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REPORT



First Nations Consultation Report: Application Review BURNCO Aggregate Project

Submitted to:

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1.0 INTRODUCTION

1.1 Purpose

This First Nations Consultation Report: Application Review supplements Section 3.2 Aboriginal Information Distribution and Consultation, of the Environmental Assessment Certificate Application / Environmental Impact Statement (EAC Application/EIS) for the BURNCO Aggregate Project and the associated First Nations Pre-Application Consultation Report dated February 15, 2016. The purpose of this report is to report on the results of the First Nations consultation activities, identify issues and concerns raised by First Nations with respect to the proposed Project's potential adverse effects on the First Nations' Aboriginal interests and on the potential for adverse environmental, economic, social, heritage and health effects, and how these issues and concerns are to be addressed.

For identification of Aboriginal rights, other Aboriginal interests and proportionate mitigations proposed to avoid or reduce effects to Aboriginal rights and/or interests, see Section C of the EAC Application/EIS.

1.2 The Proponent

BURNCO Rock Products Ltd. (BURNCO, the Proponent) is a 104 years old, fourth generation aggregate construction materials business with over sixty locations in Alberta, British Columbia, Saskatchewan and Texas. A family business based in Calgary, BURNCO produces high quality aggregates, paving asphalt and ready mix concrete and also operates a network of retail landscape centres.

BURNCO's Mission Statement is to be the independent leader in the aggregate materials industry by providing valued customers with quality products, services and solutions to sustainably improve the communities they serve. BURNCO is Canada's largest independent ready-mix concrete and aggregate company, employing over 1,000 people within the four main divisions within its operations: aggregate operations, landscape centres, ready-mix operations, and asphalt operations. BURNCO Texas LLC is a ready-mix concrete supplier for home builders and commercial contractors. Located in the Dallas-Fort Worth area, BURNCO Texas LLC was formed through the acquisition of Gateway Concrete in 2013 and Image Concrete Inc. and Lucky's Redi-Mix in 2014.

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1.3 Project Overview

BURNCO is proposing to construct and operate a sand and gravel mine (“the Proposed Project”) within the Lower McNab Valley, approximately 22 kilometres (km) west-southwest of Squamish and 35 km northwest of Vancouver. The land based activities for the Proposed Project are entirely contained within land that has been privately owned since 2008. Marine barge loading are contained within privately held water lot leases, and barge shipping will be conducted within public marine waters. The property is accessible only by water, air, or all-terrain vehicle (via a deactivated logging road network).

The Property is located in the Sunshine Coast Regional District (SCRD) and is presently designated as private land zoned as rural land use, with no zoning for the foreshore area adjacent to the site. The Proponent currently holds all mineral tenures and mining claims on the entire Property.

Based on preliminary volume estimates, the aggregate resource is projected at 20 million tonnes of sand and gravel, giving the Proposed Project an expected economic lifespan of 16 years. The actual commercially-extractable aggregate resource volume will be revised depending upon the information and design of the mine plan and the aggregate resource evaluation, but is expected to average 1,000,000 tonnes per year.

A detailed Project Description (dated February 8, 2010) was submitted to the BC EAO as the basis for designating the Proposed Project as a “reviewable project” under BCEAA. The February 8, 2010 Project Description was also provided to the CEA Agency; an updated Project Description (dated December 16, 2011) was subsequently submitted to both the BC EAO and the CEA Agency. Refinements to the size and orientation of some on-site components were made following detailed engineering design of the processing area and the associated system of tunnels and above ground conveyors.¹



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A general description of the proposed BURNCO Aggregate Project is described below. Refinements made to the Proposed Project over time to address operational issues, and comments and concerns raised by agencies, First Nations and the public are presented in Table 1.

Table 1: BURNCO Aggregate Project Component Revisions

Project Component	Feb 2010	Dec 2011	Sept 2013	Current Proposal
Aggregate Pit Development				
<i>Production rate (million tonnes per annum (MTPA))</i>	1.0 to 1.6 MTPA	1.0 to 1.6 MTPA	1.0 MTPA (ave) 1.6 MTPA (max)	1.0 MTPA (ave) 1.5 MTPA (max)
<i>Mine life</i>	20 to 30 years	20 years	15 to 20 years	16 years
<i>Electric powered floating clamshell dredge</i>	✓	✓	✓	✓
<i>Pit dewatering</i>	X	X	X	X
<i>Explosives</i>	X	X	X	X
<i>Max depth of pit pond</i>	55 m below surface	55 m below surface	35 m below surface	35 m below surface
Processing				
<i>Conveyor from pit pond</i>	✓	✓	✓	✓
<i>Size of processing area</i>	125 m x 250 m	100 m x 175 m plus temporary fines stockpile area	25,200 m ² Approx. 140 m x 180 m. Setback from identified fish habitat. Temporary fines stockpile area removed.	40,785 m ² Approx. 250 m x 200 m. Setback from identified fish habitat.
<i>Treed foreshore buffer maintained</i>	✓	✓	✓ 75-160 m wide adjacent to processing area.	✓ 25-50 m wide adjacent to processing area plus extended 20 m wide dirt berm.
<i>Screening to separate aggregate sizes</i>	✓	✓	✓	✓
<i>Oversized gravels crushed</i>	✓	✓	✓	✓
<i>Wash water sent to sedimentation ponds for removal of silt</i>	✓	✓	Replaced by 95% efficiency wash plant fed using recycled water from two large storage tanks, supplemented with make-up water by a groundwater well.	95% efficient wash plant fed using recycled water from two large storage tanks, supplemented with make-up water by a groundwater well.



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Project Component	Feb 2010	Dec 2011	Sept 2013	Current Proposal
<i>Fines and silt mechanically dried</i>	X	X	✓ Mixed with organic overburden material and used for construction and progressive reclamation	✓ Mixed with organic overburden material and used for construction and progressive reclamation.
<i>Processed sand and gravel conveyed to stockpile area</i>	✓	✓	✓ Stockpile location and layout designed to mitigate potential operational noise effects.	✓ Stockpile location and layout designed to mitigate potential operational noise effects.
<i>All processing facilities are electric motor driven to limit greenhouse gas (GHG) emissions</i>	✓	✓	✓	✓
<i>Typical hours of operation</i>	12 hrs/day, 260 days/yr	12 hrs/day, 260 days/yr	8 to 10 hrs/day, 260 days/yr during seasonal daylight hours	8 to 10 hrs/day, 260 days/yr (i.e., 5 days/week) during seasonal daylight hours.
Marine Loading Facility and Barging				
<i>Covered above-ground electric conveyor</i>	✓ 1,000 tonnes per hour capacity	✓ 1,000 tonnes per hour capacity	✓ >1,500 tonnes per hour capacity. Exit near mid-point of processing area.	✓ >1,500 tonnes per hour capacity. Exit from south-east corner of processing area, approx. 125 m east of previously proposed location.
<i>Frequency of operations</i>	>300 days/year	>300 days/year	One barge every other day. Barges filled in approx. 2 to 3 hrs during seasonal daylight hours	One barge every other day. Barges filled in approx. 2 to 3 hrs during seasonal daylight hours



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Project Component	Feb 2010	Dec 2011	Sept 2013	Current Proposal
Other Facilities, Infrastructure and Alternatives				
<i>Site office and communications building, with offices and boardroom</i>	✓	✓	✓	✓
<i>Workers lunch/dry room</i>	✓	✓	✓	✓
<i>Washroom facilities</i>	✓	✓	✓ Contained	✓ Contained
<i>First aid facility with attendant and helipad</i>	✓	✓	✓	✓
<i>Caretaker's cabin</i>	✓	✓	✓	✓
<i>New floating small craft dock attached to proposed jetty, the with tie-up area for a float plane, serviced with 30 amp (A) 125 volt (V) shore power</i>	✓	✓	✓	✓
<i>Removal of existing small craft dock</i>	✓	✓	✓	✓
<i>Upgrades to an existing marine barge grid and abutment for heavy equipment loading/offloading on site during construction</i>	✓	✓	✓	✓
<i>Removal of the marine barge grid following completion of construction</i>	✓	✓	✓	✓
<i>Upgrades to the existing fuelling facility for the storage of diesel and gasoline for on-site equipment</i>	✓	✓	✓	✓
<i>Upgrades to the existing heavy equipment maintenance shop and warehouse</i>	✓	✓	✓	✓
<i>Electrical substation located adjacent to existing BC Hydro transmission line</i>	✓	✓	✓	✓



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Project Component	Feb 2010	Dec 2011	Sept 2013	Current Proposal
<i>Outdoor switchyard, electric building, and 100 m transmission line</i>	✓	✓	✓	✓
<i>Groundwater well as a source of make-up water for the processing plant</i>	✓	✓	✓	✓
<i>Pump room for well/stream intake water distribution and fire-fighting, based on existing water licence</i>	✓	✓	✓	✓
<i>Sewage and stormwater treatment facility</i>	✓	✓	X	X
<i>Site and navigational lighting, where required</i>	✓	✓	✓	✓
<i>Trench drains, catch-basins and manholes directed to a retention pond or water treatment and recycling plant</i>	✓	✓	X	X
<i>Short term portable concrete batch plant for project facilities during the construction phases.</i>	✓	✓	✓	✓
Project Emissions, Discharges and Waste				
<i>Operational conditions limit atmospheric emissions</i>	✓	✓	✓	✓
<i>Electric motor driven facilities limit GHG emissions</i>	✓	✓	✓	✓
<i>Marine dredging or disposal</i>	X	X	X	X
<i>Sewage disposal</i>	✓	✓	X Liquid waste pumped from washroom facilities will be barged off-site	X Liquid waste pumped from washroom facilities will be barged off-site



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Project Component	Feb 2010	Dec 2011	Sept 2013	Current Proposal
Household and industrial solid waste barged off-site	✓	✓	✓	✓
Reclamation, Closure and Monitoring				
Progressive Reclamation using overburden	✓	✓	✓	✓
Ground and surface water-fed lake	✓	✓	✓	✓
Environmental monitoring and follow-up program	✓	✓	✓	✓
Labour				
Construction	80 person years	80 person years	80 person years	80 person years
Operation	60 person years	360 person years	360 person years	360 person years
Cost				
Capital Cost	<\$60M	<\$60M	\$40M	\$40M
Operational Cost	Not specified	Not specified	\$16M per year	\$16M per year

1.4 Environmental Assessment Review

1.4.1 Provincial

The Proposed Project is subject to environmental assessment (EA) under the British Columbia *Environmental Assessment Act*, SBC 2002, c.43 (BCEAA) since the proposed production rate exceeds the threshold specified in the *Reviewable Projects Regulation* (B.C. Reg. 370/2002) (i.e., > 500,000 tonnes/year of excavated sand or gravel or both sand and gravel during at least one year of its operation, or over a period of < 4 years of operation, > 1,000,000 tonnes of excavated sand or gravel or both sand and gravel).

Documents related to the provincial EA review process are available online at www.eao.gov.bc.ca, including:

- Section 10 Order designating the Proposed Project as reviewable under BCEAA;
- Section 11 Procedural Order, including First Nation consultation requirements;
- Section 13 Order amending Section 11 Order – dated December 5, 2013; and
- Section 13 Order amending Section 11 Order – dated April 13, 2015.



1.4.2 Federal

The *Canadian Environmental Assessment Act, 2012* (CEAA 2012) came into force on July 6, 2012. Since the Notice of Commencement for the BURNCO Aggregate Project EA was posted to the Canadian Environmental Assessment Registry (CEAR) on April 28, 2010 (i.e., before July 6, 2012), the EA is subject to the transition provisions of CEAA 2012. The transition provisions require that the BURNCO Aggregate Project continue to be assessed under the former *Canadian Environmental Assessment Act* (former CEAA) as if the former CEAA had not been repealed. The federal EA will continue to follow the requirements of the former CEAA with the Canadian Environmental Assessment Agency (the CEA Agency) exercising the powers and performing the duties and functions of the responsible authority. The Agency has determined that the Proposed Project is subject to a federal review because it is anticipated to require an authorization from Fisheries and Oceans Canada. It has also been determined that a comprehensive study type EA process is required because the proposed production capacity exceeds the threshold specified in the *Comprehensive Study List Regulations* (i.e., 1,000,000 tonnes per year or more).

Documents related to the federal EA process are available online at www.ceaa.gc.ca/050/ (reference number [54754](#)).

2.0 IDENTIFIED ABORIGINAL GROUPS

2.1 First Nations identified in BC EAO's Section 11 Order

As set out in the Section 11 Order issued by the BC EAO on June 1, 2010, the following Aboriginal groups were identified as potentially affected by the Proposed Project and requiring consultation:

- *Skwxwú7mesh* Nation; and
- Tsleil-Waututh Nation.

2.2 Other Identified First Nations

In December 2011, the CEA Agency identified the following Aboriginal groups as having a potential interest in the Proposed Project:

- Cowichan Tribes;
- Halalt First Nation;
- Katzie First Nation;
- Kwantlen First Nation;
- Kwikwetlem First Nation;
- Lake Cowichan First Nation;



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- Lyackson First Nation;
- Métis Nation British Columbia;
- Musqueam Indian Band;
- Penelakut Tribe;
- Skwxwú7mesh Nation; and
- Semiahmoo First Nation;
- Stó:lō Xwexwilmexw Treaty Association;
- Stz'uminus First Nation;
- Tsawwassen First Nation; and
- Tsleil-Waututh Nation.

On November 12, 2013, the CEA Agency defined the scope of marine shipping for the purposes of the comprehensive study to include barge traffic in Howe Sound, Ramillies Channel, Thornbrough Cannel, and Queen Charlotte Channel (south of Passage Island). The scope no longer included shipping from where the barges meet the existing shipping lanes in the Strait of Georgia and in the Fraser River to BURNCO facilitates in Burnaby and Langley. As a result, the CEA Agency was of the view that the Proposed Project no longer overlaps with the asserted traditional territories of Katzie First Nation, Kwantlen First Nation, Kwikwetlem First Nation, Semiahmoo First Nation, the Stó:lō Xwexwilmexw Treaty Association, and Tsawwassen First Nation. In a letter dated November 12, 2013, the CEA Agency subsequently identified information requirements to be included in the EAC Application/EIS for the following Aboriginal groups, in addition to the *Skwxwú7mesh* Nation and the Tsleil-Waututh Nation:

- Cowichan Tribes;
- Halalt First Nation;
- Lake Cowichan First Nation;
- Lyackson First Nation;
- Métis Nation British Columbia;
- Musqueam Indian Band;
- Penelakut Tribe; and
- Stz'uminus First Nation.



