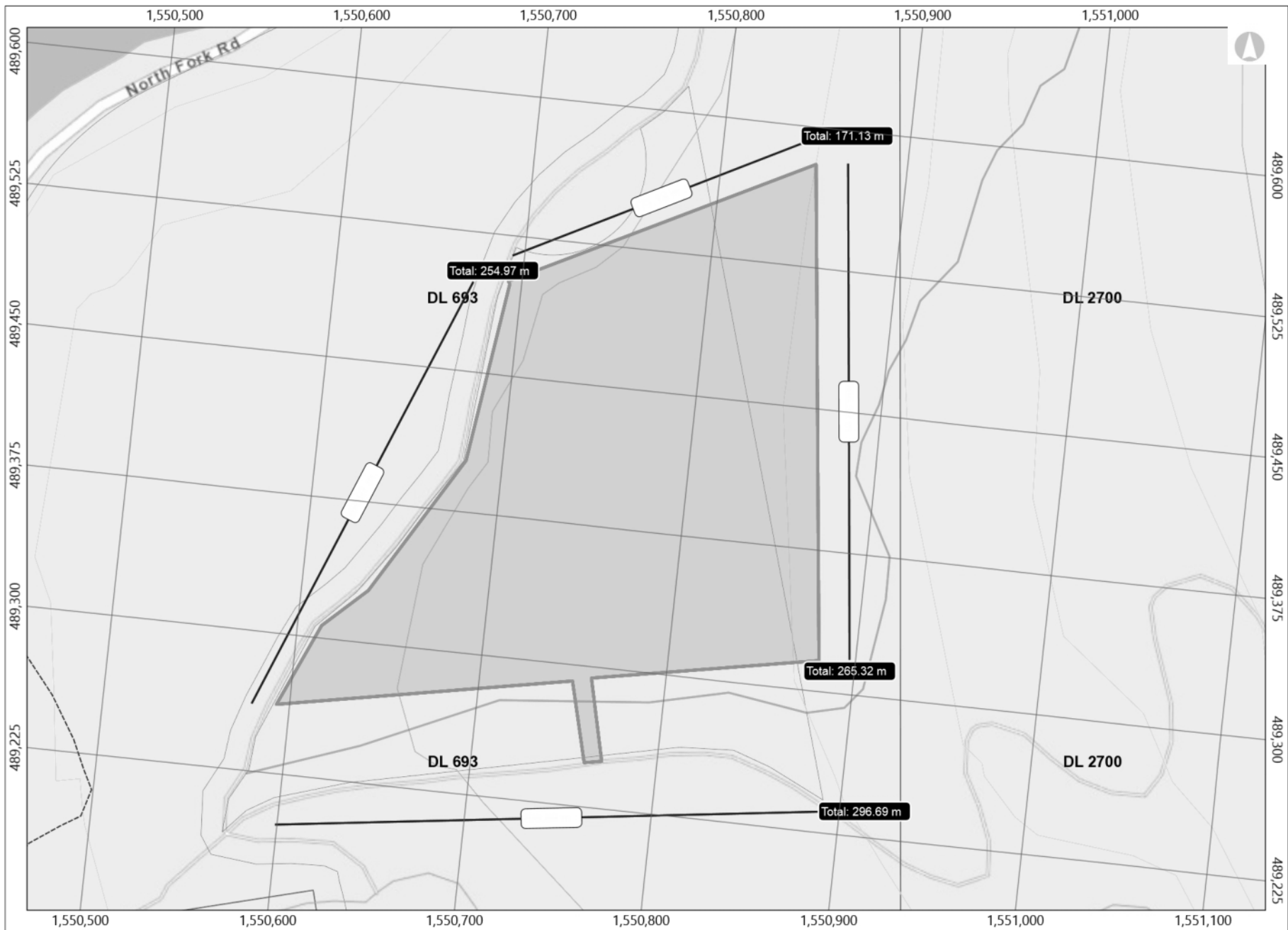
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Datum: NAD83
Projection: WGS_1984_Web_Mercator_Auxiliary_Sp here

Key Map of British Columbia





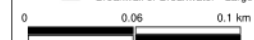
iMapBC Mapping

Legend

Water - Rivers, Creeks, Sho

FCODE

- Canal
- Dam
- Dam - Beaver
- Ditch
- Falls
- Flume
- Rapids
- River or Stream - Definite
- River or Stream - Dry
- River or Stream - Indefinite
- River or Stream - Left Bank
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- Lake - Indefinite
- Lake - Intermittent
- Reservoir - Definite
- Reservoir - Indefinite
- Reservoir - Intermittent
- Marsh
- Swamp
- Glacier
- Icefield
- Breakwall or Breakwater - Large



1:3,022

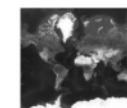
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Datum: NAD83
Projection: WGS_1984_Web_Mercator_Auxiliary_Sp here

Key Map of British Columbia



Re: Crown Lands File: 4405975 and 4406201 Additional Information

From: Derek Holmes <jderekholmes@me.com>
To: Podealuk, Julia FLNR:EX <Julia.Podealuk@gov.bc.ca>
Sent: September 9, 2021 4:21:09 PM PDT

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

Thanks Julia.

Derek Holmes

Sent from my iPhone

On Sep 9, 2021, at 16:19, Podealuk, Julia FLNR:EX <Julia.Podealuk@gov.bc.ca> wrote:

Hi Derek,

This file is currently still waiting for FN Consultation. I just sent an email to the FN Advisor that has picked up the file to see when it will go out and when the expected end date was.

Once I have a response from her I can let you know. I haven't had a chance yet to look at the various referral comments and public comments on this yet. Once I have reviewed them I can let you know what was said and if there are any action items that need to be followed up by Terus to address referral comments.

Thanks,

<image001.jpg>

Julia Podealuk, RFT

Authorizations Specialist

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

845 Columbia Avenue

Castlegar, BC V1N 1H3

Tel: 778-364-1170

Julia.Podealuk@gov.bc.ca

From: Derek Holmes <jderekholmes@me.com>
Sent: September 9, 2021 12:58 PM
To: Podealuk, Julia FLNR:EX <Julia.Podealuk@gov.bc.ca>
Subject: Re: Crown Lands File: 4405975 and 4406201 Additional Information

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

Hi Julia:

Can you please give me an update on the status of the application?

Thank you,

Derek Holmes

Sent from my iPhone

On Jun 21, 2021, at 13:32, Podealuk, Julia FLNR:EX <Julia.Podealuk@gov.bc.ca> wrote:

Hi,

I just wanted to follow up on this request as I will be out of the office towards the end of the week for some time off and I was hoping to get this updated on the website before I am gone.

Could you please confirm you got the email and let me know when I can expect to receive the missing information.

Thanks,

<image001.jpg>

Julia Podealuk, RFT

Authorizations Specialist

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

845 Columbia Avenue

Castlegar, BC V1N 1H3

Tel: 778-364-1170

Julia.Podealuk@gov.bc.ca

From: Podealuk, Julia FLNR:EX

Sent: June 17, 2021 2:43 PM

To: Derek Holmes <jderekholmes@me.com>; 'CRAIGGS, Tyson (SUTCL)'
<tyson.craiggs@terusconstruction.ca>

Subject: Crown Lands File: 4405975 and 4406201 Additional Information

Hi Tyson and Derek,

It recently was brought to my attention that there are Figures 1-5 referenced in the Management Plan that was submitted with your new application. I was going to add them to the public comment site, but then realized that I do not appear to have Figures 1-5. Could you please send me those figures in an attachment as soon as possible. The public commenting period will be extended for 14 days after these figures are posted to the site for additional comments.

Thanks,

<image001.jpg>

Julia Podealuk, RFT

Authorizations Specialist

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

845 Columbia Avenue

Castlegar, BC V1N 1H3

Tel: 778-364-1170

Julia.Podealuk@gov.bc.ca

RE: Consultation Lands File 4405975 and 4406201

From: Pagett, Allison FLNR:EX <Allison.Pagett@gov.bc.ca>
To: Podealuk, Julia FLNR:EX <Julia.Podealuk@gov.bc.ca>
Sent: September 13, 2021 7:11:57 AM PDT
Attachments: image002.jpg, image003.jpg
Morning Julia
This is next on list after a priority FORESTRY file today.
I will be sure to let you know as the letters go out.

Allison Pagett

Advisor, First Nations Relations
Ministry of Forests, Lands, Natural Resource Operations and Rural Development
Kootenay Boundary Region
1902 Theatre Road
Cranbrook BC V1C7G1
Ph 250 420 6283



From: Podealuk, Julia FLNR:EX <Julia.Podealuk@gov.bc.ca>
Sent: September 9, 2021 5:16 PM
To: Pagett, Allison FLNR:EX <Allison.Pagett@gov.bc.ca>
Subject: FW: Consultation Lands File 4405975 and 4406201

Hi Allison,

I just got an email from the proponent on this one asking for a status update and it reminded me to check if I had emailed you about this. I don't have any record of you responding to this email below and I just checked in the CRTS Sharepoint under this file number and it looks like consultation hasn't started yet. Just was hoping to get an update on when it might go out and then when the projected end date is.

Thanks,



Julia Podealuk, RFT
Authorizations Specialist
Ministry of Forests, Lands, Natural Resource Operations and Rural Development
845 Columbia Avenue
Castlegar, BC V1N 1H3
Tel: 778-364-1170
Julia.Podealuk@gov.bc.ca

From: Podealuk, Julia FLNR:EX

Sent: August 17, 2021 3:13 PM

To: Pagett, Allison FLNR:EX <Allison.Pagett@gov.bc.ca>

Subject: Consultation Lands File 4405975 and 4406201

Hi Allison,

Just wanted to touch base with you regarding these two files and consultation. I checked with the proponent to see if they have submitted a NOW yet for this gravel pit and they have not. I discussed with Gena as well if its necessary to wait for them to submit before starting consultation or if we can do the Lands consultation separately as I am still not sure if this application will move to allowance or disallowance due to several factors and she said it was ok to just consult on the Lands piece for now.

I realize this could create more work down the road but I don't want Terus applying for a NOW if we disallow, so I am hoping you can initiate this consultation when you s.22

If you have any questions let me know.

Thanks,



Julia Podealuk, RFT

Authorizations Specialist

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

845 Columbia Avenue

Castlegar, BC V1N 1H3

Tel: 778-364-1170

Julia.Podealuk@gov.bc.ca

RE: 2021 LAN 4405975 4406201 Terus Construction Ltd. LoO

From: Podealuk, Julia FLNR:EX
To: Pagett, Allison FLNR:EX <Allison.Pagett@gov.bc.ca>
Sent: September 15, 2021 11:47:33 AM PDT
Attachments: image001.jpg, image002.jpg
Hi Allison,

There will be two LoO, one for the road and one for the quarry because they fall under different land policies so they have to be separated.

I think your description below is good. And yes, you can relabel the KML from 4406198 to 4405975.

Let me know if I missed any questions you needed answered.



Julia Podealuk, RFT

Authorizations Specialist
Ministry of Forests, Lands, Natural Resource Operations and Rural Development
845 Columbia Avenue
Castlegar, BC V1N 1H3
Tel: 778-364-1170
Julia.Podealuk@gov.bc.ca

From: Pagett, Allison FLNR:EX <Allison.Pagett@gov.bc.ca>
Sent: September 15, 2021 11:10 AM
To: Podealuk, Julia FLNR:EX <Julia.Podealuk@gov.bc.ca>
Subject: 2021 LAN 4405975 4406201 Terus Construction Ltd. LoO

Good afternoon Julia,
I want to ensure I understand this one as it was sometime ago we spoke.
Is there 2 LoO being applied for? Or is it one LoO to cover the road & quarry?

I am working making it clear in the letters. I do not want to put too much info regarding the proposed quarry operations at this time as that will be a discussion for the NOW application with EMLI when it comes in.

Do you think the below explanation would explain it....or do you have suggestions?

The referral is for an amendment to File 4405975, consulted upon in 2019. A temporary LoO for a proposed quarry upon the completion of that consultation record.