On December 5, 2013, the BC EAO amended their earlier Section 11 Procedural Order (issued June 1, 2010) and include the proposed barging routes in the scope of the Propose Project. First Nations, for the purpose of the Section 11 Procedural Order, remained defined as the Skwxwú7mesh Nation and the Tsleil-Waututh Nation. The Section 11 Procedural Order was also amended to specify First Nations consultation activities to be undertaken by the BC EAO in relation to potential effects on Aboriginal Interests arising from the marine barging routes.

3.0 APPLICATION REVIEW PROCEDURAL REQUIREMENTS

The Section 11 Order for the Project specifies, in Part E – First Nations Consultation Assessment – Assessment Procedures, that BURNCO will undertake the following activities during Application Review:

- 16.1 *The Proponent must provide copies of the Application to the First Nations for information and consultation purposes, in order that the First Nations may respond to an invitation from the Project Assessment Manager to submit comments on the Application, either through their participation in the Working Group or independently, as required by the Project Assessment Manager*
- 16.2 *During the Application review stage, the Proponent, with the involvement of the Project Assessment Manager where appropriate, must make reasonable efforts to consult with the First Nations in accordance with the consultation process proposed in the Application, subject to any modification of that process ordered by the Project Assessment Manager.*
- 16.3 *The Proponent must advise the Project Assessment Manager as early as practicable if circumstances arise which, in the Proponent's view, prevent the Proponent from implementing the First Nations consultation activities required in section 16.2 of this Order, in which case, the Project Assessment Manager may require the Proponent to undertake alternative or additional activities.*
- 16.4 *The Proponent must arrange consultation meetings by mutual agreement with the First Nations, and consultations under section 16.2 of this Order will see to identify:*
 - 16.4.1 *any specific Aboriginal interests which may be potentially affected by the proposed Project, as identified in Aboriginal interest and use studies, traditional use studies or other sources of information and,*
 - 16.4.2 *measures to avoid or mitigate the potential adverse effects and/or to otherwise address or accommodate the First Nations' concerns.*
- 16.5 *The Proponent, within time limits set by the Project Assessment Manager, must provide to the Project Assessment Manager and the First Nations, a written report on the results of the First Nations consultation activities, identifying issues and concerns raised by the First Nations with respect to the proposed Project's potential adverse effects on the First Nations' Aboriginal interests and on the potential for adverse environmental, economic, social, health and heritage effect, and how these issues and concerns are to be addressed.*



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- 16.6 *Based on the Proponent's report received under section 16.5 of this Order, the Proponent may be required to implement additional measures for First Nations consultation and accommodation, where appropriate, as required by the Project Assessment Manager, and in consultation with the First Nations.*
- 16.7 *Without limiting any of the foregoing requirements, at the request of the Project Assessment Manager, the Proponent must provide the Project Assessment Manager with any information the Project Assessment Manager considers relevant with respect to the province's legal duties of consultation and accommodation.*

In accordance with the above provisions of the Section 11 Order relating to First Nations consultation for the Application Review stage, the remainder of this report describes BURNCO's information distribution and consultation activities by the Proponent in relation to the Proposed Project following submission of the Application (including Screening of the EAC Application/EIS.).

This report does not include BC EAO- or CEA Agency-led engagement activities with Aboriginal Groups. *Skwxwú7mesh* Nation and Tsleil-Waututh Nation participated in the BC EAO-established Working Group for the Project.

4.0 APPLICATION REVIEW CONSULTATION ACTIVITIES

4.1 Proposed Consultation Activities during Application Review

On July 18, 2016 the BC EAO advised BURNCO that they had reviewed Part A – Section 3.2 (Aboriginal Information Distribution and Consultation) and Part C (Aboriginal Information Requirements) of the EAC Application/EIS and concluded that BURNCO had met the consultation requirements of the Section 11 and 13 Orders. BC EAO also advised BURNCO that they were satisfied with the measures proposed for the Application Review period as described in the First Nations Pre-Application Consultation Report submitted February 15, 2016, provided they are fully implemented. The BC EAO further advised that they would continue to engage with First Nations during the Application Review stage in order to obtain additional comments, and may also instruct BURNCO to undertake further measures to ensure adequate consultation takes place.



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Upon acceptance of the EAC Application/EIS for review by the BC EAO and the CEA Agency, the Proponent commenced consultation activities in compliance with Part E – First Nations Consultation Assessment – Assessment Procedures of the Section 11 Order. The following activities were proposed for *Skwxwú7mesh* Nation and Tsleil-Waututh Nation.

- The Proponent will immediately provide copies of the Application, in digital formats and hard copy if required, to Aboriginal groups to facilitate review and comment on the Application, either through the Working Group or independently, as required by the BC EAO and the CEA Agency.
- The Proponent will arrange consultation meetings by mutual agreement with *Skwxwú7mesh* Nation and Tsleil-Waututh Nation, as necessary, to continue the process of identifying:
 - any specific asserted Aboriginal Rights and/or Title and interests that may be potentially affected by the Project, as identified in Part C, or other sources of information; and
 - measures to avoid or mitigate the potential adverse effects of the Project and/or to otherwise address or accommodate concerns expressed by *Skwxwú7mesh* Nation and Tsleil-Waututh Nation.
- The Proponent will seek to develop a decision-making framework for consultation meetings with *Skwxwú7mesh* Nation and Tsleil-Waututh Nation to enable consistent and fair dialogue, while facilitating any minor dispute resolution at preliminary stages of discussions;
- Within the time limits specified by the BC EAO, the Proponent will provide the BC EAO and *Skwxwú7mesh* Nation and Tsleil-Waututh Nation with a written report on the results of the consultation activities with *Skwxwú7mesh* Nation and Tsleil-Waututh Nation, identifying:
 - issues and concerns raised with respect to the Project's potential adverse effects on asserted Aboriginal Rights and interests and on the potential for adverse environmental, economic, social, health and heritage effects; and
 - how the Proponent intends to address these issues and concerns.
- Based on the above written report, the Proponent will, if required by the BC EAO, implement additional measures for consultation and accommodation of concerns expressed by Aboriginal groups, where appropriate and in consultation with those Aboriginal groups.
- At the request of the BC EAO, the Proponent will provide the BC EAO with any information the BC EAO considers relevant with respect the Province's legal duties of consultation and accommodation.
- The Proponent acknowledges that the provision of information to Aboriginal groups does not constitute consultation on its own accord but is rather one step of the larger consultation process.



For the other Aboriginal groups identified by the CEA Agency for inclusion (Musqueam Indian Band, Stz'uminus First Nation, Cowichan Tribes, Halalt First Nation, Lake Cowichan First Nation, Lyackson First Nation, Penelakut Tribe and Métis Nation British Columbia), the proposed consultation activities consist of notifications. The following activities were proposed for the Application Review stage, subject to modification ordered by the BC EAO or CEA Agency, as necessary:

- Written (i.e., letter and e-mail) communications with leadership and identified representatives as appropriate to provide updates on the Proposed Project, including achievement of EA-related milestones or changes to the Potential Project.
- Written communications would include an offer to meet with leadership and identified representatives. If the Proponent is requested to host or attend community meetings, the need for such meetings will be explored as early as possible after the request.

On August 4, 2016, the CEA Agency advised BURNCO that CEA Agency would share information with these Aboriginal Groups regarding the ongoing EA review and make the EAC Application/EIS available to them. Both BC EAO and CEA Agency advised that they were planning to consult directly with these Aboriginal groups and would advise BURNCO if any further consultation activities were required.

Where and when formally requested, the Proponent has respected Aboriginal groups' requests to keep information confidential. Where needed, the Proponent worked with Aboriginal groups to develop suitable terms or agreements to protect confidentiality, while ensuring that the Proponent can fulfill requirements to provide information to regulators. The Proponent will seek approval, not just review, from the relevant Aboriginal group before sharing information with BC EAO.

The Proponent will demonstrate where they have incorporated feedback of Aboriginal groups during the review of the EAC Application/EIS, and provide a rationale for instances where feedback was not incorporated.

A tracking of key issues identified by Aboriginal groups identified above, and provide the Proponent's responses to these issues to date, is provided in APPENDIX A.

4.2 Summary of Application Review Stage Consultation Activities to Date

Consultation activities with First Nations prior to February 15, 2015 were described in the First Nations Pre-Application Consultation Report. Consultation activities undertaken during the screening evaluation period commencing on May 9, 2016 with BURNCO's submission of the EAC Application/EIS to BC EAO and CEA Agency are included in the current consultation stage. Table 2 provides a summary of the consultation activities undertaken to date for the Application Review Stage.



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Table 2: Application Review Stage Consultation Activities

Consultation Activity	Description	Status/Next Steps
Provision of copies of the EAC Application/EIS to Aboriginal groups	BURNCO provided the EAC Application/EIS to <i>Skwxwú7mesh</i> Nation and Tsleil-Waututh Nation on May 2, 2016 (Draft for screening) and August 2, 2016 (Final for review).	COMPLETED
Consultation meetings	BURNCO has continued to meet with <i>Skwxwú7mesh</i> Nation and Tsleil-Waututh Nation during the Application Review Stage.	ONGOING BURNCO remains committed to meet with <i>Skwxwú7mesh</i> Nation and Tsleil-Waututh Nation to advance discussions related to mitigation measures proposed in the EAC Application/EIS. BURNCO will meet with other Aboriginal groups identified by CEA Agency to provide information on the Project, if requested.
Participation capacity funding	BURNCO has provided funding to Tsleil-Waututh Nation during the Application Review Stage to support their participation in the process.	COMPLETED
Funding for a traditional use study to inform mitigation	BURNCO has provided funding to Tsleil-Waututh Nation during the Application Review Stage to complete a TUS for the Project that will inform the discussions regarding mitigation of potential effects on Tsleil-Waututh Nation.	COMPLETED
Ongoing consultations and communications (email, letters, telephone, face-to-face)	BURNCO continues to be engaged in ongoing communications with <i>Skwxwú7mesh</i> Nation and Tsleil-Waututh Nation to provide updates on the Project and to continue with consultations as described in Part C of the EAC Application/EIS	ONGOING



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Consultation Activity	Description	Status/Next Steps
Preparation of a First Nations consultation report for the Application Review Stage	<p>BURNCO will provide a draft of this First Nation Consultation Report to <i>Skwxwú7mesh</i> Nation, Tsleil-Waututh Nation and BC EAO. BURNCO will request that <i>Skwxwú7mesh</i> Nation and Tsleil-Waututh Nation review the document and provide comments by December 16, 2016.</p> <p>BURNCO will incorporate comments where possible and provide responses for those that were not incorporated.</p>	ONGOING



4.3 Issues Raised and Related Responses/Proposed Actions to Address

As described in previous sections, BURNCO has undertaken a range of consultation activities with First Nations during the Pre-Application and Application Review stages. BURNCO has logged issues and concerns about the Project and rights, titles and interests raised by First Nations in an Aboriginal Issues Tracking Table throughout this period (Appendix A), along with responses and proposed actions to address these issues and interests.

4.3.1 Summary of Issues and Interests and BURNCO Responses/Proposed Actions to Address

Table 3 provides a summary of issues and interests raised by First Nations along with responses from BURNCO and proposed actions intended to address these issues. The current status of resolution of the issues is also provided.



Table 3: Summary of Issues and Interests Raised by First Nations and Aboriginal Groups during the Application Review Stage