Currently, the temporary LoO associated with that file will expire in 2021 and the proponent has now submitted requirements of that temporary LoO and is applying for a 10 year LoO for the quarry (5.02 ha) and a proposed 45m x 10m access road (0.04 ha). It is to provide access from the Volcanic FSR to the proposed gravel pit. The proponent will need to get a Junction Permit from the Selkirk Resource District to junction onto the FSR.

At this time, the proponent has not applied for the Notice of Work with the Ministry of Energy, Mines and Low Carbon Innovation-Mines. Once they do, the NoW will be consulted on separately, along with an Occupant Licence to Cut. It is anticipated that over the course of 5 years, the mining rate of sand and gravel would be approximately 9500 tonnes (4750 m3) per year.

An archaeological preliminary field review was conducted during the previous application and has been included for review.

Additionally- May I relabel the 4406198 KML found in ATS as 440597?

Thank you Julia-taking a bit to get my head around this one.

Allison Pagett

Advisor, First Nations Relations
Ministry of Forests, Lands, Natural Resource Operations and Rural Development
Kootenay Boundary Region
1902 Theatre Road
Cranbrook BC V1C7G1
Ph 250 420 6283



RE: Referral Request: Lands File 4405975 & 4406201

From: Siemens, Alisa FLNR:EX <Alisa.Siemens@gov.bc.ca>
To: Podealuk, Julia FLNR:EX <Julia.Podealuk@gov.bc.ca>
Sent: September 16, 2021 10:22:29 AM PDT
Attachments: image001.jpg

Hi Julia,
I did talk to the Range Agreement Holder regarding this file and he has no further concerns. Thanks for keeping me informed
Alisa

Alisa Siemens, Range Officer
(250)442-4511

From: Siemens, Alisa FLNR:EX
Sent: August 17, 2021 3:27 PM
To: Podealuk, Julia FLNR:EX <Julia.Podealuk@gov.bc.ca>
Subject: RE: Referral Request: Lands File 4405975 & 4406201

Sounds good

Alisa Siemens, Range Officer
(250)442-4511

From: Podealuk, Julia FLNR:EX <Julia.Podealuk@gov.bc.ca>
Sent: August 17, 2021 3:27 PM
To: Siemens, Alisa FLNR:EX <Alisa.Siemens@gov.bc.ca>
Subject: RE: Referral Request: Lands File 4405975 & 4406201

No huge rush, it hasn't even gone out for consultation yet, but maybe in a couple weeks so he doesn't forget to do it!

From: Siemens, Alisa FLNR:EX <Alisa.Siemens@gov.bc.ca>
Sent: August 17, 2021 3:27 PM
To: Podealuk, Julia FLNR:EX <Julia.Podealuk@gov.bc.ca>
Subject: RE: Referral Request: Lands File 4405975 & 4406201

Thanks,
How soon do you need to hear back?

Alisa Siemens, Range Officer
(250)442-4511

From: Podealuk, Julia FLNR:EX <Julia.Podealuk@gov.bc.ca>
Sent: August 17, 2021 3:24 PM
To: Siemens, Alisa FLNR:EX <Alisa.Siemens@gov.bc.ca>
Subject: RE: Referral Request: Lands File 4405975 & 4406201

Hi Alisa,

Thanks for the info. I just deleted the first five pages and re-attached the referral info here because the application itself is not usually public facing but the rest of the info is, so there is no reason you can't forward the attached and the KML to the tenure holder to see if they have any concerns.

Let me know if he raises any that need to be addressed.

Thanks,



Julia Podealuk, RFT

Authorizations Specialist

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

845 Columbia Avenue

Castlegar, BC V1N 1H3

Tel: 778-364-1170

Julia.Podealuk@gov.bc.ca

From: Siemens, Alisa FLNR:EX <Alisa.Siemens@gov.bc.ca>

Sent: August 17, 2021 3:19 PM

To: Podealuk, Julia FLNR:EX <Julia.Podealuk@gov.bc.ca>

Subject: RE: Referral Request: Lands File 4405975 & 4406201

Hi Julia,

I don't see this development being an issue for range. There is a slight chance that the development will create an access for livestock to the North Fork Rd, but I do not think this will occur. If it does become an issue, I would expect the gravel company to address the problem (probably by building a fence). Can I forward the referral to the range agreement holder? I would like to know if he has any further concerns.

Cheers,

Alisa

Alisa Siemens, Range Officer

(250)442-4511

From: Podealuk, Julia FLNR:EX <Julia.Podealuk@gov.bc.ca>

Sent: August 17, 2021 2:10 PM

To: Siemens, Alisa FLNR:EX <Alisa.Siemens@gov.bc.ca>

Subject: Referral Request: Lands File 4405975 & 4406201

Hi Alisa,

Hope you are doing well. I was just working on this application and realized that I missed sending you a referral for comment. This is for a gravel pit and roadway by Terus Construction Ltd., up Volcanic FSR and there is an overlapping range tenure held by Carl Sidwell RAN077222.

Just wanted to check in and see if you have any concerns with the proposal and/or if there are any mitigation measures that need to be considered for this application if it were to go forward.

Thanks,



Julia Podealuk, RFT

Authorizations Specialist

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

845 Columbia Avenue

Castlegar, BC V1N 1H3

Tel: 778-364-1170

Julia.Podealuk@gov.bc.ca

021 LAN 4405975 amend and 4406201 Terus Construction Ltd. LoO S11 Grand Forks

From: Pagett, Allison FLNR:EX <Allison.Pagett@gov.bc.ca>
To: Podealuk, Julia FLNR:EX <Julia.Podealuk@gov.bc.ca>
Sent: December 14, 2021 11:42:52 AM PST
Attachments: CRTS 2021 LAN 4405975 amend and 4406201 Terus.pdf, image001.jpg

Good afternoon

I have completed my portion of the consultation record for the above file.

Recommendations to SDM:

At this time there is no information available to suggest that the proposed activity will result in any adverse effects of Aboriginal Interests.

Link to CRTS for this project:

https://nrm.sp.gov.bc.ca/sites/CRTS/CRTS/Consultation_Centre/Ongoing_Consultation/Kootenay_Boundary_Ongoing%204405975%20amend%20and%20%204406201%20Terus%20Construction%20Ltd.%20LoO%201.xml

Note: I have also provided a pdf of my record.

When a decision and note has been made by the SDM, ensure the **CRTS file (link below) is marked as "COMPLETED" and "DATE OF DECISION MADE" is selected on Homepage Tab.**

Brief note in the **Decision Maker Notes** of CRTS (last Tab "SUMMARY & RECOMMENDATIONS") should include authorization granted/or not and how any information provided by First Nations and other information gathered during the consultation process or previous consultation of the potential infringements on Aboriginal Rights and Title were used and considered during the consultation process.

If you require access to CRTS please contact:

Miles.Homer@gov.bc.ca

You may also require InfoPath. It is best to ask Miles.

Don't hesitate to contact me if you have any questions.

Allison Pagett

Advisor, First Nations Relations
Ministry of Forests, Lands, Natural Resource Operations and Rural Development
Kootenay Boundary Region
1902 Theatre Road
Cranbrook BC V1C7G1
Ph 250 420 6283



First Nations Consultation Report

Basic Information		Consultation Status and Dates	
Proponent/ Applicant	Terus	Consultation Status:	Awaiting SDM Approval(s)
Project Name:	LAN 2 LoO 4405975 amend and 44062...	Consultation Lead Start Date:	2021-04-30
Project Purpose:	Lands-Road Development	Anticipated Completion Date:	
Resource District:	Selkirk	Initiation: (Letters Sent)	2021-09-17
Consultation Lead:	Allison Pagett	Initial Consultation Period:	2021-10-31
Internal Consultation Number:	4405975 & 4406201	Engagement: (First Response)	
		Report Ready For SDM:	2021-12-14
		Determination Made: (file closed)	

Location	
Geo Mark or Landmark:	Grand Forks
Map Sheet Number:	

Lands	Forests and Range	Water
<div>LoO</div> <ul style="list-style-type: none"> 4406201 <div>LoO amend</div> <ul style="list-style-type: none"> 4405975 		
Mines	Fish and Wildlife	Other

Project Information

The referral is for an amendment to File 4405975, consulted upon in 2019. A temporary Licence of Occupation (LoO) for a proposed quarry was issued upon the completion of that consultation record.

Currently, the temporary LoO associated with that file will expire in 2021 and the proponent has now submitted the requirements of that temporary LoO and is applying for a 10 year LoO for the quarry (5.02 ha) and one for a proposed 45m x 10m access road (0.04 ha)(File 4406201). The road is to provide access from the Volcanic FSR to the proposed gravel pit. The proponent will need to get a Junction Permit from the Selkirk Resource District to junction onto the FSR.

At this time, the proponent has not applied for the Notice of Work with the Ministry of Energy, Mines and Low Carbon Innovation-Mines. Once they do, the NoW will be consulted on separately, along with an Occupant Licence to Cut. It is anticipated that over the course of 5 years, the mining rate of sand and gravel would be approximately 9500 tonnes (4750 m³) per year. The proponent does not currently have a valid permit.

An archaeological preliminary field review was conducted during the previous application and has been included for review.

Project Notes

Podealuk, Julia FLNR:EX <Julia.Podealuk@gov.bc.ca>

Overview By First Nation

First Nation	Level of Consultation	
Okanagan Nation Alliance	Notification	No Response Recieved
Lower Similkameen Indian Band	Notification	No Response Recieved
Penticton Indian Band	Notification	Deferred
Upper Nicola Band	Notification	No Response Recieved
Okanagan Indian Band	Notification	No Response Recieved
Osoyoos Indian Band	Notification	No Response Recieved
Splats'in First Nation	Notification	No Response Recieved

Initiation and Pre-Screening Evaluation

ARCHAEOLOGICAL REVIEW

Archaeological Overview Assessment:	Moderate
Archaeological Sites Within Authorization Area:	Not Identified
Archaeological Sites Within 50 M Of Authorization Area:	Not Identified
Comments:	mod & high AOA in close vicinity

Proponent/applicant Engagement

Describe the extent of the applicants pre-application engagement with First Nations	No Engagement
	previous consultation by LBett for Now & tenure & OLTC 2019

Required Questions	Yes	No	Additional Comments/Explanation	
Is the consultation level being set based upon a predetermined standard?	<input checked="" type="radio"/>	<input type="radio"/>	Default LOC	
Will you be completing an Initial View of Strength of Claim (Initial Review Tab)	<input checked="" type="radio"/>	<input type="radio"/>		
Will you be completing an Initial View of Seriousness of Adverse Impacts upon Aboriginal Interests (Impact Review Tab)	<input checked="" type="radio"/>	<input type="radio"/>		

INITIAL IMPACT REVIEW

A review of potential impacts upon the core Aboriginal Interests commonly Asserted by First Nations

Key Impact Factors

Impact Factor	Nature of Impact Factor
Permanence	Temporary
Exclusivity	Permanent closures; excludes others
Access	Increased public access, First Nations access is conditional, or periodically prohibited
Size/geographic extent	Small
Riparian and Water	Very little or no association with riparian areas or water
Seasonality	Some elements of proposal are seasonally flexible
Existing Level of Disturbance	Area has not previously been directly disturbed or there has been limited indirect impacts

Physical Impacts

An initial Review of the physical impacts of the proposed activity has been performed and resulted in the following findings: The proposed Licence of Occupation area will require to be stripped, with all removed topsoil/mineral soils stockpiled. RD to be constructedNOTE - CONDITIONAL HARVEST ZONErd construction proposed and eventual NOW application expected.No drilling will occur. road 45m x 10m access road (0.04 ha)(No material will be introduced into a lake, river, or stream. Water removal will not occur. No up or downstream effects are anticipated. There is no planned discharge associated with this activity.

Conflicting Land Designations

A review of land-use designations and available information has resulted in the following finding: The activity area includes the Grizzly Bear and also CDC protected info area. The activity area is located within the southwest portion of the WHA for Grizzly Bearunknown-prev consultation indicated-The proposed activity is located near to an area recognized to be of high value to migratory birds. The anticipated impact to this critical habitat area for Lewis's Woodpecker is Low to Moderate as the application area is approximately 173m to the east.Wildlife habitat values have been specially ascribed to this area. An Ungulate Winter Range is located in the proposed activity. The UWR U-8-008 relates to Mule Deer. A Wildlife Habitat Area is located within the proposed activity area. The WHA 8-373 covers the Grizzly Bear. NOTE - CONDITIONAL HARVEST ZONE The area is not designated as a Sensitive Fish Watershed. The activity is near to a recognized Fish Bearing Stream. Volcanic Creek and Granby River.