Category	Issue or Interest	BURNCO Response/Proposed Action
Issues Raised by Multiple First Nations/Aboriginal Groups		
Spatial Boundaries	<ul style="list-style-type: none">Requested inclusion of the Salish Sea and Fraser River in the proposed Project Area.	<ul style="list-style-type: none">In excluding marine shipping from where the barges meet the existing shipping lanes in the Strait of Georgia and in the Fraser River to BURNCO's existing facilities in Burnaby and Langley, CEAA considered the following analysis of the incremental change in tug/barge traffic of associated with the Proposed Project:<ul style="list-style-type: none">0% net change from south of Passage Island, along the Strait of Georgia, to the North and South Arms of the Fraser River; and0% net change along the Fraser River to the load-out facilities in Burnaby and Langley.Incremental increases to marine traffic as a result of the Proposed Project are anticipated only for Ramillies Channel, Thornbrough Channel and Queen Charlotte Channel in Howe Sound where the barges would intersect with existing BURNCO shipping routes. No project-related effects are anticipated south of this point of interconnection in the Strait of Georgia.
Shipping	<ul style="list-style-type: none">Concerned that cumulative effects from marine traffic in Salish Sea and Fraser River not included in the assessment.	<ul style="list-style-type: none">As Projected-related tug/barge traffic is expected to have no incremental effects on marine traffic in the Salish Sea and Fraser River, a cumulative effects assessment is not necessary.
Issues Raised by Skwxwú7mesh Nation		
Wildlife	<ul style="list-style-type: none">Noted that the Application makes no mention of Skwxwú7mesh Nation's Wildlife Focus Area for Elk in West Howe Sound, within which the Project is located. This should be recognized in the assessment and the Project evaluated against this objective to understand whether the Project will help or hinder this objective for the Skwxwú7mesh Nation.	<ul style="list-style-type: none">The Skwxwú7mesh Nation's Wildlife Focus Area for Elk in West Howe Sound is located entirely within the Terrestrial RSA. Therefore, conclusions of the effects assessment for Roosevelt elk are considered applicable to the Skwxwú7mesh Nation's Wildlife Focus Area for Elk in West Howe Sound. The Project does not introduce any restrictions on reintroductions of elk into the Skwxwú7mesh Territory.
	<ul style="list-style-type: none">Requested that the abundance between seasons at each location be reported based on the remote camera program. Bar charts could show the relative abundance for each season. Please provide this breakdown for deer and elk.	<ul style="list-style-type: none">The primary purpose of the remote camera program was to determine the presence and distribution of medium and large mammals present in the Terrestrial LSA. Determining species abundance using remote camera data is beyond the scope of the wildlife baseline study.
	<ul style="list-style-type: none">Noted that interpretations of the camera data in 3.6.5.1 and 3.6.7.2 does not attempt to describe potential movement patterns on a seasonal basis for elk and deer.	<ul style="list-style-type: none">Quantifying landscape level movement routes and seasonal movement patterns was not the intent of the camera program. However, remote camera data were reviewed to provide insights into wildlife use of the Terrestrial LSA. The seasons when elk and deer were most frequently recorded and the habitat types most frequently utilized are described in Section 3.6.5.1 of the Wildlife Baseline Report.
	<ul style="list-style-type: none">Asked what is the % effective habitat loss (direct and indirect) in the RSA? What is the effective loss in the McNab Creek watershed?	<ul style="list-style-type: none">Loss of suitable Roosevelt elk winter habitat will be limited to the Proposed Project Area and is expected to be fully reversible through progressive reclamation and replanting after Project completion, with the exception of the area that will become the pit-lake at the end of the life of the Project.
	<ul style="list-style-type: none">Requested inclusion in discussions with regulators regarding mitigation options.	<ul style="list-style-type: none">BURNCO will work with the Skwxwú7mesh Nation to develop a mechanism for their involvement in the development and implementation of wildlife mitigation measures.
	<ul style="list-style-type: none">Noted a need to avoid beginning significant clearing during the winter occupancy by elk as elk would be forced to find winter habitat elsewhere during a stressful period of their life cycle. It would be preferable to ensure that clearing activities begin prior to elk arrival at low elevations which would allow them to move elsewhere for suitable winter habitat.	<ul style="list-style-type: none">Habitat clearing within elk winter range will be minimized during winter months (November to March) to the extent practical and clearing will be avoided during calving periods (mid-May to mid-July).
	<ul style="list-style-type: none">Noted negative aspects of habitat fragmentation, such as the potential reduction of shelter that occurs when a large contiguous tract is fragmented into smaller pieces and forest edges are exposed leading to further loss of mature trees from windthrow. Asked BURNCO to describe the negative effects for elk from habitat fragmentation.	<ul style="list-style-type: none">BURNCO acknowledges negative effects can occur due to habitat fragmentation and carried this forward in the effects assessment. However, once mitigation measures are applied, residual effects from Roosevelt elk habitat fragmentation are not expected. Vegetation in the Terrestrial LSA is in various stages of regeneration following historical rock quarrying and clear-cut logging activities on site. Elk are expected to adapt and be resilient to existing natural and human-related disturbances and associated changes in habitat availability.
	<ul style="list-style-type: none">Noted that maintaining or providing habitat linkages and vegetation buffers is an important measure to ensure that elk can continue to persist undisturbed during the winter. The planning should include identification of winter no-go zones to contain the disturbance effects.	<ul style="list-style-type: none">The prediction of habitat affected due to sensory disturbance is a conservative estimate because Roosevelt elk are expected to habituate to sensory disturbance. Habitat lost due to clearing will be reclaimed and replanted, which will occur progressively over the life of the Project.
	<ul style="list-style-type: none">Requested a commitment to monitoring noise effects to ensure that disturbance to elk is contained within the 500m ZOI, and specify the measures that will be taken should there be a detectable effect beyond the ZOI.	<ul style="list-style-type: none">Noise monitoring will be included as part of the noise management plan, which will be developed as part of the requirements for the Project. The sources of noise above 50dBA within 500 m of the Proposed Project Area will be evaluated and noise levels will be mitigated, where feasible.Roosevelt elk are expected to habituate to sensory disturbance.



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Category	Issue or Interest	BURNCO Response/Proposed Action
Wildlife	<ul style="list-style-type: none">Requested a commitment to ensuring safe passage of elk herds across roads or past operating equipment should elk be moving through the project area. This should include a temporary stop-work to permit undisturbed passage.	<ul style="list-style-type: none">Road upgrades beyond the Proposed Project area are not planned. Crews and equipment will be moved to the site via boat or barge. The speed of vehicle movement on site will be limited to minimize the risk of collisions with elk or other wildlife, and vehicles will yield to wildlife to permit safe passage.Roosevelt elk are expected to habituate to sensory disturbance.
	<ul style="list-style-type: none">Requested that employees and contractors be prohibited from hunting in the entire McNab Creek watershed.	<ul style="list-style-type: none">Workers will be prohibited from using Project-related access to the site to hunt in the LSA, the McNab Creek watershed, or elsewhere in the RSA or beyond.
	<ul style="list-style-type: none">Requested that the habitat compensation plan for Roosevelt elk be provided to <i>Skwxwú7mesh</i> Nation for approval prior to construction with implementation underway within 2 years of construction beginning. The permanent removal of habitat needs to be replaced reasonably quickly to offset the impact.<i>Skwxwú7mesh</i> Nation will require this, with further details to be discussed during ongoing deep consultation, as per commitments in Volume 3, Part C in the Application.	<ul style="list-style-type: none">Development of the Habitat Compensation Plan for Roosevelt elk will occur early in the life of the Project, as reclamation will be progressive (i.e., occur throughout the life of the Project as areas are no longer needed for operation). BURNCO will work with the <i>Skwxwú7mesh</i> Nation to develop a mechanism for their involvement in the development and implementation of the Habitat Compensation Plan at closure/reclamation.
	<ul style="list-style-type: none">Noted that the Application argues that the project will have a "Negligible" barrier to movement for elk. Requested rationale for the determination, based on what is known about travel corridors in this area.Noted that any non-significant conclusion of the Project's effects on <i>Skwxwú7mesh</i> Nation's Aboriginal Rights caused by impacts to terrestrial resources is contingent on clear and defensible conclusions on this topic.	<ul style="list-style-type: none">The McNab Creek and riparian areas will not be affected by the proposed Project; therefore travel corridors for elk along McNab Creek will remain intact. Existing disturbed areas, roads and rights-of-way will be used and no new roads are planned. Vegetation buffers will be maintained or planted to minimize habitat fragmentation between winter ranges for elk. Roosevelt elk will no longer be able to move directly between the high suitability habitats north of the Proposed Project Area to high suitability habitat in the marine foreshore, and will need to travel around the Proposed Project Area to the east or west to access these areas. However, typical elk range is 5 to 10 km² on the mainland coast and elk are expected to travel around the Proposed Project Area with negligible effects to movement patterns given the small area affected
	<ul style="list-style-type: none">Noted that the Application argues that the project's effect from direct habitat loss will be "Fully Reversible", even though there will be a pit-pond replacing high/moderate suitability elk habitat. Please provide a rationale.	<ul style="list-style-type: none">Direct habitat loss due to the Proposed Project is fully reversible. To be not fully reversible would suggest that the habitat lost could not be reclaimed with current technology. However, the reclamation plan involves creation of a pit lake, which will provide additional habitat for wildlife species such as waterfowl and amphibians. Suitable winter habitat loss for Roosevelt elk in the Terrestrial RSA covers 165 ha (or 3.9%) and will mostly be reclaimed and replanted during the reclamation and closure phase of the Project. Creation of the pit lake will affect 36 ha of habitat for elk, the pit lake affects habitat predicted to be moderate suitability, but no high suitability habitat.
	<ul style="list-style-type: none">Asked what evidence exists that this population is resilient to the stresses of industrial development within key winter habitat?	<ul style="list-style-type: none">The population of Roosevelt elk in the Terrestrial RSA is predicted to be stable or increasing. Therefore, this self-sustaining population is considered resilient to imposed stresses. Net residual effects from habitat loss, barriers to movement, and changes in mortality are considered to be not significant for Roosevelt elk in the Terrestrial RSA
Wildlife	<ul style="list-style-type: none">Noted that the Application proposes that "Communication and planning with other proponents within McNab Valley" will manage cumulative effects on elk. Asked BURNCO to explain this commitment in more detail, including the objectives for the planning and how it will link with monitoring studies.	<ul style="list-style-type: none">BURNCO will develop and implement a Wildlife Management (Protection) Plan. BURNCO will work with <i>Skwxwú7mesh</i> Nation and stakeholders (i.e., proponents, landowners, and government representatives) in the development of the Habitat Compensation Plan, as appropriate. A detailed wildlife mitigation and monitoring plan has not yet been developed but will be developed as part of the Wildlife Management (Protection) Plan to minimize impacts on terrestrial resources and to collect data that will help evaluate the effectiveness of implemented mitigations.
	<ul style="list-style-type: none">Noted that the Application states that "The results of the wildlife monitoring program will be evaluated annually to determine if changes in abundance for wildlife VCs are within acceptable limits." This implies that monitoring will be done for wildlife VCs at a frequency and extent to monitor abundance for each wildlife VC population with reasonable statistical power.	<ul style="list-style-type: none">A detailed wildlife mitigation and monitoring plan has not yet been developed but will be developed as part of the Project Wildlife Protection Plan to minimize impacts on terrestrial resources and to collect data that will help evaluate the effectiveness of implemented mitigations.
	<ul style="list-style-type: none">Noted that, in general, the Application fails to provide sufficient detail to convey the expected effects on ungulates at a local or regional study level. Consequently <i>Skwxwú7mesh</i> Nation believes the residual effects characterization is not adequately supported by the evidence in the Application. <i>Skwxwú7mesh</i> Nation re-iterated that any non-significant conclusion of the Project's effects on <i>Skwxwú7mesh</i> Nation's Aboriginal Rights caused by impacts to terrestrial resources is contingent on clear and defensible conclusions on this topic, as outlined in Section 11.3	<ul style="list-style-type: none">As noted in Section 11.3.8, the conclusions on "acceptable impacts" on <i>Skwxwú7mesh</i> Nation's Aboriginal Rights are contingent on mitigation described in the EAC Application/EIS. With respect to potential effects on the exercise of <i>Skwxwú7mesh</i> Nation's Aboriginal Rights related to ungulates, the relevant mitigation measures are described in Volume 2, Part B - Section 5.3 Terrestrial Wildlife and Vegetation and in Volume 3, Part C - Section 11.3.4. The mitigation measures specific to <i>Skwxwú7mesh</i> Nation are ongoing consultation between BURNCO and <i>Skwxwú7mesh</i> Nation during the regulatory review of the EAC Application/EIS and involvement in the development and implementation of mitigation, management and monitoring plans related to deer and elk.



Issues Raised by Tsleil-Waututh Nation		
Assessment Methodology	<ul style="list-style-type: none">Disagreed with the evaluation that one VC can be better represented by another VC, especially in regards to species as each and every one is different and requires different ecological resources, whether minor or great in the project area, to sustainably thrive.	<ul style="list-style-type: none">The selection of VCs for the Proposed Project is consistent with the guidance provided by the Province.
	<ul style="list-style-type: none">Disagreed with the cumulative effects assessment method that considers only residual effects of the project that have the potential to interact with other projects and activities as scoped by the EA. Tsleil-Waututh assesses cumulative effects from a holistic perspective, inclusive of past (pre-contact baseline), present and future impacts on its members, culture, economy, and the environment from all projects across the territory.	<ul style="list-style-type: none">The cumulative effects assessment methodology was based on guidance provided by the BC EAO and on guidelines and standards issued by BC EAO and CEA Agency.
	<ul style="list-style-type: none">Requested that all effects, including those generated by mitigatory and adaptive measures, be included in the cumulative effects assessment. Asked to discuss appropriate methods with the EAO and Proponent accordingly.	<ul style="list-style-type: none">If the Proposed Project is able to implement widely used mitigation techniques that are known to be effective in minimizing potential environmental effects then the resulting residual effect may be considered negligible.
	<ul style="list-style-type: none">Noted that in Tsleil-Waututh's holistic perspective of the environment, all aspects of the system are equally important. For example, there may be an interest in elk because it is hunted by members; however, Tsleil-Waututh is equally interested in the ecosystems and environment that supports the health and biology of that elk. Another example would include climate change, which is also of interest to all stakeholders.	<ul style="list-style-type: none">Tsleil-Waututh and other identified Aboriginal groups were provided with the dAIR/EISg, which included VC selection, for review and comment.
	<ul style="list-style-type: none">Agreed that Tsleil-Waututh was provided with the opportunity to provide comments during the development of the AIR/EISg; however, as per BC EAO guidelines, comments and questions are allowed and invited at each stage (i.e., Pre-app, Screening, and Application Review). These can be recurring comments or new comments. Comments at each stage are as equal and important as comments received in previous stages, and should be used to inform decision making and improve the project overall.	<ul style="list-style-type: none">BURNCO is committed to ongoing consultation with Tsleil-Waututh Nation to better understand their perspectives on potential Project-related effects and to discuss mitigation measures to address those potential effects.Information is being sought from identified Aboriginal groups through consultation for mitigation and monitoring planning.
Aboriginal Rights, including Current Use	<ul style="list-style-type: none">Disagreed that even though effects to the transmission of culture and history (access to the Project area from a holistic perspective) will cease, that they are acceptable. Noted that they discourage any Project effects that will have an impact on Tsleil-Waututh culture. Though the Proponent states that there will be beneficial effects at the time of decommissioning, this is not from the perspective of Aboriginal Groups that use the area for cultural and sacred purposes.	<ul style="list-style-type: none">BURNCO based the effects assessment on information provided by Aboriginal Groups or from publicly-available sources. As Tsleil-Waututh Nation did not provide specific information on potential Project-related effects on Tsleil-Waututh Nation culture, BURNCO relied on publicly-available information. The information included in the EAC Application/EIS was provided to Tsleil-Waututh Nation for review and comment prior to submission.BURNCO is committed to ongoing consultation with Tsleil-Waututh Nation to better understand their perspectives on potential Project-related effects and to discuss mitigation measures to address those potential effects.
Fisheries and Freshwater Habitat	<ul style="list-style-type: none">Requested that chinook salmon and rainbow trout be considered as VCs.	<ul style="list-style-type: none">The project design measures and mitigation measures incorporated into the Project are expected to be effective in avoiding effects on the salmonid species considered as VCs. As habitat requirements for the more common salmonid species are generally similar to those of chinook salmon and rainbow trout it is expected that potential effects on these species will also be avoided.
	<ul style="list-style-type: none">Concerned about the pit lake, environmentally and ecologically, and especially in relation to the fact that it will spill over and into adjacent watercourses. This could have an adverse effect to fish and fish habitat.Asked how this will be mitigated?	<ul style="list-style-type: none">During operation of the pit no surface water connection between the pit lake and downslope watercourses will exist. The downslope watercourses will be fed only by ground water. Only after the dredging activity has ceased will a spill structure be operational. The water quality and temperature of surface water spilt from the pit lake is predicted to meet water quality guidelines for aquatic life and it will be monitored to confirm the predictions.
	<ul style="list-style-type: none">Disagreed that there will be no effects, residual or otherwise, to Fisheries, during the construction, operations, closing and post-closure stages. As mandated in the Tsleil-Waututh Stewardship Policy and culture, the LSA and RSA are insufficient to holistically capture effects.	<ul style="list-style-type: none">The LSA for the assessment on Aboriginal and/or Treaty Rights (Volume 3, Part C) is the area in which potential Project-related effects are anticipated to occur. The RSA is a broader area that is intended to provide further context for the assessment. The assessment identified potential Project-related effects on the exercise of Tsleil-Waututh Nation's Aboriginal Rights and provides recommendations for mitigation measures to address those potential effects.



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Marine Resources	<ul style="list-style-type: none"> Asked are there glass sponges in the marine LSA and RSA? 	<ul style="list-style-type: none"> Glass sponges are known to occur throughout Howe Sound, in water depths below -20 m (chart datum). As part of marine baseline investigations, detailed underwater biophysical surveys were conducted in the proposed subtidal footprints of the proposed marine infrastructure (as well as adjacent areas) using SCUBA and towed video survey methods, with detailed information recorded on existing habitat and species present in these areas. This included systematic surveys targeting potential sponge reef habitats. The field surveys concluded that no glass sponge reefs were present in the proposed marine infrastructure (load-out jetty or walkway/conveyor) footprint. This information agrees with known habitat preferences of these organisms.
Terrestrial Wildlife and Vegetation Pit Lake	<ul style="list-style-type: none"> Concerned about loss of aquatic breeding sites and adult upland habitat, as well as habitat fragmentation for red-legged frog. 	<ul style="list-style-type: none"> Approximately 0.12 ha of habitat in Pond 2 and 6 that may be providing breeding habitat for amphibians is predicted to be lost during the construction phase. To compensate for this loss of wetland habitat, a total of 0.125 ha of amphibian breeding habitat will be established during the construction phase of the Project in four shallow ponds.
	<ul style="list-style-type: none"> Noted that the loss of any habitat, whether terrestrial or marine, will require not only mitigation, but an increase in functional habitat. 	<ul style="list-style-type: none"> A Reclamation and Effective Closure Plan will be developed and will outline the goals associated with wildlife habitat restoration, methods of rehabilitating wildlife habitat, and parameters to gauge the success of reclamation. Habitat reclamation will occur progressively over the life of the Proposed Project to return habitat to a functional capability for supporting wildlife as soon as possible. A detailed wildlife mitigation and monitoring plan has not yet been developed but will be developed as part of the Wildlife Management (Protection) Plan to minimize impacts on terrestrial resources and to collect data that will help evaluate the effectiveness of implemented mitigations.
	<ul style="list-style-type: none"> Requested information on any traditional use vegetation seen in the LSA and if those areas will be avoided. 	<ul style="list-style-type: none"> Data were collected on all plant species observed during vegetation surveying in the Project area, including traditional use plant species. Species considered to be rare (provincially or federally listed species at-risk) will be avoided. Many traditional use species are common on the landscape. Mitigation measures to reduce potential effects to vegetation are provided in Section 5.3.2 and summarized in Table 18-1 of the EAC Application/EIS.
	<ul style="list-style-type: none"> Disagreed that mitigation for wildlife and vegetation be considered post-operation. How would its functionality be evaluated after project closure? Noted that all mitigation measures should occur prior to the effect occurring to decrease the effect overall. 	<ul style="list-style-type: none"> Wildlife and vegetation mitigation measures have been considered since Project design and will be applied during all subsequent Project stages
	<ul style="list-style-type: none"> Asked with increased activity within Howe Sound and the high potential for the pit lake containment to fail, how would there not be any cumulative impacts? 	<ul style="list-style-type: none"> The pit lake containment berm will be designed and built to appropriate design criteria, which include seismic stability considerations.
	<ul style="list-style-type: none"> Disagreed that the pit lake is considered as mitigation, especially if the effects cannot be determined until after Project closure. 	<ul style="list-style-type: none"> The pit lake is not being designed as habitat compensation. However, vegetation will be planted around the freshwater pit lake perimeter to establish wildlife habitat.
Traditional Ecological and Community Knowledge	<ul style="list-style-type: none"> Noted that no reference to traditional, ecological or community knowledge found. 	<ul style="list-style-type: none"> Traditional ecological knowledge and community knowledge information was added to all relevant VCs and summarized in Volume 3, Part C - Section 11.2.
Heritage Resources	<ul style="list-style-type: none"> Requested consultation on spatial boundaries for the effects assessment. 	<ul style="list-style-type: none"> The assessment was conducted under the terms and conditions of Heritage Conservation Act (HCA) Permit 2010-0031, Tsleil-Waututh Nation Permit 2013-006 and Squamish Nation Permit 12-0124. BURNCO noted its commitment to ongoing consultation with Tsleil-Waututh.
	<ul style="list-style-type: none"> Noted that the procedures described should only be used in area of low archaeological potential. 	<ul style="list-style-type: none"> A desktop study and field studies were undertaken in areas within areas of highest archaeological and paleontological potential. No newly identified heritage resources were identified. Section 8.1.5.3 describes procedures should undetected heritage resources be encountered during Project-related activities.
Noise	<ul style="list-style-type: none"> Noted that assessment boundaries should include marine areas where marine life are present. 	<ul style="list-style-type: none"> Potential effects of noise on marine life is addressed in Section 5.2: Marine Resources. Potential effect from in-air noise on Marine Birds VC is assessed in Section 5.2.5.2.5.
	<ul style="list-style-type: none"> Asked how do methods account for project noise travelling across water/across the Sound? 	<ul style="list-style-type: none"> The noise assessment modelling considered that sound propagates differently over water than it does over land.



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	<ul style="list-style-type: none"> Asked will there be a monitor for underwater noise during construction? 	<ul style="list-style-type: none"> A qualified Environmental Monitor will be on-site during the construction phase to monitor underwater sound and pressure levels in the field using a hydrophone and a real-time sound monitor to confirm that pile driving noise levels at the established safety zone radius are below the established acoustic injury thresholds for fish, as well as for marine mammals.
Public Health	<ul style="list-style-type: none"> Noted that effects on community health and well-being (the social detriments of health) were not included in the assessment, for both the general population and Aboriginal groups. This noted as a gap. 	<ul style="list-style-type: none"> As negligible interaction between the Proposed Project and community health and wellbeing was identified, no assessment of community health and wellbeing from the perspective of the social indicators of health was undertaken.
	<ul style="list-style-type: none"> Concerned that an assessment of effects on the cultural health of Aboriginal peoples was not included. Adverse cultural health effects from yet another Project in the territory, potentially impacting the marine environment, sacred sites and waters, and disconnecting Aboriginal peoples from their culture is far more cumulative and holistic in scope than an assessment on air, noise, and contaminated foods. 	<ul style="list-style-type: none"> Part C - Aboriginal Information Requirements addresses potential Project related interactions on Aboriginal Rights and Interests, including current use of lands and resources for traditional purposes and intangible cultural heritage which can contribute to cultural health. The assessment presented in Part C found Project associated changes in access to locations of transmission of Aboriginal culture and history to be negligible during construction and operations stages, and positive at closure. Also found to be negligible during construction and operations were Project associated changes in quality of experience in connection with the sensory environment and environmental setting at locations of transmission of Aboriginal culture and heritage. At closure, no effects are anticipated in regard to quality of experience in connection with the sensory environment and environmental setting.
	<ul style="list-style-type: none"> Noted that the effects assessment in Part C does not constitute an Aboriginal cultural health assessment. 	<ul style="list-style-type: none"> BURNCO agrees. Part C considers potential effects on the exercise of Aboriginal rights that relate to the transmission of culture and history, which in turn may affect cultural health and wellbeing. A standalone assessment of Aboriginal cultural health was not included in the scope of the assessment.
	<ul style="list-style-type: none"> Asked whether local Aboriginal policies/guidelines related to health were considered (e.g., BC First Nations Health Authority). 	<ul style="list-style-type: none"> Health Canada considers Aboriginal health within its risk assessment guidance (e.g., wild game consumption rates are published in Health Canada 2012). BURNCO was not aware of any local guidelines related to risk assessment and chemical exposure for local Aboriginal populations. The First Nations Health Authority provides guidance on healthy eating and food safety factsheets. BURNCO requests that if such guidance is available, it be provided for review and provide comment.
	<ul style="list-style-type: none"> Concerned that the spatial boundaries for the public health assessment are too limited, particularly to assess water quality, air quality, and country foods, as they relate to physical human health. 	<ul style="list-style-type: none"> The boundaries for the LSA and RSA are extensive. The RSA is an 80km by 80km grid centered around the proposed Project. There are no health risks identified with contaminants of potential concern in air or water within the LSA or RSA; extending the boundaries would not change the conclusions of the human health risk assessment. The LSA and RSA boundaries are also harmonized with those from the air and water quality teams who provide predictions for use in the human health risk assessment.
Social Conditions	<ul style="list-style-type: none"> Noted that no separate social assessment was conducted for Aboriginal communities. No primary or secondary data was collected from Aboriginal communities and Aboriginal population profiles are not included. Noted that as no social assessment for Aboriginal communities was conducted, the residual effects assessment is considered. Concerned as this resulted in no cumulative effects assessment either. 	<ul style="list-style-type: none"> The AIR/EISg did not require a separate social assessment for Aboriginal groups. BURNCO is committed to ongoing consultation to discuss potential effects and mitigation measures.
	<ul style="list-style-type: none"> Asked what is the rationale for dividing social and economic assessment? 	<ul style="list-style-type: none"> Each EA pillar and their associated VCs were explained in the AIR/EISg, which was provided to Tsleil-Waututh for comment.
Sustainable Economy	<ul style="list-style-type: none"> Noted that breakdowns for First Nation communities should be included. 	<ul style="list-style-type: none"> The assessment included baseline information on Aboriginal labour force and economic development matters.
	<ul style="list-style-type: none"> Noted that First Nations specific economic factors not included (e.g., fisheries) 	<ul style="list-style-type: none"> Potential effects on Aboriginal rights, including current use, were considered in Part C of the Application.
	<ul style="list-style-type: none"> Requested explanation of how sustainable economic development is understood and defined for the assessment. Also requested how the definition fit into Provincial and Federal policies and frameworks. 	<ul style="list-style-type: none"> Section 2.5.2.3 describes the construction and operations practices that comprise BURNCO's sustainable development framework for the Proposed Project. The Sustainable Economy assessment (Section 6.1) addresses the economic pillar of the Environmental Assessment Office's five pillars. Several valued components and measureable indicators listed in Section 6.1.3.1 form the basis for assessing the Proposed Project's economic effects and were selected using BC EAO's guidance document: "Guideline for the Selection of Valued Components and Assessment of Potential Effects".
	<ul style="list-style-type: none"> Noted that Tsleil-Waututh also values project contributions in enhancing economic participation and integration of new market entrants and existing business. 	<ul style="list-style-type: none"> The potential effects of the Proposed Project are presented by four valued components (Labour Market, Regional Economic Development, Local Government Revenue and Real Estate) in Section 6.1.5.



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Air Quality	<ul style="list-style-type: none">• Requested more information on GHG emissions for all phases.• Requested a comparison of the Project's GHG emissions compare to others in industry.• Requested that GHG assessment consider upstream and downstream components.	<ul style="list-style-type: none">• The response provided the sources of GHG emissions for all phases.• BURNCO noted that no commitment was made to compare facility emissions.
	<ul style="list-style-type: none">• Noted that the Application included minimal discussion of dust mitigation measures.	<ul style="list-style-type: none">• The AIR/EISg did not require a full life-cycle assessment of upstream and downstream components.• The federal requirement for quantification of upstream GHG emission sources is limited to oil and gas facilities undergoing federal environmental assessments (Government of Canada. 2016. Canada Gazette Vol. 150 No. 12), therefore this requirement does not apply to the Project.
	<ul style="list-style-type: none">• Noted that MOE is not identified as a Responsible Party for the development of the Air Quality and Meteorological Monitoring Program.• Noted that looking at climate trends between 1971/1981 to 2010 is insufficient as it does not incorporate 2010 up to current day. Need to consider current goals mandated by the Government of Canada.	<ul style="list-style-type: none">• Fugitive particulate emission mitigation measures are discussed in section 5.7.5.3 and summarized by source in Table 5.7-11: Identified Mitigation Measures: Air Quality.• MOE added.• At the time of the assessment the most up-to-date climate normal datasets generated by Environment Canada are for the 1981 to 2010 period. These datasets were used in the assessment.
Geomorphological and Geotechnical	<ul style="list-style-type: none">• Asked whether a geomorphological analysis of effects on the shoreline of Howe Sound would be undertaken.	<ul style="list-style-type: none">• Terrain analysis was conducted for the Project Area (5.4.4.3 and 5.4.4.4)• Geotechnical conditions, sedimentological and hydraulic conditions, including the shoreline, are provided in Section 5.4.4.5.• Wake effects on the shoreline considered in Sections 5.2 and 7.2.
	<ul style="list-style-type: none">• Concerned that the spatial boundaries for the Geotechnical assessment is not adequate to consider potential earthquake effects.	<ul style="list-style-type: none">• The assessment of potential effects of earthquakes on the project consider seismic events that might occur throughout the region including local events. Existing earthquake data are used to assess seismic hazard, including potential earthquakes associated with the Cascadia Subduction zone.
	<ul style="list-style-type: none">• Concerned that a desktop review and mapping is insufficient to properly assess terrain stability in the area. From Tsleil-Waututh's experience, terrain stability within the RSA is extremely unstable and landslides occur often.	<ul style="list-style-type: none">• Field confirmation of desktop terrain mapping will be conducted as per the requirements of the Mines Act Permit Application.
	<ul style="list-style-type: none">• Asked how debris flood/debris flow potential will be evaluated and how it will be determined if engineering designs are required to mitigate potential risks.	<ul style="list-style-type: none">• The lack of evidence for significant, historical debris floods or debris flows in McNab Creek both upstream and downstream of the Project Area indicate that the risk of impacts to the Project Area can be considered low. Proposed geotechnical and natural hazards mitigation, which includes construction of the flood protection dyke, will further reduce the potential for impacts to the Project Area.
	<ul style="list-style-type: none">• Disagreed that there are no cumulative effects in relation to Earthquakes and Terrain Stability. Even with a low occurrence or likelihood of an event occurring, the outcome could be devastating.	<ul style="list-style-type: none">• Based on the ratings for residual effects, none were carried forward into a Cumulative Effects Assessment. Potential residual effects on the geotechnical hazards and terrain stability conditions were considered negligible (and not significant) because:<ul style="list-style-type: none">◦ Mass wasting events such as landslides and avalanches occur within the McNab Creek valley (RSA), however there is no evidence of terrain stability concerns within or adjacent to the LSA. Submarine landslide conditions were deemed not present in the LSA◦ With mitigation measures, site geotechnical conditions will not diverge from baseline conditions; and◦ Anticipated engineering designs and mitigation measures would minimize and manage for potential adverse effects.
Mitigation Measures	<ul style="list-style-type: none">• Noted an expectation that adaptive measures (to improve the resilience of VCs in relation to the Project) also be included along with migratory measures. How will proposed mitigation measures be monitored, complied with and enforced?	<ul style="list-style-type: none">• Table 15-6 to Table 15-23 provides a summary of all mitigation measures that have been addressed in the EAC Application/EIS, including a description of the effectiveness of the mitigation and how it can be monitored with linkages to the Environmental Monitoring and Follow-up Program presented in Section 16.0 and 17.0, where appropriate. Additional information regarding adaptive mitigation techniques can be found in Volume 3, Part E - Section 16.0 and 17.0.
	<ul style="list-style-type: none">• Noted an expectation to be fully consulted during development of mitigation plans.	<ul style="list-style-type: none">• BURNCO is committed to ongoing consultation with Tsleil-Waututh as described in the Application.
	<ul style="list-style-type: none">• Requested more information on mitigation plans for areas of concern in regards to fisheries and cultural heritage. Not in agreement with statement that mitigation will result in no residual effects.	<ul style="list-style-type: none">• BURNCO requires more information on the specific concerns related to fisheries and cultural heritage to fully respond to this comment.• BURNCO is committed to ongoing consultation with Tsleil-Waututh Nation to provide additional information and to discuss potential Project-related effects and mitigation measures.