Initial View of Seriousness of Potential Impacts to Aboriginal Interests

Aboriginal Interests associated with Hunting:	Moderate Potential. There are hunting and trapping Interests associated within or near the application area. The proposal may inhibit or limit opportunities to exercise these Interests.
Aboriginal Interests associated with Fishing:	Low Potential. There are fishing Interests associated within or near the application area. The impact to water and riparian areas is limited.
Aboriginal Interests associated with Gathering:	Low to Moderate Potential. There are gathering Interests associated within or near the application area. The proposal may inhibit or limit opportunities to exercise these Interests.
Other Aboriginal Interests:	Low to Moderate Potential. There are Cultural Heritage features associated within or near the application area. The proposal may inhibit or limit opportunities to exercise these Interests.
Assessed Potential Impact to Aboriginal Interests	Not Assessed

Preparation and Initiation Phase- Initial Review

A First Nation Specific Review of information relating to Aboriginal Interests in the Area and Strength of Claim

First Nation: Okanagan Nation Alliance


Agreements	Yes	No	Agreements	Yes	No	Attachments: IIA/SEA
Treaty	<input type="radio"/>	<input type="radio"/>	Forestry Agreement	<input type="radio"/>	<input type="radio"/>	 File Attachment
EBA\ECDA	<input type="radio"/>	<input type="radio"/>	SEA or other engagement protocol	<input type="radio"/>	<input type="radio"/>	

Initial View of Aboriginal Interests in the Area	
<p>List the readily available information that you have found regarding this First Nation's interests in the area.</p>	s.16
What best describes the nature of this First Nation's Aboriginal Interests in the Area?	
Where there are asserted aboriginal rights, what best describes the readily available information relating to pre-contact use of this area by that First Nation?	
Where there is asserted aboriginal title, what best describes the readily available information relating to occupation or regular and intensive use of this area at 1846?	
Initial evaluation of Rights :	
Initial evaluation of Title :	

Initial View of Seriousness of Potential Impacts to Aboriginal Interests	
Proven or Specific Aboriginal Interests	
Assessed Potential Impact to Aboriginal Interests	Not Assessed

Level of Consultation	Notification
Comments:	Consultation level determined in accordance with review of readily available ethno historic material and anticipated impact of application.

First Nation:	Lower Similkameen Indian Band
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Agreements	Yes	No	Agreements	Yes	No	Attachments: IIA/SEA
Treaty	<input type="radio"/>	<input type="radio"/>	Forestry Agreement	<input type="radio"/>	<input type="radio"/>	<div>  File Attachment </div>
EBA\ECDA	<input type="radio"/>	<input type="radio"/>	SEA or other engagement protocol	<input type="radio"/>	<input type="radio"/>	

Initial View of Aboriginal Interests in the Area	
List the readily available information that you have found regarding this First Nation's interests in the area.	<ul style="list-style-type: none">
What best describes the nature of this First Nation's Aboriginal Interests in the Area?	
Where there are asserted aboriginal rights, what best describes the readily available information relating to pre-contact use of this area by that First Nation?	
Where there is asserted aboriginal title, what best describes the readily available information relating to occupation or regular and intensive use of this area at 1846?	
Initial evaluation of Rights :	Not Assessed
Initial evaluation of Title :	Not Assessed

Initial View of Seriousness of Potential Impacts to Aboriginal Interests	
Proven or Specific Aboriginal Interests	
Assessed Potential Impact to Aboriginal Interests	Not Assessed

Level of Consultation	Notification
Comments:	Consultation level determined in accordance with review of readily available ethno historic material and anticipated impact of application.

First Nation:	Penticton Indian Band
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Agreements	Yes	No	Agreements	Yes	No	Attachments: IIA/SEA
Treaty	<input type="radio"/>	<input type="radio"/>	Forestry Agreement	<input type="radio"/>	<input type="radio"/>	<div>  File Attachment </div>
EBA\ECDA	<input type="radio"/>	<input type="radio"/>	SEA or other engagement protocol	<input type="radio"/>	<input type="radio"/>	

Initial View of Aboriginal Interests in the Area	
List the readily available information that you have found regarding this First Nation's interests in the area.	<ul style="list-style-type: none">
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Where there is asserted aboriginal title, what best describes the readily available information relating to occupation or regular and intensive use of this area at 1846?	
Initial evaluation of Rights :	Not Assessed
Initial evaluation of Title :	Not Assessed

Initial View of Seriousness of Potential Impacts to Aboriginal Interests	
Proven or Specific Aboriginal Interests	
Assessed Potential Impact to Aboriginal Interests	Not Assessed

Level of Consultation	Notification
Comments:	Consultation level determined in accordance with review of readily available ethno historic material and anticipated impact of application.

First Nation:	Upper Nicola Band
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Agreements	Yes	No	Agreements	Yes	No	Attachments: IIA/SEA
Treaty	<input type="radio"/>	<input type="radio"/>	Forestry Agreement	<input type="radio"/>	<input type="radio"/>	<div>  File Attachment </div>
EBA\ECDA	<input type="radio"/>	<input type="radio"/>	SEA or other engagement protocol	<input type="radio"/>	<input type="radio"/>	

Initial View of Aboriginal Interests in the Area	
List the readily available information that you have found regarding this First Nation's interests in the area.	<ul style="list-style-type: none">
What best describes the nature of this First Nation's Aboriginal Interests in the Area?	
Where there are asserted aboriginal rights, what best describes the readily available information relating to pre-contact use of this area by that First Nation?	
Where there is asserted aboriginal title, what best describes the readily available information relating to occupation or regular and intensive use of this area at 1846?	
Initial evaluation of Rights :	Not Assessed
Initial evaluation of Title :	Not Assessed

Initial View of Seriousness of Potential Impacts to Aboriginal Interests	
Proven or Specific Aboriginal Interests	
Assessed Potential Impact to Aboriginal Interests	Not Assessed

Level of Consultation	Notification
Comments:	Consultation level determined in accordance with review of readily available ethno historic material and anticipated impact of application.

First Nation:	Okanagan Indian Band
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Agreements	Yes	No	Agreements	Yes	No	Attachments: IIA/SEA
Treaty	<input type="radio"/>	<input type="radio"/>	Forestry Agreement	<input type="radio"/>	<input type="radio"/>	<div>  File Attachment </div>
EBA\ECDA	<input type="radio"/>	<input type="radio"/>	SEA or other engagement protocol	<input type="radio"/>	<input type="radio"/>	

Initial View of Aboriginal Interests in the Area	
List the readily available information that you have found regarding this First Nation's interests in the area.	<ul style="list-style-type: none">
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Where there is asserted aboriginal title, what best describes the readily available information relating to occupation or regular and intensive use of this area at 1846?	
Initial evaluation of Rights :	Not Assessed
Initial evaluation of Title :	Not Assessed

Initial View of Seriousness of Potential Impacts to Aboriginal Interests	
Proven or Specific Aboriginal Interests	
Assessed Potential Impact to Aboriginal Interests	Not Assessed

Level of Consultation	Notification
Comments:	Consultation level determined in accordance with review of readily available ethno historic material and anticipated impact of application.

First Nation:	Osoyoos Indian Band
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Agreements	Yes	No	Agreements	Yes	No	Attachments: IIA/SEA
Treaty	<input type="radio"/>	<input type="radio"/>	Forestry Agreement	<input type="radio"/>	<input type="radio"/>	<div>  File Attachment </div>
EBA\ECDA	<input type="radio"/>	<input type="radio"/>	SEA or other engagement protocol	<input type="radio"/>	<input type="radio"/>	

Initial View of Aboriginal Interests in the Area	
List the readily available information that you have found regarding this First Nation's interests in the area.	•
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Where there is asserted aboriginal title, what best describes the readily available information relating to occupation or regular and intensive use of this area at 1846?	
Initial evaluation of Rights :	s.16
Initial evaluation of Title :	

Initial View of Seriousness of Potential Impacts to Aboriginal Interests	
Proven or Specific Aboriginal Interests	
Assessed Potential Impact to Aboriginal Interests	Not Assessed

Level of Consultation	Notification
Comments:	Consultation level determined in accordance with review of readily available ethno historic material and anticipated impact of application.

First Nation: Splats'in First Nation

Agreements	Yes	No	Agreements	Yes	No	Attachments: IIA/SEA
Treaty	<input type="radio"/>	<input type="radio"/>	Forestry Agreement	<input type="radio"/>	<input type="radio"/>	 File Attachment
EBA\ECDA	<input type="radio"/>	<input type="radio"/>	SEA or other engagement protocol	<input type="radio"/>	<input type="radio"/>	

Initial View of Aboriginal Interests in the Area	
List the readily available information that you have found regarding this First Nation's interests in the area.	s.16
What best describes the nature of this First Nation's Aboriginal Interests in the Area?	
Where there are asserted aboriginal rights, what best describes the readily available information relating to pre-contact use of this area by that First Nation?	
Where there is asserted aboriginal title, what best describes the readily available information relating to occupation or regular and intensive use of this area at 1846?	
Initial evaluation of Rights :	
Initial evaluation of Title :	

Initial View of Seriousness of Potential Impacts to Aboriginal Interests	
Proven or Specific Aboriginal Interests	
Assessed Potential Impact to Aboriginal Interests	Not Assessed



Level of Consultation	Notification
Comments:	Consultation level determined in accordance with the Letter of Commitment and the matrix of the now expired Secwepemc Reconciliation Framework Agreement Letter of Understanding and Haida Principles

Engagement and Accommodation

Preliminary Assessment and Concerns and Accommodation Tracking table

First Nation: Okanagan Nation Alliance

Preliminary Assessment

Revised Level of Rights: s.16		
Revised Level of Title: s.16		 File Attachment
Revised Level of Impact to Known Rights/Title: Not Assessed		 File Attachment
Revised Level of Consultation: Notification		

Concerns and Accommodation Tracking Table

Replacement Attachment:	 File Attachment	Additional Comments:	
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Concern Description	
Analysis of concern	
Potential Accommodation	
Recommendation for Accommodation	

First Nation:	Lower Similkameen Indian Band
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Preliminary Assessment		
Revised Level of Rights: <div>Not Assessed</div>		<div>📎 File Attachment</div>
Revised Level of Title: <div>Not Assessed</div>		
Revised Level of Impact to Known Rights/Title: <div>Not Assessed</div>		<div>📎 File Attachment</div>
Revised Level of Consultation: <div>Notification</div>		

Concerns and Accommodation Tracking Table			
<div>Replacement Attachment:</div> <div>📎 File Attachment</div>		<div>Additional Comments:</div> <div></div>	
Concern Description			
Analysis of concern			
Potential Accommodation			
Recommendation for Accommodation			

First Nation:	Penticton Indian Band
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Preliminary Assessment		
Revised Level of Rights: <div>Not Assessed</div>		<div>📎 File Attachment</div>
Revised Level of Title: <div>Not Assessed</div>		
Revised Level of Impact to Known Rights/Title: <div>Not Assessed</div>		<div>📎 File Attachment</div>
Revised Level of Consultation: <div>Notification</div>		

Concerns and Accommodation Tracking Table			
<div>Replacement Attachment:</div> <div>📎 File Attachment</div>		<div>Additional Comments:</div> <div></div>	
Concern Description			
Analysis of concern			
Potential Accommodation			
Recommendation for Accommodation			

First Nation:	Upper Nicola Band
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Preliminary Assessment		
Revised Level of Rights: <div>Not Assessed</div>		<div>📎 File Attachment</div>
Revised Level of Title: <div>Not Assessed</div>		
Revised Level of Impact to Known Rights/Title: <div>Not Assessed</div>		<div>📎 File Attachment</div>
Revised Level of Consultation: <div>Notification</div>		