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	<ul style="list-style-type: none">Noted that Tsleil-Waututh considers the use of mitigation measures to create effective negligible effects to be completely hypothetical; therefore, disagrees with the methodology. Disagrees that an effect can be considered negligible if there is no way to know if the mitigation measure will work. Tsleil-Waututh focuses on ensuring that these unplanned effects stop occurring in order to improve the conditions of land, water and resources.	<ul style="list-style-type: none">BURNCO is committed to ongoing consultation with Tsleil-Waututh as described in the Application. Information provided by Tsleil-Waututh in these ongoing consultations will be considered in mitigation planning, as appropriate.
Cumulative Effects Assessment	<ul style="list-style-type: none">Requested clarification of the temporal baseline for scoping inclusion of past projects.	<ul style="list-style-type: none">Text added to clarify which past and present projects were included.
Issues Raised by Musqueam Indian Band		
Aboriginal Rights, including Current Use	<ul style="list-style-type: none">Noted that Musqueam people exercise their Aboriginal rights, including fishing and other marine activity related rights, in Howe Sound, the Salish Sea and the Fraser River	<ul style="list-style-type: none">BURNCO provided Musqueam Indian Band with a preliminary draft of the background information prepared from publicly-available sources to be included in the EAC Application/EIS for review and comment in November 2015 and the draft effects assessment and First Nations Consultation Report for review and comment in January 2016 prior to finalizing the EAC Application/EIS. BURNCO did not receive responses to either request.Based on comments received during the Application Review Stage, BURNCO will provide a Technical Memorandum that considers the additional information provided by Musqueam.
	<ul style="list-style-type: none">Noted the Project results in a sizable increase in vessel movements through Musqueam's fishing areas, which will pose new daily hazards and potential adverse effects to the spaces in which Musqueam practice their constitutionally protected rights.Noted any potential adverse effect on Musqueam's affirmed rights requires the Crown to consult with, and accommodate Musqueam.	<ul style="list-style-type: none">Incremental increases to marine traffic as a result of the Proposed Project are anticipated only for Ramillies Channel, Thornbrough Channel and Queen Charlotte Channel in Howe Sound where the barges would intersect with existing BURNCO shipping routes. No project-related effects are anticipated south of this point of interconnection in the Strait of Georgia.Based on comments received during the Application Review Stage, BURNCO will provide a Technical Memorandum that considers the additional information provided by Musqueam.
	<ul style="list-style-type: none">Noted that where the spatial boundaries of the EA overlap with Musqueam's traditional territory, such as within Howe Sound, Burrard Inlet, and the Salish Sea, information was not included regarding Musqueam members' use of these areas.	<ul style="list-style-type: none">BURNCO provided Musqueam Indian Band with a preliminary draft of the background information prepared from publicly-available sources to be included in the EAC Application/EIS for review and comment in November 2015 and the draft effects assessment and First Nations Consultation Report for review and comment in January 2016 prior to finalizing the EAC Application/EIS. BURNCO did not receive responses to either request.Based on comments received during the Application Review Stage, BURNCO will provide a Technical Memorandum that considers the additional information provided by Musqueam.
	<ul style="list-style-type: none">Requested that the Application be revised to include Musqueam's rights-based practices as any sizable increase in barge traffic through Musqueam's territorial waters has the potential to adversely impact Musqueam's rights-based activities. Specifically, Musqueam requests:<ul style="list-style-type: none">The Proponent be required to provide an assessment of Musqueam current and future rights-based harvesting activities in and around the eastern entrance to Howe Sound and the Salish Sea, subject to direct engagement with Musqueam on information provided herein, and a thorough assessment of effects;EAO's section 11 Order and CEA Agency's scope of review be revised to include the barge traffic in the Strait of Georgia and the Fraser River, and the LSA and RSA be expanded accordingly.	<ul style="list-style-type: none">BURNCO provided Musqueam Indian Band with a preliminary draft of the background information prepared from publicly-available sources to be included in the EAC Application/EIS for review and comment in November 2015 and the draft effects assessment and First Nations Consultation Report for review and comment in January 2016 prior to finalizing the EAC Application/EIS. BURNCO did not receive responses to either request.Incremental increases to marine traffic as a result of the Proposed Project are anticipated only for Ramillies Channel, Thornbrough Channel and Queen Charlotte Channel in Howe Sound where the barges would intersect with existing BURNCO shipping routes. No project-related effects are anticipated south of this point of interconnection in the Strait of Georgia.Based on comments received during the Application Review Stage, BURNCO will provide a Technical Memorandum that considers the additional information provided by Musqueam.



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	<ul style="list-style-type: none">Requested that BURNCO be required to provide the following additional information:<ul style="list-style-type: none">Traditional use information on current use in Howe Sound and Burrard Inlet is added to the Application/EIS, subject to direct engagement with Musqueam on information provided herein, and a thorough re-assessment of effects is completed; andAssessment of potential effects of accidents and malfunctions on terrestrial use and values on Bowen Island and Passage Island in relation to Musqueam rights, including current use.	<ul style="list-style-type: none">Based on comments received during the Application Review Stage, BURNCO will provide a Technical Memorandum that considers the additional information provided by Musqueam.No potential interactions between the Proposed Project and terrestrial values were identified on the eastern shore of Bowen and Passage islands; therefore, these areas were not included in the spatial boundaries for the effects assessment for the Terrestrial Wildlife and Vegetation VC.A Spill Prevention and Emergency Response Plan (SERP) will be developed and implemented for the Project. The SERP will set measures and controls in place to (i) prevent release of toxic or deleterious substances into the environment as a result of an accidental event and (ii) contain and clean up spills and leaks in cases where a release (accidental event) has occurred. More information on the SERP is provided in Section 16.6.A Marine Transport Management Plan will also be prepared (see Section 16.2.2.11), which will provide details on safety procedures for vessels calling and loading at the terminal. The Proposed Project's mined aggregate, materials and wastes will be shipped via Seaspan tugs and barges that are operated by highly experienced mariners who are familiar with the navigational routes in Howe Sound and regularly service the forestry industry. Project-related tugs and barges will be required to adhere to regulations for preventing collisions at sea. Seaspan has implemented and maintained an Environmental Management System that conforms to ISO 14001:2004, which includes a Spill Prevention and Response Best Management Plan. The BMPs are provided in Volume 4, Part G – Section 22.0: Appendix 16-A of the Application.
Barge Transport	<ul style="list-style-type: none">Requested more information on:<ul style="list-style-type: none">The quantity and type of waste and fuel that will be transported by barge, including the kind of hazardous waste, if applicable;How these materials will be handled;Frequency of barge trips during construction and the routes that these materials will travel, including as it relates to the Salish Sea and the Fraser River;Measures to avoid spills, and emergency measures (including securities) to address spills if they were to occur; andDegree of increase in barge traffic on the Fraser River that is presented by the Project.	<ul style="list-style-type: none">BURNCO referred Musqueam to the appropriate sections of the EAC Application/EISg where that information is found.
Marine Resources	<ul style="list-style-type: none">Noted the following fish and marine values for Musqueam use of Howe Sound, Salish Sea and the Fraser River include, but are not limited to:<ul style="list-style-type: none">Herring in Burrard Inlet, part of RSA and adjacent LSA;Halibut and cod fishing from the eastern shores of Howe Sound in RSA;Sturgeon fishing upstream from Burrard Inlet likely in LSA;Capelin/smelt caught at low water along beaches of Howe Sound in RSA;Clam digging in RSA; andSea mammal harvesting in RSA.	<ul style="list-style-type: none">BURNCO provided Musqueam Indian Band with a preliminary draft of the background information prepared from publicly-available sources to be included in the EAC Application/EIS for review and comment in November 2015 and the draft effects assessment and First Nations Consultation Report for review and comment in January 2016 prior to finalizing the EAC Application/EIS. BURNCO did not receive responses to either request.Based on comments received during the Application Review Stage, BURNCO will provide a Technical Memorandum that considers the additional information provided by Musqueam.
Terrestrial Wildlife and Vegetation	<ul style="list-style-type: none">Noted the following terrestrial values for Musqueam use of the eastern shore of Howe Sound and islands within the Sound include:<ul style="list-style-type: none">Mountain goat;Camping;Hunting deer; andGathering medicines - root gathering, berry picking, cedar bark and other trees.	<ul style="list-style-type: none">BURNCO provided Musqueam Indian Band with a preliminary draft of the background information prepared from publicly-available sources to be included in the EAC Application/EIS for review and comment in November 2015 and the draft effects assessment and First Nations Consultation Report for review and comment in January 2016 prior to finalizing the EAC Application/EIS. BURNCO did not receive responses to either request.Based on comments received during the Application Review Stage, BURNCO will provide a Technical Memorandum that considers the additional information provided by Musqueam.
Issues Raised by Penelakut Tribe		
Consultation	<ul style="list-style-type: none">Noted that Penelakut has not been engaged by BURNCO on the Project. Penelakut has not received any funding to review documents related to the Project.	<ul style="list-style-type: none">Section 10.1.9 states that Penelakut did not review Part C of the Application.
Background Information	<ul style="list-style-type: none">Noted that Penelakut does not agree with the use of publicly-available data to assess effects on Penelakut Aboriginal rights.	<ul style="list-style-type: none">Section 11.4.2.8 states that Penelakut advised BURNCO that they have not reviewed Part C of the Application and that they have not provided information to BURNCO to include in the Application and does not support the use of publicly available information to support the assessment.



Issues Raised by Cowichan Tribes		
Background information	<ul style="list-style-type: none">Requested that reference to the established, year-round village in use by the Cowichan Nation within the South Arm of the Fraser River be included in profiles of all Cowichan Nation Alliance member First Nations in the EIS.	<ul style="list-style-type: none">BURNCO included information on the village site of <i>Tl'uq̓tinus</i> in the summaries presented for each Cowichan Nation Alliance member First Nations under Section 11.4.2 Existing Conditions.
Issues Raised by Métis Nation British Columbia		
Aboriginal Rights, including Current Use	<ul style="list-style-type: none">Noted that all Aboriginal people hold inherent, constitutionally protected rights and there is no hierarchy of Aboriginal rights within Section 35. Métis are a distinct Aboriginal peoples with equal but unique Aboriginal rights as other Section 35 Aboriginal peoples.	<ul style="list-style-type: none">A summary of the regulatory context for Métis Aboriginal rights is provided in Section 11.1 Regulatory Overview. This section does not present a hierarchy of Aboriginal rights within Section 35.
	<ul style="list-style-type: none">Noted like other Aboriginal peoples, the Métis existed prior to Canada's inception as a nation. As noted in the EIS, however, the Métis emerged out of relationships between First Nations women and European men. Thus the Métis are a mixed-race people, (but not any mixed-race people) with their own unique government, culture, language, communities and history. The ethnogenesis or birth of the Métis as a distinct people is connected to the fur-trade. As recognized by the Métis National Council, their kinship networks, past and present, span from Ontario in the east to British Columbia in the west.	<ul style="list-style-type: none">The EAC Application/EIS presents the following information on Métis Nation BC as it relates to the Project and the Project area:<ul style="list-style-type: none">Background information in Section 10.1.10Regulatory overview of Métis Aboriginal rights in Section 11.1Existing conditions in Section 11.4.2.9
Fisheries and Fish Habitat	<ul style="list-style-type: none">Agreed that the proposed channel offsetting is likely to increase fish habitat in a very positive way.	<ul style="list-style-type: none">BURNCO acknowledged the comment.



4.4 *Skwxwú7mesh* Nation

Skwxwú7mesh Nation is the Aboriginal group primarily affected by the Project. Certain duties of consultation (and accommodation) were delegated by the Crown to the Proponent under the BC EAO's section 11 and 13 orders. In discussions with the Proponent, *Skwxwú7mesh* Nation has stated that it was not consulted by the Crown respecting the delegation of these duties by the Crown to the Proponent, and *Skwxwú7mesh* has not agreed this delegation is appropriate. *Skwxwú7mesh* has noted to the Proponent significant concerns regarding the effectiveness of the environmental assessment process undertaken by the Crown, particularly respecting the assessment of project impacts on *Skwxwú7mesh* Nation Aboriginal Rights (including Aboriginal Title) and the use of the process by the Crown to discharge legal obligations of consultation and accommodation.

Skwxwú7mesh Nation and BURNCO are engaged in ongoing consultations to advance the proposed mitigation measures described in **Section 11.3.4 Recommended Mitigation**. The following activities have occurred and BURNCO remains committed to continuing discussions to mitigate or accommodate effects on *Skwxwú7mesh* Nation Aboriginal Rights, including Current Use.

- On August 2, 2016, BURNCO provided *Skwxwú7mesh* Nation with a hardcopy of the EAC Application/EIS.
- *Skwxwú7mesh* Nation technical representatives have participated, to the extent deemed necessary by *Skwxwú7mesh*, in the BC EAO- and CEA Agency-led process. *Skwxwú7mesh* representative reviewed and provided comments on the EAC Application/EIS (August 2016). A summary of the issues and concerns raised by *Skwxwú7mesh* Nation to date in the Application Review Stage is provided in Table 4. The detailed tracking table of comments and responses is provided in APPENDIX A. *Skwxwú7mesh* Nation's comments focused mainly on the effects assessment on Roosevelt elk and deer and proposed mitigation and monitoring programs intended to address those effects.
- *Skwxwú7mesh* Nation did not participate in the BC EAO- and CEA Agency-led Working Group meetings on October 25 and 26, 2016, due to limited capacity and resourcing.
- *Skwxwú7mesh* Nation also opted not to provide further responses in the second round of the EAC Application review, per APPENDIX A. *Skwxwú7mesh* Nation informed BURNCO that they found the responses on ungulates insufficient to resolve the issues raised. In particular, BURNCO did not consider the "high" context in evaluating impacts on Aboriginal Rights due to ungulate sensory disturbance and habitat loss, despite having earlier acknowledged this context in Section 11.2.5.1.1.
- *Skwxwú7mesh* representatives and technical representatives are participating in confidential discussions with BURNCO regarding mitigation measures for potential effects on *Skwxwú7mesh* Nation as a result of the Proposed Project. The goal of these discussions is to advance BURNCO's understanding of potential effects on *Skwxwú7mesh* Nation, and come to agreement on the mitigation, avoidance, offsetting and/or accommodation of these effects as described in Part C of the EAC Application/EIS. These discussions include Project-related effects on ungulates. BURNCO is seeking to resolve these matters. An important outcome of these discussions will be conditions for the Proposed Project.



- A confidential preliminary occupation and use study (OUS) was undertaken by *Skwxwú7mesh* during the Pre-Application Stage of the process to inform its participation in discussions with the Proponent and in the Crown EA process. The OUS collected and articulated information regarding *Skwxwú7mesh* rights and interests in the areas with the potential to be affected by the Proposed Project; some of this information is set out in Part C of the EAC Application/EIS. This information informed the assessment of effects from the Proposed Project on *Skwxwú7mesh* rights and interests as described in Part C of the EAC Application/EIS and the identification of measures to mitigate, avoid, offset and/or otherwise accommodate these effects, particularly those conditions agreed to by *Skwxwú7mesh* and BURNCO.
- In *Skwxwú7mesh*'s view, the Crown's legal duties for meaningful consultation on, and the accommodation as necessary of, *Skwxwú7mesh*'s Aboriginal Rights have not been fully addressed yet and will be ongoing throughout the Crown EA process.

4.5 Tsleil-Waututh Nation

The following summary of consultation activities between Tsleil-Waututh Nation was written by the Proponent and reviewed by Tsleil-Waututh Nation. As noted in the EAC Application/EIS and the First Nations Pre-Application Consultation Report, Tsleil-Waututh Nation does not consider the following activities or communications to be part of the consultation process (inclusive of information sharing):

- Communications unrelated to the Project;
- Interactions with Tsleil-Waututh members or staff not identified as part of Tsleil-Waututh's consultation team;
- Interactions with Tsleil-Waututh field crews; and
- Any involvement with Tsleil-Waututh-owned businesses, such as Inlailwatash.

Tsleil-Waututh Nation and BURNCO are engaged in ongoing consultations to advance the proposed mitigation measures described in **Section 11.3.4 Recommended Mitigation**. The following activities have occurred and BURNCO remains committed to continuing discussions to mitigate or accommodate effects on Tsleil-Waututh Nation Aboriginal Rights, including Current Use.



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Tsleil-Waututh Nation technical representatives have participated, to the extent deemed necessary by Tsleil-Waututh, in the BC EAO- and CEA Agency-led process. Tsleil-Waututh representatives reviewed the EAC Application/EIS and provided comments during the Application Screening (June 2016). Tsleil-Waututh representatives have also reviewed and provided comments on the EAC Application/EIS (September and November 2016). A summary of the issues and concerns raised by Tsleil-Waututh Nation to date in the Application Review Stage is provided in Table 4. The detailed tracking table of comments and responses is provided in APPENDIX A. Tsleil-Waututh Nation's comments can be categorized under four key themes:

- Inclusion of the Salish Sea and Fraser River in the spatial boundaries for relevant VCs;
 - Project effects on community health and wellbeing, social determinants of health, and cultural health;
 - Concerns regarding Green House Gasses and climate change; and
 - Mitigation of effects to wildlife, fish, and vegetation, including mitigation planning and use of the pit lake.
-
- Tsleil-Waututh Nation representatives participated in the BC EAO- and CEA Agency-led Working Group meetings on October 25 and 26, 2016.
 - Tsleil-Waututh representatives and BURNCO met face-to-face on the following dates:
 - August 25, 2016. Topics of discussion included:
 - an update on the proposed Project and schedule for the EAC Application/EIS review;
 - a preliminary discussion of Tsleil-Waututh's comments and BURNCO responses for the Application screening;
 - discussion of further meetings to refine the commitments in the EAC Application/EIS regarding measures to mitigate potential effects to Tsleil-Waututh use of Howe Sound; and
 - Tsleil-Waututh's interest in completing a traditional use study (TUS).
 - September 20, 2016. Topics of discussion included:
 - Further discussions regarding Tsleil-Waututh's request to complete a TUS for the Project with an anticipated completion date in December 2016.
 - A request from Tsleil-Waututh for additional capacity funding to supplement that provided by provincial and federal governments to properly conduct their review and provide comments.
 - BURNCO agreed to provide funding to Tsleil-Waututh to complete the TUS and the EAC Application/EIS review.



- BURNCO remains committed to meet with Tsleil-Waututh representatives regarding mitigation measures for potential effects on Tsleil-Waututh Nation as a result of the Proposed Project. The goal of these discussions is to advance BURNCO's understanding of potential effects on Tsleil-Waututh Nation use of Howe Sound, and to discuss appropriate measures for the mitigation, avoidance, offsetting and/or accommodation otherwise of these effects as described in Part C of the EAC Application/EIS (See **Section 11.3.4 Recommended Mitigation**).
- A confidential TUS funded by BURNCO was completed by Tsleil-Waututh Nation on January 10, 2017. The purpose of the TUS is to provide more specific information on Tsleil-Waututh use of Howe Sound to inform discussions regarding measures to mitigate, avoid, offset and/or otherwise accommodate the potential effects on that use as described in Part C of the EAC Application/EIS.

4.6 Other Aboriginal Groups

On August 9, 2016, CEAA Agency notified the other Aboriginal groups identified by CEA Agency for inclusion (Musqueam Indian Band, Stz'uminus First Nation, Cowichan Tribes, Halalt First Nation, Lake Cowichan First Nation, Lyackson First Nation, Penelakut Tribe and Métis Nation British Columbia) that the Agency had accepted the EIS and that detailed technical review was no underway. The Agency provided a link to document posted on the CEA Registry and requested comments by September 28, 2016.

Penelakut Tribe, Cowichan Tribes and Métis Nation British Columbia provided comments on the EIS to CEA Agency. A summary of the issues and concerns raised by these Aboriginal Groups to date in the Application Review Stage is provided in Table 4. The detailed tracking table of comments and responses is provided in APPENDIX A.

5.0 POTENTIAL IMPACTS TO FIRST NATIONS/ABORIGINAL GROUPS AND AVOIDANCE, MITIGATION AND MANAGEMENT OF POTENTIAL IMPACTS

During the Application Review stage, BURNCO continued to consult with First Nations/Aboriginal Groups. This consultation is ongoing. Table 4 summarizes potential Project-related effects to Aboriginal rights and interests, along with mitigation measures proposed in the Application and the status of discussions regarding the proposed mitigation measures.



Table 4: Summary of Potential Effects on Aboriginal Rights, including Current Use and Mitigation Measures to Date

Category	Potential Project Interaction	Potential Effect on Aboriginal Right, including Current Use	Mitigation Proposed in EAC Application/EIS	Status of Discussions
Skwxwú7mesh Nation				
Terrestrial Resources	<ul style="list-style-type: none">▪ Direct habitat loss to ungulates (i.e., elk and deer)▪ Sensory disturbance to ungulates (i.e., elk and deer)	<ul style="list-style-type: none">▪ Change in access to preferred locations for harvesting resource▪ Change in availability of preferred resource	<ul style="list-style-type: none">▪ As provided in Volume 2, Part B - Section 5.3: Terrestrial Resources▪ The Proponent to engage in deep consultation with Skwxwú7mesh Nation during ongoing regulatory review of the Application. Where feasible and practical, the Proponent will adopt additional Skwxwú7mesh Nation recommendations for protection of terrestrial resources.▪ Skwxwú7mesh Nation involvement and approval role, for development and implementation of mitigation (including offsetting), and management and monitoring plans related to deer and elk. Details of agreement to be negotiated through ongoing discussion between the Nation and the Proponent.	BURNCO and Skwxwú7mesh are having ongoing confidential discussions regarding the effects assessment and potential mitigation of effects, including offsetting and monitoring, and including Skwxwú7mesh's role in these initiatives.
Aquatic Resources	<ul style="list-style-type: none">▪ Loss of freshwater spawning habitat▪ Disturbance to marine habitat by vessel noise and barge loading▪ Water quality effects (i.e. increased turbidity)▪ Direct loss of marine habitat	<ul style="list-style-type: none">▪ Change in access to preferred locations for harvesting resource▪ Change in availability of preferred resource	<ul style="list-style-type: none">▪ As provided in Volume 2, Part B – Sections: 5.1 Fisheries and Freshwater Habitat and Section 5.2 Marine Resources and 5.2 Marine Resources.▪ Addition of a marine component to the Fish Habitat Offset Plan (Volume 4, Part G - Section 22.0: Appendix 5.1-B).▪ The Proponent to demonstrate, to the satisfaction of Skwxwú7mesh Nation, hydraulic feasibility of the proposed habitat offset plan (provided in Volume 4, Part G – Section 22.0: Appendix 5.1-B).▪ Skwxwú7mesh Nation involvement and decision making role, for development and implementation of management and monitoring plans. Details of agreement to be negotiated through ongoing discussion between the Nation and the Proponent.▪ The Proponent to provide financial contribution to Skwxwú7mesh Nation's Marine Use Planning process. Details of agreement to be negotiated through ongoing discussion between the Nation and the Proponent.▪ The Proponent will place McNab Creek ecological function as the highest management priority. Should follow-up monitoring reveal Proposed Project-related effects on habitat quantity or quality in McNab Creek, adaptive management actions will be taken as necessary – including but not limited to voluntary stoppage of operations until solutions are in place.	<p>BURNCO and Skwxwú7mesh are having ongoing confidential discussions regarding the effects assessment and potential mitigation of effects, including offsetting and monitoring, and including Skwxwú7mesh's role in these initiatives.</p> <p>BURNCO is committed to placing McNab Creek ecological function as the highest management priority</p>
Use and Occupancy of Skwxwú7mesh Nation Territory	<ul style="list-style-type: none">▪ Direct Loss (Footprint)▪ Indirect Loss (Accessibility)▪ Indirect Loss (Sensory) Disturbance)	<ul style="list-style-type: none">▪ Change in access to preferred locations for cultural practices including heritage sites▪ Change in quality of experience when accessing locations for cultural practices	<ul style="list-style-type: none">▪ Co-development between the Proponent and Skwxwú7mesh Nation of an Access and Communication Protocol that seeks to minimize access, disruption and inconvenience to Skwxwú7mesh for activities undertaken in and around the Proposed Project Area.▪ Explore ways to return direct stewardship and use of the Proponent property back to Skwxwú7mesh after decommissioning. Details of agreement will be negotiated through ongoing discussion.▪ The Proponent to compensate residual net losses incurred by the Nation.	BURNCO and Skwxwú7mesh are having ongoing confidential discussions regarding the effects assessment and potential mitigation of effects, including offsetting and monitoring, and including Skwxwú7mesh's role in these initiatives.