Concerns and Accommodation Tracking Table			
Replacement Attachment: <div>📎 File Attachment</div>		Additional Comments: <div></div>	
Concern Description			
Analysis of concern			
Potential Accommodation			
Recommendation for Accommodation			

First Nation:	Okanagan Indian Band
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Preliminary Assessment



Revised Level of Rights: <input type="text" value="Not Assessed"/>	<input type="text"/>	<input type="text" value="File Attachment"/>
Revised Level of Title: <input type="text" value="Not Assessed"/>		
Revised Level of Impact to Known Rights/Title: <input type="text" value="Not Assessed"/>	<input type="text"/>	<input type="text" value="File Attachment"/>
Revised Level of Consultation: <input type="text" value="Notification"/>	<input type="text"/>	


Concerns and Accommodation Tracking Table

Replacement Attachment:	<input type="text" value="File Attachment"/>	Additional Comments:	<input type="text"/>
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Concern Description	<input type="text"/>
Analysis of concern	<input type="text"/>
Potential Accommodation	<input type="text"/>
Recommendation for Accommodation	<input type="text"/>


First Nation:	Osoyoos Indian Band
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Preliminary Assessment		
Revised Level of Rights: s.16		 File Attachment
Revised Level of Title: s.16		
Revised Level of Impact to Known Rights/Title: Not Assessed		 File Attachment
Revised Level of Consultation: Notification		

Concerns and Accommodation Tracking Table			
Replacement Attachment:		 File Attachment	Additional Comments:
Concern Description			
Analysis of concern			
Potential Accommodation			
Recommendation for Accommodation			



First Nation:	Splats'in First Nation
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Preliminary Assessment		
Revised Level of Rights: s.16		 File Attachment
Revised Level of Title: s.16 ...		
Revised Level of Impact to Known Rights/Title: Not Assessed		 File Attachment
Revised Level of Consultation: Notification		



Concerns and Accommodation Tracking Table			
Replacement Attachment:		 File Attachment	Additional Comments:
Concern Description			
Analysis of concern			
Potential Accommodation			
Recommendation for Accommodation			

FIRST NATIONS COMMUNICATIONS LOG




First Nation: Okanagan Nation Alliance

Basic Info		Comments	Attachments
Date	2021-09-17	Letter	 ONA Letter.pdf Adobe Acrobat Document 218 KB
Initiator	Allison Pagett-advisor		
Medium	Initial Letter		
Date	2021-09-17	confirmation	 to ONA.txt Text Document 803 bytes
Initiator	Allison Pagett		
Medium	Initial Letter		



First Nation:	Lower Similkameen Indian Band
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Basic Info		Comments	Attachments
Date	2021-09-17	Letter	 LSIB Letter.pdf Adobe Acrobat Document 218 KB
Initiator	Allison Pagett		
Medium	Initial Letter		
Date	2021-09-17	confirmation	 to LSIB.txt Text Document 818 bytes
Initiator	Allison Pagett-advisor		
Medium	Initial Letter		


First Nation:	Penticton Indian Band
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Basic Info		Comments	Attachments
Date	2021-09-17	letter	 PIB Letter.pdf Adobe Acrobat Document 218 KB
Initiator	Allison Pagett		
Medium	Initial Letter		
Date	2021-09-17	to Nations Connect portal	 File Attachment
Initiator	Allison Pagett-advisor		
Medium	Initial Letter		
Date	2021-09-22	deferring further consultation and engagement to the Osoyoos Indian Band.	 PIB defer.msg Outlook Item 305 KB
Initiator			
Medium	Initial Letter		



First Nation:	Upper Nicola Band
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Basic Info		Comments	Attachments
Date	2021-09-17	letter	<div>  UNB Letter.pdf Adobe Acrobat Document 217 KB </div>
Initiator	Allison Pagett		
Medium	Initial Letter		
Date	2021-09-17	To Nations Connect portal	<div>  File Attachment </div>
Initiator			
Medium	Initial Letter		




First Nation:	Okanagan Indian Band
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Basic Info		Comments	Attachments
Date	2021-09-17	letter	<div> <div>PDF</div> <div>  </div> </div> <div>OKIB Letter.pdf</div> <div>Adobe Acrobat Document</div> <div>218 KB</div>
Initiator	Allison Pagett		
Medium	Initial Letter		
Date		Nations C	<div> <div>File Attachment</div> </div>
Initiator			
Medium	Initial Letter		


First Nation:	Osoyoos Indian Band
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Basic Info		Comments	Attachments
Date	2021-09-17	Letter	<div>  <div> OIB Letter.pdf Adobe Acrobat Document 218 KB </div> </div>
Initiator	Allison Pagett-advisor		
Medium	Initial Letter		
Date		confirmation	<div> <div>  <div> to OIB.txt Text Document 816 bytes </div> </div> </div>
Initiator			
Medium	Initial Letter		

First Nation:	Splats'in First Nation
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Basic Info		Comments	Attachments
Date Initiator Medium	2021-09-17	Nations C	 Consultation submitted Nations Connect.msg Outlook Item 60.0 KB
	Allison Pagett-advisor		
Date Initiator Medium		letter	 Splatsin Letter.pdf Adobe Acrobat Document 218 KB
Date Initiator Medium	2021-10-13	Splatsin did not have the capacity to respond to this referral during the engagement period. Please notify us of any decisions that were made on this file and forward any monitoring reports, if applicable.	 202 10 13 Splatsin.msg Outlook Item 249 KB
	Splatsin		

OTHER PROJECT COMMUNICATIONS

		Comments	Attachments
Date	2021-09-17	nations C confirmation	 Consultation submitted Nations Connect.msg Outlook Item 60.0 KB
Initiator			
Recipient			
Medium			

Associated Documents

<div data-bbox="300 555 363 607"></div> <p>PFR.pdf Adobe Acrobat Document 2.80 MB</p> <div data-bbox="300 748 363 799"></div> <p>Terus Road KML.kml KML 1.10 KB</p> <div data-bbox="300 940 363 992"></div> <p>Terus Road KML.kml KML 1.10 KB</p> <div data-bbox="300 1133 363 1184"></div> <p>Public Q_A.pdf Adobe Acrobat Document 138 KB</p> <div data-bbox="300 1326 363 1377"></div> <p>2018 Jan 17 FN List of Readily Available Info.docx Microsoft Word Document 41.4 KB</p>	<p>Referral pkg large-stored in advisor drive</p>
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Recommendation to Decision Maker(s)

The Province communicated with the First Nations to receive their information about the potential impacts of the application for 2021 LAN 4405975 amend and 4406201 Terus Construction Ltd. LoO S11 Grand Forks on their Aboriginal Interests.

In 2019, the Province enacted the Declaration on the Rights of Indigenous Peoples Act (Declaration Act) which formalizes its commitment to the adoption and implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Truth and Reconciliation Commission (TRC) of Canada's Calls to Action. In addition, BC published the Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples in 2017. These commitments have formalized the expectation that SDMs contemplate decisions in a manner that is consistent with the Province's reconciliation mandate. In practical terms, this means moving beyond the legal minimums of consultation, and where possible, interpreting existing policies and legislation through the lens of the Declaration Act and the Province's reconciliation mandate.

Reconciliation between the Provincial Crown and Indigenous Peoples is a priority for the Province of BC, and it is an expectation that public servants explore opportunities to contribute to the reconciliation mandate in their day-to-day work. While reconciliation has become an essential consideration for SDMs, advancing the reconciliation mandate must be balanced with considerations of procedural fairness, reasonableness and potential hardship on affected stakeholders. As with all other factors contemplated when reviewing a decision, a balanced, equitable and reasonable approach must be applied when contemplating reconciliation in the decision-making process. This consultation is subject to the COVID-19 pandemic and the Provincial State of Emergency. It was conducted in accordance with provincial direction provided by Ministry of Indigenous Relations and Reconciliation in a bulletin dated March 23, 2020, as well as guidance from Indigenous Relations Branch of MFLNRORD.

The consultation carried out by the Kootenay Boundary Region FN Advisor is consistent with the Updated Procedures for Meeting Legal Obligations When Consulting First Nations. The level of consultation is consistent with the signed agreements held by the affected first Nations and/or Haida Principles.

See Associated Documents located within the Preparation and Initiation Tab, at the bottom of the page.

Recommendations to SDM:

At this time there is no information available to suggest that the proposed activity will result in any adverse effects of Aboriginal Interests.

Consideration during decision making (in addition to the above statement):

See prep/initiation section below.

Prev consultation (interoute proponent) no comments rec'd.

see CRT

https://nrm.sp.gov.bc.ca/sites/CRTS/CRTS/Consultation_Centre/Ongoing_Consultation/Kootenay_Boundary_Ongoing/2019%20LAN%204405975%20Interoute%20Construction%20Ltd%20Licence%20of%20Occupation%20Grand%20Forks.xml

NoW not included in this consultation, it will come later if tenure approved.

Nearest IR - OSOYOOS 1 - Osoyoos 72.9kms-may indicate stronger SOC.

AOA polygons overlap, no sites.

An archaeological preliminary field review was conducted during the previous application and has

been included for review.

First Nation concerns gathered: none

OUTSTANDING Issues: none

Ensure proponent is aware of Chance Find Procedures and it is strongly recommended that for additional details or requirements, proponents should always contact the Archaeology Branch as part of their planning as archaeological work may be required by a *registered professional*.

British Columbia's archaeological resources, known or unknown, are protected under the Heritage Conservation Act (HCA). The provisions of the HCA apply whether archaeological sites are located on public or private land. Protected archaeological sites may not be altered, i.e., changed in any manner, without a permit. Disturbance site, without an Alteration Permit is a contravention of the Heritage Conservation Act and may result in substantial fines and development delays.

In closing I request a response to be added to "Decision Maker Notes" that outlines how the information we have provided and other information you may have gathered from your assessment of potential infringements on Aboriginal Rights and Title was used and considered in the decision-making process. I also ask that the consultation record be set as COMPLETE on the Home Page Tab. Please indicate via email to advisor that decision has been made and the above has been completed.

Summary - Preparation & Initiation

s.16

Previous Consultation of related file revealed: no comments, arch assessment recommended and was completed

Considerations:

Archaeology: mod AOA polygons

Species at Risk: A Wildlife Habitat Area is located within the proposed activity

	<p>area. The WHA 8-373 covers the Grizzly Bear.</p> <p>NOTE - CONDITIONAL HARVEST ZONE</p> <p>The Province relies on the consultation process for additional information.</p> <p>s.16</p>
Summary - Engagement	<p>Letters and referral packages sent out on: Sept 17 2021</p> <p>Letters sent to: KNC, SIB Little Shus, Adams Lake, Splots'in, Simpwc ONA, LSIB, PIB,UNB,OKIB, NIB, OIB WBFN SINIXT</p> <p>Anticipated response date: Nov 30 2021 (KNC has longest frame of time)</p> <p>Responses: PIB deferring further consultation and engagement to the Osoyoos Indian Band.</p>
Summary- Accommodation	<p>none</p>
Other Issues	<p>COVID-19 FN Office closures, fires and reduced capacity. Extend timelines where possible.</p> <p>Capacity issues at FCBC. Advisors sending own letters.</p> <p>KNC announced pause in consulting with externals, letter sent to KNC as per direction April 29 2021.</p>

Re: Volcanic Pit File 4405975

From: Derek Holmes <jderekholmes@me.com>
To: Podealuk, Julia FLNR:EX <Julia.Podealuk@gov.bc.ca>
Sent: December 22, 2021 11:43:47 AM PST

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

Hi Julia:
The Notice of Work has been submitted with tracking number 100366198.

Best Regards,

Derek Holmes
jderekholmes@me.com

On Jul 22, 2021, at 3:32 PM, Podealuk, Julia FLNR:EX <Julia.Podealuk@gov.bc.ca> wrote:

Hi Derek,

I just wanted to check to see if Terus has submitted a Notice of Work application for the Volcanic Pit gravel pit yet, and if you have do you have a tracking number that I could reference?

Just checking because the file is ready to go for First Nations consultation and the preference is to bundle the Mines application with the Lands application.