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Category	Potential Project Interaction	Potential Effect on Aboriginal Right, including Current Use	Mitigation Proposed in EAC Application/EIS	Status of Discussions
Transmission of <i>Skwxwú7mesh</i> Nation Culture and History	<ul style="list-style-type: none">Adverse direct effects on <i>kw'ech'tenm</i>Visual changes to <i>kw'ech'tenm</i>	<ul style="list-style-type: none">Change in access to <i>kw'ech'tenm</i>Change in quality of experience when using <i>kw'ech'tenm</i>	<ul style="list-style-type: none">The Proponent to fund <i>Skwxwú7mesh</i> Nation in honouring <i>kw'ech'tenm</i>; including but not limited to a plaque or other signage. Details of agreement to be negotiated through ongoing discussion between the Nation and the Proponent.<i>Skwxwú7mesh</i> Nation decision making role in development and implementation of chance-find protocols for heritage sites and any other AIA-related mitigation measures.	BURNCO and <i>Skwxwú7mesh</i> are having ongoing confidential discussions regarding the effects assessment and potential mitigation of effects, including offsetting and monitoring, and including <i>Skwxwú7mesh's</i> role in these initiatives.
Tsleil-Waututh Nation				
Fishing and Harvesting Freshwater and Marine Resources	Project activities may: <ul style="list-style-type: none">Directly or indirectly affect access to preferred harvest locations;Directly affect the resource and/or habitat;Directly or indirectly affect the quality of experience through sensory disturbance or changes to visual quality	<ul style="list-style-type: none">Changes in access to freshwater and marine resources;Changes in availability or quality of freshwater and marine resources (including freshwater and marine habitat quality and quantity); andChanges in quality of experience during fishing or harvesting freshwater or marine resources current use experience.	<ul style="list-style-type: none">As provided in Sections 5.1 Fisheries and Freshwater Habitat, 5.2 Marine Resources, 7.2 Marine Transport, 7.4 Visual Resources and 9.2 NoiseProvide Tsleil-Waututh Nation with opportunities to review and provide input to the Access Management Plan described in Volume 3, Part E - Section 16.0. Based on provisions of the Access Management Plan (Volume 3, Part E - Section 16.0) , develop a communications plan with Tsleil-Waututh Nation to provide Tsleil-Waututh Nation with real-time information on construction and operations activities, including movement of Proposed Project-associated vessels, that may affect opportunities or access to pursue fishing, hunting and cultural activities in the Proposed Project AreaConsult with Tsleil-Waututh on measures that could reduce effects of visual changes from the Proposed Project on the quality of use experience and on cultural activities and transmission of culture and history within Howe Sound.	ONGOING <ul style="list-style-type: none">BURNCO and Tsleil-Waututh Nation have met to discuss how to advance the proposed mitigation measures.BURNCO has agreed to fund a traditional use study to inform mitigation planning, which is expected to be submitted to BURNCO in January 2017.BURNCO is committed to continuing consulting with Tsleil-Waututh Nation in a meaningful way.
Harvesting of Terrestrial Resources	Project activities may: <ul style="list-style-type: none">Directly or indirectly affect access to preferred harvest locations;Directly affect the resource and/or habitat;Directly or indirectly affect the quality of experience through sensory disturbance or changes to visual quality	<ul style="list-style-type: none">Changes in access to terrestrial resources;Changes in availability or quality of terrestrial resources (with a focus on ungulate quality and quantity); andChanges in quality of experience during harvesting of terrestrial resources.	<ul style="list-style-type: none">As provided in Sections 5.3 Terrestrial Resources, 7.2 Marine Transport, 7.4 Visual Resources and 9.2 NoiseProvide Tsleil-Waututh Nation with opportunities to review and provide input to the Access Management Plan described in Volume 3, Part E - Section 16.0. Based on provisions of the Access Management Plan, develop a communications plan with Tsleil-Waututh Nation to provide Tsleil-Waututh Nation with real-time information on construction and operations activities, including movement of Proposed Project-associated vessels, that may affect opportunities or access to pursue fishing, hunting and cultural activities in the Proposed Project AreaConsult with Tsleil-Waututh on measures that could reduce effects of visual changes from the Proposed Project on the quality of use experience and on cultural activities and transmission of culture and history within Howe Sound.	ONGOING <ul style="list-style-type: none">BURNCO and Tsleil-Waututh Nation have met to discuss how to advance the proposed mitigation measures.BURNCO has agreed to fund a traditional use study to inform mitigation planning, which is expected to be submitted to BURNCO in January 2017.BURNCO is committed to continuing consulting with Tsleil-Waututh Nation in a meaningful way.



Category	Potential Project Interaction	Potential Effect on Aboriginal Right, including Current Use	Mitigation Proposed in EAC Application/EIS	Status of Discussions
Aboriginal Title	Project activities may directly or indirectly affect access to locations where Aboriginal Groups have asserted Aboriginal Title.	<ul style="list-style-type: none">Changes in access to specific locations where Aboriginal Title has been asserted.	<ul style="list-style-type: none">Tsleil-Waututh Nation has not asserted Aboriginal Title to specific locations within the LSA or RSA; therefore, no potential effects on Aboriginal Title were identified and carried forward in the assessment.	ONGOING <ul style="list-style-type: none">BURNCO and Tsleil-Waututh Nation have met to discuss how to advance the proposed mitigation measures.BURNCO has agreed to fund a traditional use study to inform mitigation planning, which is expected to be submitted to BURNCO in January 2017.BURNCO is committed to continuing consulting with Tsleil-Waututh Nation in a meaningful way.
Intangible Cultural Heritage	Project activities may: <ul style="list-style-type: none">Directly or indirectly affect access to preferred harvest locations;Directly or indirectly affect the quality of experience through sensory disturbance or changes to visual quality	<ul style="list-style-type: none">Changes in access to locations associated with transmission of culture and history; andChanges in quality of experience associated with the sensory environment / environmental setting at locations associated with the transmission of culture and history.	<ul style="list-style-type: none">As provided in Sections 7.2 Marine Transport, 7.4 Visual Resources and 9.2 NoiseProvide Tsleil-Waututh Nation with opportunities to review and provide input to the Access Management Plan described in Volume 3, Part E - Section 16.0. Based on provisions of the Access Management Plan, develop a communications plan with Tsleil-Waututh Nation to provide Tsleil-Waututh Nation with real-time information on construction and operations activities, including movement of Proposed Project-associated vessels, that may affect opportunities or access to pursue fishing, hunting and cultural activities in the Proposed Project AreaConsult with Tsleil-Waututh Nation to identify locations within Howe Sound where members may conduct practices related to intangible culture heritage, timing of such practices, if relevant, and measures that would reduce effects from the Proposed Project on the ability to conduct those practices.Consult with Tsleil-Waututh on measures that could reduce effects of visual changes from the Proposed Project on the quality of use experience and on cultural activities and transmission of culture and history within Howe Sound.	ONGOING <ul style="list-style-type: none">BURNCO and Tsleil-Waututh Nation have met to discuss how to advance the proposed mitigation measures.BURNCO has agreed to fund a traditional use study to inform mitigation planning, which is expected to be submitted to BURNCO in January 2017.BURNCO is committed to continuing consulting with Tsleil-Waututh Nation in a meaningful way.



6.0 PROPOSED CONSULTATION POST-ENVIRONMENTAL ASSESSMENT CERTIFICATE

The following key consultation activities are proposed for the Environmental Assessment Certificate (EAC) is issued and during the construction and operations phases. The proposed activities are preliminary and subject to input from BC EAO and CEA Agency and will be informed by conditions related to the EAC or in ancillary agreements with Aboriginal groups.

During the construction period, which is expected to be initiated as soon as possible after the EAC is issued, the Proponent will continue to consult with *Skwxwú7mesh* Nation and Tsleil-Waututh Nation to identify and resolve any outstanding issues or monitor conditions as required under Environmental Monitoring Plans. The Proponent will also continue to provide updates on construction activities at regular intervals or as needed to keep Aboriginal groups informed.

During operations, the Proponent will continue to consult with *Skwxwú7mesh* Nation and Tsleil-Waututh Nation and work towards resolution of issues or concerns through the operations phase. Consultation through correspondence and meetings or teleconference to address outstanding issues will continue through operations. The Proponent will also continue to provide updates on the operations activities at regular intervals or as needed to keep Aboriginal groups informed.

Where and when formally requested, the Proponent will respect Aboriginal groups' requests to keep information confidential. Where needed, the Proponent will work with Aboriginal groups to develop suitable terms or agreements to protect confidentiality, while ensuring that the Proponent is able to comply with conditions of the EAC related to provision of information. The Proponent will seek approval, not just review, from the relevant Aboriginal group before sharing information with BC EAO.

The Proponent will demonstrate where they have incorporated feedback of Aboriginal groups within all phases of the Project, and provide a rationale for instances where feedback was not incorporated.



7.0 CONFIRMATION OF REVIEW AND COMMENT BY IDENTIFIED ABORIGINAL GROUPS

An earlier draft of the First Nations Consultation Report: Application Review (Rev A) was provided to the *Skwxwú7mesh* Nation on November 30, 2016. Confidential review comments were received on December 2, 2016, discussed with *Skwxwú7mesh* Nation on December 8, 2016, and incorporated into the document.

A draft of this First Nations Consultation Report dated December 12, 2016 was provided to the BC EAO, the *Skwxwú7mesh* Nation and Tsleil-Waututh Nation in accordance with section 16.5 of the BC EAO's Section 11 Order.

Confidential review comments received from *Skwxwú7mesh* Nation on December 15, 2016 were incorporated into this final report.

On December 15, 2016, Tsleil-Waututh Nation advised BURNCO that they would not be able to provide review comments by the requested December 30, 2016 deadline and that they would aim to provide comments as early as possible within the first two weeks of January 2017. On January 13, 2017, Tsleil-Waututh Nation advised BURNCO that they had reviewed the report. They stated that their previous comments had been well integrated, that they did not have any further review comments and that they looked forward to continued correspondence and communication in regards to the Project (as this may not be an exhaustive list of their comments and concerns). BURNCO is committed to continuing consulting with Tsleil-Waututh Nation in a meaningful way throughout remainder of Application Review and beyond.

Review comments received by the Proponent by January 13, 2017 are tracked in APPENDIX A and incorporated into the final report, as appropriate.



8.0 CLOSURE

We trust the information presented in this First Nations Consultation Report meets your current requirements. Please contact Monica Karpiak at 604-296-2828 if you have any questions or require additional information.

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APPENDIX A

Aboriginal Issue Tracking Document: Application Review

ID #		Source		Document	Ref	Comment/Issue	Proponent Response
Pre-App	Appl. Review	First Nation	Date				
533	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-047	Tsleil-Waututh Nation understands the Provincial EA process but feels that there are significant deficiencies. We will work with the EAO and Proponent throughout the project to improve substantive and procedural components so that the process is mutually beneficial and satisfactory.	None required. BCEAO did not require proponent responses to statements it determined to be "duplications and statements that did not require a response."
534	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-048	A balance of quantitative records (i.e. number of phone calls, meetings etc.) with qualitative description of those events is requested.	Documentation of pre-application consultations with the Public, stakeholders, Aboriginal groups and government agencies is provided in Appendix 2. A balance of quantitative records (i.e. number of phone calls, meetings etc.) with qualitative description of those events is not material to the AIR/EISg requirement. If needed, detailed logs can be maintained for Application Review.
535	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-049	The numbering of many sections and tables here do not match the Application.	None required. BCEAO did not require proponent responses to statements it determined to be "duplications and statements that did not require a response."
536	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-050	All VC issues listed in Table 4.2 are listed as yes/carried forward, however, Section 4.2 does not explicitly state or list if any VCs were excluded from this list. Please include so that comments can be provided on excluded items.	<p>Concordance reference has been updated to reflect where in the document the exclusion of VCs is provided (Volume 2, Part B - Section 4.2.4, Table 4-3, last column in the able titled "Carried Forward as a Selected VC in the EA"). In addition, a list of VC excluded from the assessment for each technical component is provided within the technical section, Volume 2, Part B - Sections 5.2 to 9.2.</p> <p>Concordance reference has been updated to reflect where in the document the exclusion of VCs is provided (Volume 2, Part B - Section 4.2.4, Table 4-3, under column titled "Can effects be covered within the assessment of another VC. Which one(s)?"). In addition, a list of VC excluded from the assessment for each technical component is provided within the technical section, Volume 2, Part B - Sections 5.2 to 9.2.</p> <p>Line 1, Column 5 of Table 4-3 (p.4-14) states that "general habitat requirements of chinook salmon are similar to that of other salmonids being considered in the assessment." Rationale for the exclusion of Chinook Salmon as a separate VC is as follows:</p> <p>Chinook Salmon were observed infrequently in the Fisheries and Freshwater Habitat Local Study Area (LSA) during field studies outlined in Appendix 5.1-A and summarized below:</p> <ul style="list-style-type: none">- During electrofishing, a single juvenile Chinook was captured in Harlequin Creek in 2011.- During fyke netting, two Chinook Salmon parr/smolts were captured in the upper segment of WC 2. Fork lengths were 87 and 95 mm and weights were 7.2 and 8.3 g, respectively.- During visually surveys conducted in 2009, 2010, 2011, 2012, and 2013 - no Chinook Salmon were observed in WC 2 and 38 Chinook Salmon were observed in McNab Creek during the first year of surveys in 2009.- Beach seining surveys caught the most Chinook Salmon. Potential effects to Chinook Salmon in marine environment are covered in the Marine Fish VC in the Marine Resources Section (5.2). <p>In addition to the low numbers of Chinook Salmon observed in the freshwater environment of the LSA during field work, the general habitat requirements of Chinook Salmon are similar to other salmonids VCs considered in the assessment. These species were observed more frequently during field studies. The general freshwater habitat requirements include:</p> <ul style="list-style-type: none">- suitable sized spawning gravel;- adequate flow and depth;- adequate in-stream cover; and
541	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-051	Please include adaptive measures alongside mitigation measures in all of 4.5.2 and relevant sections of the Application.	<p>The screening comment is not consistent with the AIR/EISg item. Adaptive mitigation measures are described throughout the EAC Application/EIS as applicable.</p> <p>Table 15-6 to Table 15-23 provides a summary of all mitigation measures that have been addressed in the EAC Application/EIS, including a description of the effectiveness of the mitigation and how it can be monitored with linkages to the Environmental Monitoring and Follow-up Program presented in Section 16.0 and 17.0, where appropriate. Additional information regarding adaptive mitigation techniques can be found in Volume 3, Part E - Section 16.0 and 17.0.</p>
544	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-052	Please clarify what temporal baseline will be used for scoping inclusion of past projects and activities cumulative effects.	No specific temporal baseline was used to scope the inclusion of past projects and activities, however a year under which the past and present project commenced is provided in the third column of Table 4-7. In addition, text has been added to clarify which past and present project were deemed suitable for the cumulative effects assessment on page 4-36.
546	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-053	Please update table to reflect project schedules.	<p>Schedule of past, present and reasonably foreseeable future projects available at the time of the assessment is provided under the timeline in Table 4-7, page 4-37.</p> <p>Table 4-7 outlines past and present forest tenures that have been considered for the cumulative effects assessment which includes: Retired and Active Forest Tenures (Various) as well as road-building for forestry (Various). Reasonably foreseeable future projects also consider Active and Pending Forest Tenures (Various - see page 4-45) under activities.</p>
547	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-054	Please identify the three underwater noise features mentioned in Figure 5.2-8 in the Marine Resources section.	There are a total of five underwater noise features on Figure 5.2-8, they are as follows: Pile-driving (at Woodfibre terminal), LNG Tanker, Barge in Transit, Pile-driving (at the BURNCO terminal), and Barge loading. These are labeled on Figure 5.2-8.