Thanks,

<image001.jpg>

Julia Podealuk, RFT

Authorizations Specialist
Ministry of Forests, Lands, Natural Resource Operations and Rural Development
845 Columbia Avenue
Castlegar, BC V1N 1H3
Tel: 778-364-1170
Julia.Podealuk@gov.bc.ca

Re: LT re: Land File Nos. 4405975 and 4406201

From: Ian Moore <ian@ianmoore.ca>
To: Podealuk, Julia FLNR:EX <Julia.Podealuk@gov.bc.ca>
Sent: January 11, 2022 9:06:21 PM PST
Attachments: image022.jpg, image028.jpg, image030.png, image032.png, image034.png, image035.png, image033.png, image031.png, image029.png, image025.jpg, image026.png, image024.jpg, image014.jpg, image018.jpg, image020.jpg, image016.jpg, image010.jpg, image012.jpg, image001.jpg

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

Thanks for this, Julia. Much appreciated.

Best,
Ian

From: Podealuk, Julia FLNR:EX <Julia.Podealuk@gov.bc.ca>
Date: Tuesday, January 11, 2022 at 3:30 PM
To: Ian Moore <ian@ianmoore.ca>
Subject: RE: LT re: Land File Nos. 4405975 and 4406201

Hi Ian,

The application is still being adjudicated and I can't provide an expected timeline on when that might be completed.

The application status can be found on the Application, Comments and Reasons for Decisions website:

- [Applications, Comments & Reasons for Decision \(gov.bc.ca\)](#)

Thanks,



Julia Podealuk, RFT
Authorizations Specialist
Ministry of Forests, Lands, Natural Resource Operations and Rural Development
845 Columbia Avenue
Castlegar, BC V1N 1H3
Tel: 778-364-1170
Julia.Podealuk@gov.bc.ca

From: Ian Moore <ian@ianmoore.ca>
Sent: January 10, 2022 2:37 PM
To: Podealuk, Julia FLNR:EX <Julia.Podealuk@gov.bc.ca>
Subject: Re: LT re: Land File Nos. 4405975 and 4406201

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

Hi Julia,

I hope this email finds you well, and happy new year!

I'm wondering if you could provide an update on the expected timeline for a decision on the applications referenced in the subject line?

Thank you!

From: Podealuk, Julia FLNR:EX <Julia.Podealuk@gov.bc.ca>
Date: Thursday, July 8, 2021 at 3:30 PM
To: Ian Moore <ian@ianmoore.ca>
Cc: Baker, Gena FLNR:EX <Gena.Baker@gov.bc.ca>
Subject: RE: LT re: Land File Nos. 4405975 and 4406201

Hi Ian,

Thank you for your email and additional questions, I have responded to your questions below in blue font:

- Will the comment period for the roadway application (Land File No. 4406201) be extended to July 5 as well? It is current showing July 4 on the Applications, Comments, and Reasons for Decision website.
The commenting period has now closed on both files, no comments were received during the entire commenting period under File 4406201 (Roadway Application) and all comments that were submitted were submitted under File Number 4405975.
- Has Terus been requested to clarify the other details referenced in my letter I sent to them (a copy of which I included with my letter to you)? In particular, there is reference in Terus' management plan to the addressing of community concerns, but little detail as to how these concerns, including those of my client, will be addressed.
We have not approached Terus to update their management plan to date. Once the public and agency referral period is concluded and First Nation consultation has concluded the commentary gathered (including your letter) will be reviewed and the proponent will be asked to update their management plan to reflect and include the information.

I hope that the information above is helpful. Let me know if you have further questions.

Regards,



Julia Podealuk, RFT

Authorizations Specialist
Ministry of Forests, Lands, Natural Resource Operations and Rural Development
845 Columbia Avenue
Castlegar, BC V1N 1H3
Tel: 778-364-1170
Julia.Podealuk@gov.bc.ca

From: Ian Moore <ian@ianmoore.ca>

Sent: June 30, 2021 8:55 PM

To: Podealuk, Julia FLNR:EX <Julia.Podealuk@gov.bc.ca>

Cc: Baker, Gena FLNR:EX <Gena.Baker@gov.bc.ca>

Subject: Re: LT re: Land File Nos. 4405975 and 4406201

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

Hi Julia,

Thank you for confirming receipt of my letter, your letter, and for extending the public comment period. I'm wondering if you can confirm a couple further details:

- Will the comment period for the roadway application (Land File No. 4406201) be extended to July 5 as well? It is current showing July 4 on the Applications, Comments, and Reasons for Decision website.
- Has Terus been requested to clarify the other details referenced in my letter I sent to them (a copy of which I included with my letter to you)? In particular, there is reference in Terus' management plan to the addressing of community concerns, but little detail as to how these concerns, including those of my client, will be addressed.

Thank you again. I hope the heat hasn't been too unbearable over there for you this week.

Regards,



IAN MOORE (he/him)

Barrister & Solicitor

📞 236-990-0378

✉ ian@ianmoore.ca

🌐 ianmoore.ca

🐦 [moreianmoore](https://twitter.com/moreianmoore)

This email, including any attachments, is confidential and may be protected by solicitor-client privilege. If you are not intended recipient, please notify me at the email address or phone number above and immediately delete or destroy the email, all attachments, and any copies that have been made. Thank you.

I acknowledge I live and work on the traditional, ancestral, and unceded territories of the Coast Salish peoples, including the territories of the x̱məθkwəy̱əm (Musqueam), Skwxwú7mesh (Squamish), and Səlilwətaʔ/Selilwitulh (Tsleil-Waututh) Nations.

From: Podealuk, Julia FLNR:EX <Julia.Podealuk@gov.bc.ca>

Date: Tuesday, June 22, 2021 at 4:10 PM

To: Ian Moore <ian@ianmoore.ca>

Cc: Baker, Gena FLNR:EX <Gena.Baker@gov.bc.ca>

Subject: RE: LT re: Land File Nos. 4405975 and 4406201

Mr. Moore,

Please see attached.

Regards,



Julia Podealuk, RFT

Authorizations Specialist

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

845 Columbia Avenue

Castlegar, BC V1N 1H3

Tel: 778-364-1170

Julia.Podealuk@gov.bc.ca

From: Ian Moore <ian@ianmoore.ca>
Sent: June 16, 2021 4:09 PM
To: Podealuk, Julia FLNR:EX <Julia.Podealuk@gov.bc.ca>
Subject: LT re: Land File Nos. 4405975 and 4406201

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

Hi Julia,

Please find attached a letter relating to Terus Construction Ltd's proposed sand and gravel pit near Grand Forks, BC, as well as another letter I've also just sent to Tyson Craiggs, Aggregate Manager of Terus Construction Ltd. If possible, please confirm receipt of these letters. Please also let me know if you have any questions or would like to discuss anything.

Regards,

Ian Moore, Barrister & Solicitor (he/him)

E: ian@ianmoore.ca

P: 236-990-0378

This email, including any attachments, is confidential and may be protected by solicitor-client privilege. If you are not the intended recipient, please notify me at the email address or phone number above and immediately delete or destroy this email, all attachments, and any copies that have been made. Thank you.

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Referral Follow Up: File 4405975

From: Podealuk, Julia FLNR:EX
To: Katay, Fiona EMLI:EX <Fiona.Katay@gov.bc.ca>
Sent: January 19, 2022 11:16:54 AM PST
Attachments: image001.jpg, Terus Grand Forks.kml, 4405975 Referral Package.pdf
Hi Fiona,

I just wanted to follow up on this Referral. It was closed a while ago, but there was never a response and because the proposed gravel pit overlaps with a Mineral Claim, I just wanted to check in to see if there are any potential conflicts with this.

I have attached the referral package and a shapefile. The application overlaps with Mineral Claim 1061773 held by KG Exploration (Canada) Inc.

If you could provide me with comments at your earliest convenience it would be greatly appreciated!



Julia Podealuk, RFT

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845 Columbia Avenue
Castlegar, BC V1N 1H3
Tel: 778-364-1170
Julia.Podealuk@gov.bc.ca

Volcanic FSR, Lands File 4405975

From: Podealuk, Julia FLNR:EX
To: Sperling, Bill FLNR:EX <Bill.Sperling@gov.bc.ca>
Sent: January 19, 2022 12:57:29 PM PST
Attachments: Terus Grand Forks.kml, image001.jpg
Hi Bill,

I am not sure if you are the best person to answer this question, but if not I am hoping you can point me in the right direction of who to talk to in BCTS in Grand Forks.

I am currently adjudication an application for a gravel pit off of the Volcanic FSR, and its within BCTS chart area. One of the comments from Habitat was in regards to the ungulate winter range and snow intercept levels. Here is a copy of the comment:

2. Ungulate Winter Range

Value: The site of the proposed gravel and sand extraction works is located within a designated Ungulate Winter Range (u-8-008) established for s.18 planning cell #64. Ungulate Winter Range is established under the *Forest and Range Practices Act* (FRPA) and is defined as an area that contains habitat that is necessary to meet the winter habitat requirements of an ungulate species. The requirement for a license to cut associated with this permit will require the applicant to comply with the UWR Order. For more information see <https://www.env.gov.bc.ca/wld/frpa/uwr/index.html> The UWR Order is attached.

Impact and Risk: Clearing of this site to enable sand and gravel extraction will result in direct loss of snow interception cover values for Ungulate Winter Range. In addition to impacts to s.18 this could have implication for the area licensee, BC Timber Sales.

Recommendation: BCTS must be contacted to determine the current condition of this planning cell. Removal of 5 ha of timber may require an Order exemption if current planning cell condition is in deficit for snow interception cover. The applicant may need to retain a Registered Professional Forester to support in planning and implementing harvest at this site. Please contact the Terrestrial Section for direction on preparation of an exemption, if required.

So I am hoping you can tell me if this was approved and the 5ha was cleared, would that put this cell in a deficit? I have attached a KML of the area in question as well.

Thanks for your help.



Julia Podealuk, RFT

Authorizations Specialist
Ministry of Forests, Lands, Natural Resource Operations and Rural Development
845 Columbia Avenue
Castlegar, BC V1N 1H3
Tel: 778-364-1170
Julia.Podealuk@gov.bc.ca

Lands File 4405975 Referral

From: Podealuk, Julia FLNR:EX
To: mcassidy@grandforks.ca
Sent: January 19, 2022 3:26:29 PM PST
Attachments: image001.jpg, Terus Grand Forks.kml, 4405975 Referral Package.pdf
Hi Mike,

I got your email off of an older Lands Act application that the Corporation of the City of Grand Forks made and I am hoping you might be the correct person to answer my question, or might be able to point me in the direction of someone that can.

I am currently adjudicating an application for a gravel pit North of Grand Forks, off of the Volcanic FSR, and it overlaps with a Lands File 0092275 that is a Notation of Interest held by The Corporation of the City of Grand Forks for a watershed reserve. It was established back in 1955, but at the time the city specified that they want a referral for "industrial purposes and applications involving a fairly large acreage", and this isn't a huge area, but it is industrial in nature, so I wanted to send a referral for comments to the City.

I have attached a KML of the area, as well as the referral package and am hoping the City and provide me with comments.

If you could let me know who the right contact would be for this, it would be appreciated!



Julia Podealuk, RFT

Authorizations Specialist
Ministry of Forests, Lands, Natural Resource Operations and Rural Development
845 Columbia Avenue
Castlegar, BC V1N 1H3
Tel: 778-364-1170
Julia.Podealuk@gov.bc.ca

Re: Lands File 4405975 Referral

From: Michael Cassidy <mcassidy@grandforks.ca>
To: Podealuk, Julia FLNR:EX <Julia.Podealuk@gov.bc.ca>
Sent: January 20, 2022 12:56:38 PM PST
Attachments: image001.jpg

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

Hello,

I have forwarded your message on to my managers. I am not the contact for this referral and I'm not sure who is. If you do not receive a referral contact, please contact me again and I will make some phone calls.

Thank you for your time,
Mike.

Get [Outlook for Android](#)

From: Podealuk, Julia FLNR:EX <Julia.Podealuk@gov.bc.ca>
Sent: Wednesday, January 19, 2022, 3:27 p.m.
To: Michael Cassidy
Subject: Lands File 4405975 Referral

CAUTION: External Email - Check before you click!

Hi Mike,

I got your email off of an older Lands Act application that the Corporation of the City of Grand Forks made and I am hoping you might be the correct person to answer my question, or might be able to point me in the direction of someone that can.

I am currently adjudicating an application for a gravel pit North of Grand Forks, off of the Volcanic FSR, and it overlaps with a Lands File 0092275 that is a Notation of Interest held by The Corporation of the City of Grand Forks for a watershed reserve. It was established back in 1955, but at the time the city specified that they want a referral for "industrial purposes and applications involving a fairly large acreage", and this isn't a huge area, but it is industrial in nature, so I wanted to send a referral for comments to the City.

I have attached a KML of the area, as well as the referral package and am hoping the City and provide me with comments.

If you could let me know who the right contact would be for this, it would be appreciated!



Julia Podealuk, RFT

Authorizations Specialist
Ministry of Forests, Lands, Natural Resource Operations and Rural Development
845 Columbia Avenue
Castlegar, BC V1N 1H3
Tel: 778-364-1170
Julia.Podealuk@gov.bc.ca

RE: Volcanic FSR, Lands File 4405975

From: Podealuk, Julia FLNR:EX
To: Sperling, Bill FLNR:EX <Bill.Sperling@gov.bc.ca>
Sent: January 27, 2022 12:56:06 PM PST
Attachments: image001.jpg
Hi Bill,

Thanks for getting back to me and providing me with this info.

Appreciate it!
Julia

From: Sperling, Bill FLNR:EX <Bill.Sperling@gov.bc.ca>
Sent: January 27, 2022 11:11 AM
To: Podealuk, Julia FLNR:EX <Julia.Podealuk@gov.bc.ca>
Subject: FW: Volcanic FSR, Lands File 4405975

Hi,

I asked Olivia (our planning forester). See below. Basically Pcell ^{s.17} surplus SIC even after our planned block in it.

Cheers,
Bill

From: Van Jarrett, Olivia FLNR:EX <Olivia.VanJarrett@gov.bc.ca>
Sent: January 27, 2022 10:58 AM
To: Sperling, Bill FLNR:EX <Bill.Sperling@gov.bc.ca>
Subject: RE: Volcanic FSR, Lands File 4405975

Well let me just pull up this little information tidbit I was just working on in OP17!

UWR: TA1929-1 is within planning cell 64 of UWR 8-008 for ^{s.18} Under the order there must be a minimum of 25% snow intercept cover (SIC) recruitment area per planning cell. According to the most recent Selkirk Reporting Suite data, Planning Cell 64 has a surplus of ^{s.17} of SIC area.

The total area of TA1929-1 is ^{s.17} . Even with that area removed there is still ^{s.17} of surplus in the planning cell.

From: Sperling, Bill FLNR:EX
Sent: January 27, 2022 10:54 AM
To: Van Jarrett, Olivia FLNR:EX <Olivia.VanJarrett@gov.bc.ca>
Subject: FW: Volcanic FSR, Lands File 4405975

Do you know the status of UWR in pcell #64 off the top of your head? Is there a newer UWR analysis since the one from last year?

From: Podealuk, Julia FLNR:EX <Julia.Podealuk@gov.bc.ca>
Sent: January 19, 2022 12:58 PM
To: Sperling, Bill FLNR:EX <Bill.Sperling@gov.bc.ca>
Subject: Volcanic FSR, Lands File 4405975

Hi Bill,

I am not sure if you are the best person to answer this question, but if not I am hoping you can point me in the right direction of who to talk to in BCTS in Grand Forks.

I am currently adjudication an application for a gravel pit off of the Volcanic FSR, and its within BCTS chart area. One of the comments from Habitat was in regards to the ungulate winter range and snow intercept levels. Here is a copy of the comment:

2. Ungulate Winter Range

Value: The site of the proposed gravel and sand extraction works is located within a designated Ungulate Winter Range (u-8-008) established for s.18 planning cell #64. Ungulate Winter Range is established under the *Forest and Range Practices Act* (FRPA) and is defined as an area that contains habitat that is necessary to meet the winter habitat requirements of an ungulate species. The requirement for a license to cut associated with this permit will require the applicant to comply with the UWR Order. For more information see <https://www.env.gov.bc.ca/wld/frpa/uwr/index.html> The UWR Order is attached.

Impact and Risk: Clearing of this site to enable sand and gravel extraction will result in direct loss of snow interception cover values for Ungulate Winter Range. In addition to impacts to s.18 this could have implication for the area licensee, BC Timber Sales.

Recommendation: BCTS must be contacted to determine the current condition of this planning cell. Removal of 5 ha of timber may require an Order exemption if current planning cell condition is in deficit for snow interception cover. The applicant may need to retain a Registered Professional Forester to support in planning and implementing harvest at this site. Please contact the Terrestrial Section for direction on preparation of an exemption, if required.

So I am hoping you can tell me if this was approved and the 5ha was cleared, would that put this cell in a deficit? I have attached a KML of the area in question as well.

Thanks for your help.



Julia Podealuk, RFT

Authorizations Specialist

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

845 Columbia Avenue

Castlegar, BC V1N 1H3

Tel: 778-364-1170

Julia.Podealuk@gov.bc.ca

RE: Gravel Pit Application File 4405975 and Masked Species Overlap 575432

From: CDC Data Requests ENV:EX <cdcdata@gov.bc.ca>
To: Podealuk, Julia FLNR:EX <Julia.Podealuk@gov.bc.ca>
Cc: Anderson, Lindsay FLNR:EX <Lindsay.Anderson@gov.bc.ca>
Sent: January 27, 2022 6:37:36 PM PST
Attachments: image001.jpg
Hi Julia,

Thank you for the information and checking with us.

I have reviewed your area of interest in relation to the precise locations of the secured occurrence(s). You do not need the details to plan for activities at your site due to the distance from your area of interest, but can let you know that there are 18 in the general area. I am cc-ing Lindsay Anderson, Biologist in the Kootenay/Boundary Region to keep her informed of projects in the area and to provide additional input if necessary.

To help guide you in managing your project with respect to species and habitat data in your area of interest, please refer to the Best Management Practices website: <https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/laws-policies-standards-guidance/best-management-practices>

The B.C. Conservation Data Centre database is dynamic and is based on best-known information. The addition and upkeep of records is an ongoing process with edits taking place on a daily basis. The absence of occurrences in your area of interest does not necessarily mean that there are no species or ecosystems at risk present; only that there are none currently recorded in our database. A detailed assessment of the property conducted during the appropriate season is the only way to confirm presence or absence of species or ecosystems at risk.

In addition to the CDC data, you may find additional inventory, report, habitat and other information on species in B.C. (not restricted to, but including, species at risk) that are not yet mapped by the CDC, or do not meet the criteria for a CDC element occurrence by visiting the Wildlife Species Inventory (WSI) site at:

<https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/wildlife/wildlife-data-information> where you will find links to:

- Species Inventory Web Explorer to search for reports, data files and other documents from wildlife species inventories: http://a100.gov.bc.ca/pub/siwe/search_reset.do
- Wildlife Species Inventory spatial layers available through iMap applications using the **Add DataBC layers** tool in the **Fish, Wildlife and Plant Species** group. Read about the layer, its limitations and contacts, and download the datasets from the BC Data Catalogue.
 - Wildlife Species Inventory – Incidental Observation Points: <https://catalogue.data.gov.bc.ca/dataset/wildlife-species-inventory-incident-observations-non-secured>
 - Wildlife Species Inventory – Survey Observation Points: <https://catalogue.data.gov.bc.ca/dataset/wildlife-species-inventory-survey-observations-non-sensitive>
 - Wildlife Species Inventory – Telemetry Observation Points: <https://catalogue.data.gov.bc.ca/dataset/wildlife-species-inventory-telemetry-observations-non-sensitive>
 - Wildlife Habitat Features – FRPA: <https://catalogue.data.gov.bc.ca/dataset/wildlife-habitat-features-frpa>
 - Wildlife Habitat Features – WSI Incidentals: <https://catalogue.data.gov.bc.ca/dataset/wildlife-habitat-features-wsi-incidentals>
 - Wildlife Habitat Features – WSI Surveys: <https://catalogue.data.gov.bc.ca/dataset/wildlife-habitat-features-wsi-surveys>

Additional layers available through iMap applications may be useful for this or future projects. You can read more about the layers, their limitations and contacts, and download the datasets from the [BC Data Catalogue](#). Although not exhaustive, some useful layers may include:

- [Critical Habitat for Federally-listed Species at Risk \(Posted\)](#)
- [Wildlife Habitat Areas \(Approved and Proposed\)](#):

- Wildlife Habitat Areas – Approved: <https://catalogue.data.gov.bc.ca/dataset/wildlife-habitat-areas-approved>
- Wildlife Habitat Areas – Proposed: <https://catalogue.data.gov.bc.ca/dataset/wildlife-habitat-areas-proposed>
- Ungulate Winter Ranges:
 - Ungulate Winter Ranges – Approved: <https://catalogue.data.gov.bc.ca/dataset/ungulate-winter-range-approved>
 - Ungulate Winter Ranges – Proposed: <https://catalogue.data.gov.bc.ca/dataset/ungulate-winter-range-proposed>
- Old Growth Management Areas:
 - Old Growth Management Areas – Legal – Current: <https://catalogue.data.gov.bc.ca/dataset/old-growth-management-areas-legal-current>
 - Old Growth Management Areas – Legal – All: <https://catalogue.data.gov.bc.ca/dataset/old-growth-management-areas-legal-all>
 - Old Growth Management Areas – Non Legal – All: <https://catalogue.data.gov.bc.ca/dataset/old-growth-management-areas-non-legal-all>
 - Old Growth Management Areas – Non Legal – Current: <https://catalogue.data.gov.bc.ca/dataset/old-growth-management-areas-non-legal-current>
- [All Fish Points](#)

Use BC Species and Ecosystems Explorer (BCSEE) to find information about a specific species or ecological community, to identify a list of *potential* species in your area of interest, or to generate a species or ecological community list by various legal, conservation status or area criteria.

(<http://www.env.gov.bc.ca/atrisk/toolintro.html>). Any of the species or ecological communities on your resultant list *may* occur in appropriate habitat in your area of interest. Information on habitat, range, taxonomy and general biology is available for most species and ecological communities in the Species and Ecological Community Summary Reports, accessed by clicking the View button on the Search Results page. Information on ranking and the criteria used to assign a particular rank can be found in the Species and Ecological Conservation Status Report available for many species and ecosystems.

If you would like to be added to our distribution list to receive CDC announcements (approx. 1-2 times per year), please let me know, or click [here](#).

If you have any questions or require additional information please let me know.

Sincerely,

Jacqueline Clare, M.Sc.
 Data and Information Management Unit Lead | BC Conservation Data Centre
 Ministry of Environment and Climate Change Strategy
 778-698-3996
 Pronouns: she/her
[BC CDC Website](#)

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

From: Podealuk, Julia FLNR:EX <Julia.Podealuk@gov.bc.ca>
Sent: January 19, 2022 12:50 PM
To: CDC Data Requests ENV:EX <cdcddata@gov.bc.ca>
Subject: Gravel Pit Application File 4405975 and Masked Species Overlap 575432

Hi,

I am reviewing an application for a gravel pit that is in the Grand Forks area, and the application area overlaps with a Masked Species.

I have attached a KML for your reference, and am wondering if the proposed pit will have an impact on the masked species. Here is a description of what would occur on site if the application is approved:

Gravel Pit

It is anticipated that over the next 5 years the mining rate will be approximately 9500 tonnes (4750 m³) per year. There is an overall reserve of approximately 400,000 tonnes of aggregate materials within the application area. The proponent intends to follow Best Management Practices as set out by the Province of BC. The proposed activities associated with the Volcanic Road Pit include screening and crushing of aggregate materials, but no washing. The maximum height of mining faces will be 7 metres and will be mined using either a loader and/or excavator. Other equipment proposed for this quarry are tandem dump trucks, Cat 966C – Front End Loader, Volvo 290 – Excavator, 350 TPH crushing unit and 100 TPH screening unit. All final slopes will have a 2:1 slope angle. Slopes will then be covered with stockpiled topsoil/mineral soils. No reclamation work is planned for the first 5 years of this project, as the extraction area is very small.

There are mature trees on site that would need to be cleared to move forward with the project and the proponent would need an Occupant Licence to Cut prior to any tree removal. A preliminary field review was conducted during the previous application and has been included for review.

Roadway

The proposed road is new and will be used for the lifespan of the associated pit. The road will junction with the Volcanic FSR and construction will be granular top course over granular base course. The gravel used for the construction of the road will come from the pit. Topsoil and overburden will be salvaged and saved for later use during the reclamation phase of the project.

Thanks,



Julia Podealuk, RFT

Authorizations Specialist

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

845 Columbia Avenue

Castlegar, BC V1N 1H3

Tel: 778-364-1170

Julia.Podealuk@gov.bc.ca

RE: FW: Referral Follow Up: File 4405975

From: Podealuk, Julia FLNR:EX
To: Daigle, Michael J EMLI:EX <Michael.Daigle@gov.bc.ca>
Sent: March 23, 2022 3:49:40 PM PDT
Attachments: image002.jpg, image003.png
Hi Mike,

Thanks for the quick response and info!



Julia Podealuk, RFT

Authorizations Specialist
Ministry of Forests, Lands, Natural Resource Operations and Rural Development
845 Columbia Avenue
Castlegar, BC V1N 1H3
Tel: 778-364-1170
Julia.Podealuk@gov.bc.ca

From: Daigle, Michael J EMLI:EX <Michael.Daigle@gov.bc.ca>
Sent: March 23, 2022 3:44 PM
To: Podealuk, Julia FLNR:EX <Julia.Podealuk@gov.bc.ca>
Subject: FW: Referral Follow Up: File 4405975

Hi Julia,

You were looking for some comments on the S&G area application by Terus on the Mineral Claim. So the Claim holder does not have any rights to the Sand and Gravel resources and the only potential issue here would be if the Claim holder had completed past works that could be impacted by the Terus operation. I do not see any indication there was drilling or other works in the area of the proposed pit.

Hope this helps.

Mike Daigle RPF
Senior Inspector of Mines, Permitting
Ministry of Energy, Mines & Low Carbon Innovation (EMLI)
Suite 202, 100 Cranbrook St. N.
Cranbrook, BC V1C 3P9
Phone 250-420-6152



Ministry of
Energy, Mines and
Low Carbon Innovation

Volcanic Creek Gravel Pit, File 4405975 Referral Follow Up

From: Podealuk, Julia FLNR:EX
To: Tedesco, Lisa M FLNR:EX <Lisa.M.Tedesco@gov.bc.ca>
Sent: March 28, 2022 11:54:32 AM PDT
Attachments: 4405975 Habitat Referral Response.pdf, image001.jpg
Hi Lisa,

A while ago you provided a referral response for an application for a Licence of Occupation for a Gravel Pit off of Volcanic FSR in the North Fork (15km North of Grand Forks).

I just wanted to follow up with you about a couple comments regarding snakes that were included. I have attached your referral for your reference as well.

1. Snake species

Value: This site overlaps with identified Critical Habitats.18 and s.18 and core Critical habitat fo s.18 Both species are blue listed provincially and listed as threatened under the federal Species at Risk Act.

Impact and Risk: The proposal will result in direct loss of habitat as well as reduce the quality of snake habitat and could increase road-based mortality because of increased traffic. Land conversion is identified as a primary threat to the recovery of these species. Land conversion activities, such as sand and gravel quarries, can result in the direct loss of critical habitat outright, or it could degrade habitat to a point where it no longer meets the needs of the species. This could occur for example through the destruction of suitable den sites, vegetation changes impacting availability of prey, soil compaction and/or reduction of cover objects (ECC Canada 2019).

Recommendation: If the application is approved, we recommend the following conditions be applied to the permit:

- Site clearing and development to occur during winter (hibernation) or summer once migration to and from den sites is completed. Least risk work windows are October 1 to April 1 and June 1 to August 15.
- Onsite excavation and material transportation should be avoided during the high-risk periods of April 1 to June 1 and August 15 to October 1. This will reduce the likelihood of impacts to migrating snakes.

In your response you provided mitigation measures, which was great. However I was wondering if it would be considered a mitigation measure if these windows did not work for the proponent, if they were to do any works in a high risk period to do a snake survey prior to starting any work? Or something else that could maybe allow them to work in the high risk windows? I am just wondering if there are any alternatives to the mitigation that you provided, before I follow up with the proponent on this as I am guessing that it would impact their business plan if they can't work in the high risk periods as lots of projects that require gravel usually take place in the warmer months.

Thanks!



Julia Podealuk, RFT

Authorizations Specialist
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Tel: 778-364-1170
Julia.Podealuk@gov.bc.ca



The Terrestrial Section of the Ministry of Forests, Lands, Natural Resource Operations & Rural Development has reviewed the above noted referral. We understand that the application is for a License of Occupation for sand and gravel extraction in the Volcanic Creek drainage. We have assessed this referral to be a high risk to wildlife and their habitats based on the identification of the following values and assessment of the potential impacts to those values.

Based on this assessment we request that prior to an approval be issued that the applicant a qualified professional to address values and impacts identified below and recommend mitigation measures. If mitigation is not possible, or recommended mitigations measures cannot fully address the risk to values, the application may not be supported by the Terrestrial Section.

1. Snake species

Value: This site overlaps with identified Critical Habitat for s.18 and s.18 and core Critical habitat for s.18. Both species are blue listed provincially and listed as threatened under the federal Species at Risk Act.

Impact and Risk: The proposal will result in direct loss of habitat as well as reduce the quality of snake habitat and could increase road-based mortality because of increased traffic. Land conversion is identified as a primary threat to the recovery of these species. Land conversion activities, such as sand and gravel quarries, can result in the direct loss of critical habitat outright, or it could degrade habitat to a point where it no longer meets the needs of the species. This could occur for example through the destruction of suitable den sites, vegetation changes impacting availability of prey, soil compaction and/or reduction of cover objects (ECC Canada 2019).

Recommendation: If the application is approved, we recommend the following conditions be applied to the permit:

- Site clearing and development to occur during winter (hibernation) or summer once migration to and from den sites is completed. Least risk work windows are October 1 to April 1 and June 1 to August 15.
- Onsite excavation and material transportation should be avoided during the high-risk periods of April 1 to June 1 and August 15 to October 1. This will reduce the likelihood of impacts to migrating snakes.

2. Ungulate Winter Range

Value: The site of the proposed gravel and sand extraction works is located within a designated Ungulate Winter Range (u-8-008) established for s.18 planning cell #64. Ungulate Winter Range is established under the *Forest and Range Practices Act* (FRPA) and is defined as an area that contains habitat that is necessary to meet the winter habitat requirements of an ungulate species. The requirement for a license to cut associated with this permit will require the applicant to comply with the UWR Order. For more information see <https://www.env.gov.bc.ca/wld/frpa/uwr/index.html> The UWR Order is attached.

June 3, 2021



Impact and Risk: Clearing of this site to enable sand and gravel extraction will result in direct loss of snow interception cover values for Ungulate Winter Range. In addition to impacts to s.18 this could have implication for the area licensee, BC Timber Sales.

Recommendation: BCTS must be contacted to determine the current condition of this planning cell. Removal of 5 ha of timber may require an Order exemption if current planning cell condition is in deficit for snow interception cover. The applicant may need to retain a Registered Professional Forester to support in planning and implementing harvest at this site. Please contact the Terrestrial Section for direction on preparation of an exemption, if required.

3. s.18

Value: The site is in proximity to a known occurrence of s.18. The works could potentially disturb active burrows and disrupt s.18 activity and movements in the area s.18 are protected under the federal *Species at Risk Act* (SARA) as well as the BC *Wildlife Act*. The burrows of s.18, for works falling under FRPA (i.e. tree removal under a license to cut), s.18 burrows are protected under the Kootenay Boundary Region Wildlife Habitat Features Order. For more information on this order see gov.bc.ca/Kootenay-Boundary-Wildlife-Habitat-Features-Order

Impact and Risk: The works could potentially disturb active burrows and disrupt s.18 activity and movements in the area. Increased vehicle traffic could result in greater road mortality in this area for the species. These threats are clearly identified in the Recovery Strategy s.18 (2008).

Recommendations:

- Have a qualified professional (QP) develop a s.18 Management Plan to address the following recommendations:
 - A QP to conduct a survey of the proposed site and immediate vicinity for s.18 burrows prior to the commencement of any works.
 - All identified burrows must be immediately reported to the Terrestrial Section and BC Wildlife Species Inventory database.
 - All sightings of s.18 are to be reported immediately to a government biologist and works ceased until the s.18 has left the site undisturbed.
 - The QP to provide best practices to ensure that the proponent meets their obligations under the SARA, the *Wildlife Act*, and the Wildlife Habitat Features order, where applicable.

4. s.18

Value: The site of the proposed sand and gravel extraction works is located within s.18 of identified Critical Habitat for s.18. s.18 is a secondary cavity nesting species (i.e. it nests in natural cavities in trees or those created by other species) that is blue listed provincially and listed as threatened under the federal Species at Risk Act. The Recovery Strategy provides complete information on the species and critical habitat (ECC Canada 2017).

June 3, 2021



Impact and Risk: The greatest threat to ^{s.18} is the loss of nesting habitat (i.e. nest trees) because of site clearing^{s.18} and their active nests are afforded protection under the federal *Migratory Bird Convention Act* and the BC *Wildlife Act*, while all nests, whether occupied or not, are afforded protection under the SARA and, for works falling under FRPA, ^{s.18} nest trees are also protected under the Kootenay Boundary Region Wildlife Habitat Features Order.

Recommendations:

- Have a QP conduct a survey of the area proposed to be cleared and the immediate vicinity fo^{s.18} nests prior to the commencement of any works on site.
- Any identified ^{s.18} nests should be immediately reported to the Terrestrial Section and BC Wildlife Species Inventory database.
- The QP to provide best practices to ensure that the proponent meets their obligations under the *Migratory Birds Convention Act*, the SARA, the *Wildlife Act*, and the Wildlife Habitat Features order, where applicable.

5. General Comments

^{s.18} The site of the proposed sand and gravel extraction works is located within ^{s.18} of a ^{s.18} occurrence. While it is unlikely that ^{s.18} will be nesting within the project site, the applicant should be aware of their obligations to manage for this species should it be encountered.^{s.18} are secondary cavity nesters and depend on the presence of suitable nest trees, which may be removed during the proposed vegetation clearing.^{s.18} and their active nests are afforded protection under the federal *Migratory Bird Convention Act* and the BC *Wildlife Act*, while for works falling under FRPA, all nests, whether occupied or not, are protected under the Kootenay Boundary Region Wildlife Habitat Features Order.

- Additional information on ^{s.18} can be found in the Wildlife Habitat Features field guide ^{s.18}

Breeding Bird Windows:

- To comply with Section 34(c) of the BC *Wildlife Act*, all vegetation removal and initial ground disturbance are to occur outside of the typical bird breeding season (April 1 – August 15). Alternatively, have a QP survey for nesting birds and provide recommendations for protective buffers around active nests until the QP determines that the nest(s) is/are no longer active.

Invasive Plants:

- The BC Invasive Alien Plant Program (IAPP) database identifies the following invasive plant species along the road immediately adjacent to and near the site, those noted in the right-most columns being regulated under FRPA and the *Weed Control Act*:

June 3, 2021

Common Name	Scientific Name	Subject to the <i>Forest and Range Practices Act</i>	Subject to the <i>Weed Control Act</i>
Dalmation toadflax	<i>Linaria anglica</i>	X	X
Diffuse knapweed	<i>Centaurea diffusa</i>	X	X
Hawkweed species	<i>Hieracium</i> spp.	X	-
Hoary alyssum	<i>Berteroa incana</i>	X	X
Hoary cress	<i>Cardaria draba</i>	X	-
Hound's-tongue	<i>Cynoglossum officinale</i>	X	X
Oxeye daisy	<i>Leucanthemum vulgare</i>	X	-
Spotted knapweed	<i>Centaurea biebersteinii</i>	X	X
St. John's wort	<i>Hypericum perforatum</i>	X	-
Sulphur cinquefoil	<i>Potentilla recta</i>	X	-
Yellow devil hawkweed	<i>Hieracium glomerata</i>	-	-

- The proponent is responsible for controlling noxious weeds on the site under Section 2 of the *Weed Control Act* and must not move on a highway any equipment containing noxious weeds under Section 6(b) of the *Weed Control Regulation*.
- Update the mine plan to include having a survey for invasive plant species conducted prior to the commencement of works and to prepare an invasive species management plan that includes best management practices for the control of all identified species that are subject to the FRPA and *Weed Control Act*.
- Material leaving the site must be free of invasive plants, including roots, seeds, and above ground plant material. Elimination of invasive plant species prior to and throughout the extraction of sand and gravel is critical to ensuring that invasive species are not translocated from the site.
- Inspect all equipment and trucks being brought onto and leaving the site to ensure that they are free of soil and plant material.
- To ensure the successful control of noxious weeds on the site following completion of the extraction works, monitoring on at least an annual basis and repeat treatments as required are recommended, often requiring as many as 5 years.

References

s.18

June 3, 2021



s.18

June 3, 2021

RE: Regional District zoning and quarry activities

From: Land Policy Enquiries FLNR:EX <LandPolicyEnquiries@gov.bc.ca>
To: Podealuk, Julia FLNR:EX <Julia.Podealuk@gov.bc.ca>, Evans, Andrea FLNR:EX <Andrea.Evans@gov.bc.ca>, Land Policy Enquiries FLNR:EX <LandPolicyEnquiries@gov.bc.ca>
Sent: March 29, 2022 8:17:59 AM PDT
Attachments: image001.jpg

Thanks Julia – also just to mention in case it helps...while to the best of my knowledge it doesn't sound like zoning can restrict the use, regardless of zoning the decision maker can certainly consider any of the responses received and any concerns in their decision, ranging from mitigation to disallowance if appropriate (depending on the local importance of the resource as aggregate resources are generally of provincial significance).

Cheers

Liz

From: Podealuk, Julia FLNR:EX <Julia.Podealuk@gov.bc.ca>
Sent: March 28, 2022 11:31 AM
To: Land Policy Enquiries FLNR:EX <LandPolicyEnquiries@gov.bc.ca>; Evans, Andrea FLNR:EX <Andrea.Evans@gov.bc.ca>
Subject: RE: Regional District zoning and quarry activities

Hi Liz,

Thanks for this info.

In response to your question wondering what the nature of the bylaw/zoning that is required to be changed:

- The land is currently zoned Parks and Recreation

For some more background on this one, Terus originally applied for a LoO in 2019 and due to lots of outstanding issues, they ended up being issued a 2 year temporary licence and provided with a list of requirements to fulfill before re-applying for a LoO. They reapplied last year, and fulfilled all of the other requirements besides pursuing the re-zoning and argued that Local Bylaws weren't applicable to gravel pits (which I am now beginning to see where they are coming from)

However, there are numerous concerns from the^{s.22} site, and the RDCK in response to the recent application has recommended disallowance because it doesn't meet the current zoning.

Based on your response though and in doing some more reading on it, it does appear like it wouldn't be a show stopper.

Thanks,



Julia Podealuk, RFT

Authorizations Specialist

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

845 Columbia Avenue

Castlegar, BC V1N 1H3

Tel: 778-364-1170

Julia.Podealuk@gov.bc.ca

From: Land Policy Enquiries FLNR:EX <LandPolicyEnquiries@gov.bc.ca>
Sent: March 24, 2022 5:19 PM
To: Evans, Andrea FLNR:EX <Andrea.Evans@gov.bc.ca>
Cc: Podealuk, Julia FLNR:EX <Julia.Podealuk@gov.bc.ca>; Land Policy Enquiries FLNR:EX <LandPolicyEnquiries@gov.bc.ca>

Subject: RE: Regional District zoning and quarry activities

Hi Andrea – sorry for any confusion. As far as I understand it (as per the below, not our branch's jurisdiction so I can't provide a 100% expert answer) LG bylaws, zoning or otherwise, cannot restrict the mining use as a mine is not part of the land (unless there is something to indicate that the zoning limiting the use is valid, which I think would be rare because as I understand it LG does not have that ability). They can have bylaws that place limitations on how a mining activity might be conducted, but I suspect those are some limitations to the extent to which they can apply limitations. All that to say, if you want a 100% answer then I'd suggest reaching out to MAG. Out of curiosity, what is the nature of the bylaw/zoning that needs to be changed?

As an aside, under a Land Act tenure the tenure holder is still required to follow all valid laws/regulations that affect their use – rezoning is not a mandatory prior to issuance of a tenure. We have identified it as an allowed precondition that “can be” asked for so that no one is paying rent for a year while they go through rezoning and also to work a bit more in step with local government. Whether or not you ask for it as a condition of tenure issuance does not make it any less of a requirement that they follow the laws (if in fact the bylaw is applicable).

Also just another thought on this – have you talked about this with Sharon at all? I know that both mines & lands in Kootenay Boundary have been dealing a lot with quarry & local government jurisdiction issues over the years (particularly around Revelstoke) so she may have some more info as I'm fairly certain this has come up a number of times in the last 5-10 years.

Liz

From: Evans, Andrea FLNR:EX <Andrea.Evans@gov.bc.ca>
Sent: March 24, 2022 4:16 PM
To: Land Policy Enquiries FLNR:EX <LandPolicyEnquiries@gov.bc.ca>
Cc: Podealuk, Julia FLNR:EX <Julia.Podealuk@gov.bc.ca>
Subject: RE: Regional District zoning and quarry activities

Hi Liz,

Just two follow up clarification questions:

1. Are you saying that we cannot ask for local rezoning as a precondition for quarries?
2. Is rezoning treated differently than other bylaws for quarries?

Thanks!
Andrea

From: Land Policy Enquiries FLNR:EX <LandPolicyEnquiries@gov.bc.ca>
Sent: March 24, 2022 4:04 PM
To: Evans, Andrea FLNR:EX <Andrea.Evans@gov.bc.ca>
Cc: Podealuk, Julia FLNR:EX <Julia.Podealuk@gov.bc.ca>; Land Policy Enquiries FLNR:EX <LandPolicyEnquiries@gov.bc.ca>
Subject: RE: Regional District zoning and quarry activities

Hi Andrea – this is a bit outside our branch mandate (albeit something we should probably know) but as I understand it local governments cannot pass a bylaw (such as a soil removal bylaw) that limits mining activity with out it being co-signed by the Minister of EMLI (or something like that). Anyho, here are my thoughts:

1. Does this only apply to private land quarries? *No – this applies to any bylaw that might limit mining activity on both private & Crown land*
2. How does this relate to Crown land tenure applications? *It does not limit the authority of a decision maker under other provincial legislation (e.g. ALC, Land Act, Water Act). So you proceed as normal (including the possibility of disallowance), with the exception of requiring rezoning as a precondition - if the local government says “it doesn't fit within our bylaw” it might be a good idea to check with EMLI re whether that is true or valid just in case it has some merit. This is why I think in Revelstoke the City has been pushing for s16/s17s because they can't achieve their goals through zoning/bylaws.*
3. Are these court cases limited to active quarry permits only? i.e. if we are still in application phase, it's still within our capacity to require local zoning changes as a precondition for our licence of occupation? *No – it is within your*

jurisdiction to disallow an application but you can't ask for something that the local government doesn't have the authority to do.

Hope that helps = let me know if you have further questions (I'll be off tomorrow & Monday but back in Tuesday)

Liz

From: Evans, Andrea FLNR:EX <Andrea.Evans@gov.bc.ca>
Sent: March 24, 2022 3:14 PM
To: Land Policy Enquiries FLNR:EX <LandPolicyEnquiries@gov.bc.ca>
Cc: Podealuk, Julia FLNR:EX <Julia.Podealuk@gov.bc.ca>
Subject: Regional District zoning and quarry activities

Hello,

Julia and I would love to get some guidance on the issue of local zoning and quarrying activity. Terus Construction is essentially refusing to apply for rezoning because of recent court decisions saying that local governments don't have jurisdiction over mining activities as described in the Mines Act:

<https://www.sms.bc.ca/2021/03/court-says-local-governments-cannot-regulate-within-the-provinces-exclusive-jurisdiction-over-mining/>

<https://www.canlii.org/en/bc/bcca/doc/2016/2016bcca432/2016bcca432.html>

Our questions:

1. Does this only apply to private land quarries?
2. How does this relate to Crown land tenure applications?
3. Are these court cases limited to active quarry permits only? i.e. if we are still in application phase, it's still within our capacity to require local zoning changes as a precondition for our licence of occupation?

Thanks,



Andrea Evans

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RE: Volcanic Creek Gravel Pit, File 4405975 Referral Follow Up

From: Tedesco, Lisa M FLNR:EX <Lisa.M.Tedesco@gov.bc.ca>
To: Podealuk, Julia FLNR:EX <Julia.Podealuk@gov.bc.ca>
Cc: Anderson, Lindsay FLNR:EX <Lindsay.Anderson@gov.bc.ca>
Sent: March 29, 2022 1:25:49 PM PDT
Attachments: image001.jpg
Hi Julia,

I am not longer working for the Kootenay-Boundary region. I have discussed this with Senior Bio Lindsay Anderson (cced) and either she or one of her staff will get back to you on this next week.

Regards, Lisa

Lisa Tedesco, Together for Wildlife South Area Lead
Ministry of Forests, Lands, Natural Resource Operations and Rural Development
Nelson, BC Phone: 778-671-9183
* Please note my regular work schedule is Tuesday – Friday

Privileged to live and work in the territories of the Ktunaxa, Sinixt and Syilx First Nations.

From: Podealuk, Julia FLNR:EX <Julia.Podealuk@gov.bc.ca>
Sent: March 28, 2022 11:55 AM
To: Tedesco, Lisa M FLNR:EX <Lisa.M.Tedesco@gov.bc.ca>
Subject: Volcanic Creek Gravel Pit, File 4405975 Referral Follow Up

Hi Lisa,

A while ago you provided a referral response for an application for a Licence of Occupation for a Gravel Pit off of Volcanic FSR in the North Fork (15km North of Grand Forks).

I just wanted to follow up with you about a couple comments regarding snakes that were included. I have attached your referral for your reference as well.

1. Snake species

Value: This site overlaps with identified Critical Habitat for ^{s.18} and core Critical habitat for ^{s.18} Both species are blue listed provincially and listed as threatened under the federal Species at Risk Act.

Impact and Risk: The proposal will result in direct loss of habitat as well as reduce the quality of snake habitat and could increase road-based mortality because of increased traffic. Land conversion is identified as a primary threat to the recovery of these species. Land conversion activities, such as sand and gravel quarries, can result in the direct loss of critical habitat outright, or it could degrade habitat to a point where it no longer meets the needs of the species. This could occur for example through the destruction of suitable den sites, vegetation changes impacting availability of prey, soil compaction and/or reduction of cover objects (ECC Canada 2019).

Recommendation: If the application is approved, we recommend the following conditions be applied to the permit:

- Site clearing and development to occur during winter (hibernation) or summer once migration to and from den sites is completed. Least risk work windows are October 1 to April 1 and June 1 to August 15.
- Onsite excavation and material transportation should be avoided during the high-risk periods of April 1 to June 1 and August 15 to October 1. This will reduce the likelihood of impacts to migrating snakes.

In your response you provided mitigation measures, which was great. However I was wondering if it would be considered a mitigation measure if these windows did not work for the proponent, if they were to do any works in a high risk period to do a snake survey prior to starting any work? Or something else that could maybe allow them to work in the high risk windows? I am just wondering if there are any alternatives to the mitigation that you provided, before I

follow up with the proponent on this as I am guessing that it would impact their business plan if they can't work in the high risk periods as lots of projects that require gravel usually take place in the warmer months.

Thanks!



Julia Podealuk, RFT

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