ID #		Source		Document	Ref	Comment/Issue	Proponent Response
Pre-App	Appl. Review	First Nation	Date				
590	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-055	Items two and four do not appear to be listed in Sections 5 or 21. Will be any geomorphological analysis of the impact the project on the shoreline of Howe Sound? This study is required in order to assess the baseline conditions of the land and shoreline area. Without such analyses, neither local nor shoreline effects of sedimentary transport can be determined.	References Addressed in Section 5.4.4 It is unclear what ‘geomorphological analysis” for “local...shoreline effects of sedimentary transport” is referring to. Baseline terrain analysis was conducted for the Project Area; including mapping the surficial material and geomorphological processes along the shoreline and geomorphological processes that may impact the shoreline (see Section 5.4.4.3 and 5.4.4.4 in Vol. 2 and associated figures). Geotechnical conditions, sedimentological and hydraulic conditions, of the Project Area, including the shoreline are provided in Section 5.4.4.5 in Vol. 2. Wake effects on the shoreline were also considered in the Marine Transportation Section (7.2) and the Marine Resources Section (5.2).
605	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-056	The LSA does not extend past the barge load-out jetty. Can the LSA encompass the proposed barge load-out jetty with a buffer zone?	The screening comment is not consistent with the AIR/EISg item. The Surface Water LSA was defined the final AIR/EISg as " The LSA is the immediate area surrounding the proposed pit, as shown in Figure 5.5-1. The LSA encompass the Proposed Project Area that is expected to interact with and potentially change the conditions of surface water quantity and quality. The LSA was defined as an area bounded to the north and east by McNab Creek, to the south by Howe sound, and to the west by a line approximately 10 m beyond (i.e., west of) the access road that runs in the north-south direction." Effects to marine water quality are assessed as part of Marine Resources in Volume 2, Part B - Section 5.2.
632	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-057	Scope 3 emissions must be expanded to include upstream and downstream components so as to capture full life-cycle assessment of project related ghg emissions.	A full life-cycle assessment of upstream and downstream components is not contemplated by the AIR/EISg or considered appropriate for a project of this type. Detailed guidance or methods for undertaking scope 3 emissions have not been provided by the EAO or ECCC for the Proposed Project.
633	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-058	This section should include sector-specific relative contributions (i.e. how do Project ghg emissions compare to that of other industry partners in BC, Canada).	Within the AIR/EISg no commitment was made to compare facility emissions to industry section GHG emissions. Furthermore, the BC industry categories does not include a grouping for aggregate operations, rather, the most similar category would be open pit coals mines; however, coal mines have a different emission profiles (i.e. direct methane emissions as a result of coal exposure). Therefore, comparison against individual existing industrial sectors would not be appropriate for comparison purposes.
635	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-059	Insufficient information regarding VC GHG Emissions (page 5.9-43-5.9-45). Please provide the potential effects of GHG Emissions for all phases; implications of not properly assessing these effects will result in improper assessments of the residual and cumulative effects, which is already showcased in Table 5.9-1, pages 5.9-60 GHG Emissions are listed as negligible, however, this cannot be a proper assessment if the VC itself has not been properly assessed. Editorial: Relevant Table for this item is Table 5.9-1 - rather than Table 6.	During the construction phase GHG emissions sources will include excavator, bulldozer, and three rock trucks, which will be used clear 11,000 m2 area for the pit. Marine diesel powered equipment (tug boat and crane) will be used intermittently throughout the construction phase. During the operational phase the same number of land powered equipment will be used to clear the topsoil and expand the pit for 17,000 m2 for operational year 12. With regards to marine GHG emission sources tugboats will visit the facility once every operational day. Therefore, during the operational phase of the project land clearing equipment will be used to expand a larger pit area than in the construction phase and marine vessels (tugboats) will be used more consistently throughout the year. Project effects summarized in Table 5.8-13 represent the maximum annual GHG emissions per year compared to BC and Canadian GHG emissions. The annual GHG emissions for both the construction and reclamation and closure phase will be less than the operation phase. The results of the effects assessment (proposed project as a relative percentage) will be less than that of the operation’s phase; therefore, the conclusion of the effects assessment are not expected to change.
637	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-060	No summaries found for real estate or sustainable economy. No mention of the Sea-to-Sky Clean Air Society's Air Quality Management Plan goal relating to economic health (strong and sustainable local economy having a positive impact on air quality).	In relation to potential effects due to the Project, there is no applicable legislation, regulation or policy related to real estate or sustainable economy.
640	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-061	This section should include breakdowns for First Nations communities	The assessment in Section 6.1.4.5 includes baseline information and data on Aboriginal labour force and economic development matters. The draft and approved AIR/EISg did not incorporate a geo spatial or social breakdown of economic effects by other than the LSA and RSA. Aboriginal Groups, including the Tsleil-Waututh Nation, were engaged and involved in the development of the AIR/EISg (See Section 3.2.2.2). All comments received from the Tsleil-Waututh Nation were carefully considered and responded to during Pre-application (See Appendix 2-B). BURNCO is committed to a program of Aboriginal engagement and consultation throughout and following the Application Review (Sections 3.2.3 and 3.2.4) that is designed in accordance with consultation requirements for meeting Provincial and Federal obligations for consulting First Nations. In addition, BURNCO has made commitments (See Section 19, Table 19.-1) that specifically address potential effects on Tsleil-Waututh Nation Aboriginal Rights, including current use, such as fishing and harvesting of freshwater and marine resources, harvesting of terrestrial resources, rights related to intangible cultural heritage. These commitments are presented as mitigation or accommodation measures in Part C of the EAC Application/EIS (Section 11.3.5 and Section 14, Table 14-1) and presented as proposed commitments in Part F of the EAC Application/EIS (Section 19, Table 19-1).
643	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-062	The Summary of Potential Economic Effects, and subsequently the Summary of Assessment of Potential Residual and Cumulative Effects (Table 6.0-1 and 6.2-2) do not include additional First Nations specific economic factors, such as fisheries. It is important to properly assess this effect in order to ensure that Aboriginal groups are not economically effected - an implication of this missing information could result in a decrease in economic means.	The potential effects on Aboriginal rights including current use are presented in Volume 3, Part C. Potential effects on fisheries are provided in Non-Traditional Land and Resource Use Section 7.3. BURNCO is committed to ongoing consultation with Aboriginal groups as identified in Volume1, Part A – Section 3.2.3 and as committed to in Volume 3, Part F – Section 19, Table 19-1 and in Volume 3, Part C. This will be conducted in accordance with direction from the Province as well as the Federal government.

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644	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-063	Overall, there is no separate social assessment conducted for Aboriginal communities within the Project Area. Aboriginal peoples have unique social concerns and will experience different social effects from this Project compared to the general population. Separate social assessments conducted for Aboriginal communities within the Project area and included within this Section are requested	<p>Section 7 of the EAC Application/EIS does not present a separate social assessment for Aboriginal communities; this was not required by the approved AIR/EIS Guidelines. The economic assessment presented in Section 6.1.4.5 of the EAC Application/EIS includes baseline information and data on Aboriginal labour force and economic development matters. The draft and approved AIR/EISg did not incorporate a geo spatial or social breakdown of effects by other than the stated LSA and RSA. Aboriginal Groups, including the Tsleil-Wauthuth Nation, were engaged and involved in the development of the AIR/EISg (See Section 3.2.2.2). All comments received from the Tsleil-Waututh Nation were carefully considered and responded to during Pre-application (See Appendix 2-B).</p> <p>Section C of the EAC Application/EIS presents an assessment of potential effects on Aboriginal interests (environmental, economic, social, heritage and health) and a description of how these interests have been addressed.</p> <p>BURNCO is committed to a program of Aboriginal engagement and consultation throughout and following the Application Review (Sections 3.2.3 and 3.2.4) that is designed in accordance with consultation requirements for meeting Provincial and Federal obligations for consulting First Nations. In addition, BURNCO has made commitments (See Section 19, Table 19.-1) that specifically address potential effects on Tsleil-Wauthuth Nation Aboriginal Rights, including current use, such as fishing and harvesting of freshwater and marine resources, harvesting of terrestrial resources, rights related to intangible cultural heritage. These commitments are presented as mitigation or accommodation measures in Part C of the EAC Application/EIS (Section 11.3.5 and Section 14, Table 14-1) and presented as proposed commitments in Part F of the EAC Application/EIS (Section 19, Table 19-1).</p>
645	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-064	Identified VCs are not listed.	Concordance reference updated to reference where VC's are identified.
646	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-065	The policies of Aboriginal communities are not included in this Section.	<p>The social assessment of Section B incorporated housing and accommodation and emergency services as VCs, and the descriptive material in regard to legislation, regulation or policy in regard to focused on these VCs. The draft and approved AIR/EISg requires a summary of legislation, regulation or policy related to social condition VCs. Aboriginal Groups, including the Tsleil-Wauthuth Nation, were engaged and involved in the development of the AIR/EISg (See Section 3.2.2.2). All comments received from the Tsleil-Waututh Nation were carefully considered and responded to during Pre-application (See Appendix 2-B).</p> <p>Section C provides for identification of Aboriginal interests with respect to potential social, economic, environmental, heritage and health effects of the proposed project and a description of how these interests have been addressed.</p> <p>BURNCO is committed to a program of Aboriginal engagement and consultation throughout and following the Application Review (Sections 3.2.3 and 3.2.4) that is designed in accordance with consultation requirements for meeting Provincial and Federal obligations for consulting First Nations. In addition, BURNCO has made commitments (See Section 19, Table 19.-1) that specifically address potential effects on Tsleil-Wauthuth Nation Aboriginal Rights, including current use, such as fishing and harvesting of freshwater and marine resources, harvesting of terrestrial resources, rights related to intangible cultural heritage. These commitments are presented as mitigation or accommodation measures in Part C of the EAC Application/EIS (Section 11.3.5 and Section 14, Table 14-1) and presented as proposed commitments in Part F of the EAC Application/EIS (Section 19, Table 19-1).</p>
647	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-066	There are only two VCs identified for this section. What about other social VCs - community infrastructure (e.g., schools, transportation, etc)?	The two VCs assessed in Section 7.1 were identified in the AIR/EISg. No further candidate VCs were brought forward or selected through the VC Rationale Process. Please see Appendix A of the AIR/EISg for further information on the VC selection process.
648	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-067	Spatial boundaries may be different if assessments were conducted for Aboriginal communities and more VCs were included.	<p>The social assessment in Section 7 of the EAC Application/EIS incorporates housing and accommodation and emergency services as VCs, and the selected spatial study areas reflect the anticipated spatial extent of the potential project effects. The draft and approved AIR/EISg did not incorporate a geo spatial or social breakdown of effects by other than the LSA and RSA. Aboriginal Groups, including the Tsleil-Wauthuth Nation, were engaged and involved in the development of the AIR/EISg (See Section 3.2.2.2). All comments received from the Tsleil-Waututh Nation were carefully considered and responded to during Pre-application (See Appendix 2-B).</p> <p>Section C provides for identification of Aboriginal interests with respect to potential social, economic, environmental, heritage and health effects of the proposed project and a description of how these interests have been addressed.</p> <p>BURNCO is committed to a program of Aboriginal engagement and consultation throughout and following the Application Review (Sections 3.2.3 and 3.2.4) that is designed in accordance with consultation requirements for meeting Provincial and Federal obligations for consulting First Nations. In addition, BURNCO has made commitments (See Section 19, Table 19.-1) that specifically address potential effects on Tsleil-Wauthuth Nation Aboriginal Rights, including current use, such as fishing and harvesting of freshwater and marine resources, harvesting of terrestrial resources, rights related to intangible cultural heritage. These commitments are presented as mitigation or accommodation measures in Part C of the EAC Application/EIS (Section 11.3.5 and Section 14, Table 14-1) and presented as proposed commitments in Part F of the EAC Application/EIS (Section 19, Table 19-1).</p>

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Pre-App	Appl. Review	First Nation	Date				
649	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-068	See above	<p>The social assessment in Section 7 of the EAC Application/EIS incorporates housing and accommodation and emergency services as VCs, and the selected spatial study areas reflect the anticipated spatial extent of the potential project effects. The draft and approved AIR/EISg did not incorporate a geo spatial or social breakdown of effects by other than the LSA and RSA. Aboriginal Groups, including the Tsleil-Wauthuth Nation, were engaged and involved in the development of the AIR/EISg (See Section 3.2.2.2). All comments received from the Tsleil-Waututh Nation were carefully considered and responded to during Pre-application (See Appendix 2-B).</p> <p>Section C provides for identification of Aboriginal interests with respect to potential social, economic, environmental, heritage and health effects of the proposed project and a description of how these interests have been addressed.</p> <p>BURNCO is committed to a program of Aboriginal engagement and consultation throughout and following the Application Review (Sections 3.2.3 and 3.2.4) that is designed in accordance with consultation requirements for meeting Provincial and Federal obligations for consulting First Nations. In addition, BURNCO has made commitments (See Section 19, Table 19.-1) that specifically address potential effects on Tsleil-Wauthuth Nation Aboriginal Rights, including current use, such as fishing and harvesting of freshwater and marine resources, harvesting of terrestrial resources, rights related to intangible cultural heritage. These commitments are presented as mitigation or accommodation measures in Part C of the EAC Application/EIS (Section 11.3.5 and Section 14, Table 14-1) and presented as proposed commitments in Part F of the EAC Application/EIS (Section 19, Table 19-1).</p>
650	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-069	Aboriginal communities are absent form Administrative Boundaries.	Aboriginal/First Nation communities/jurisdictions are cited in the relevant administrative boundary sections of the EAC Application/EIS. For example, Section 6.1.3.2.3 references Aboriginal/First Nation communities/jurisdictions.
651	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-070	<p>Although methodology is outlined, TWN does not think the assessment approach is sound and works to divide impacts to lessen the overall effects or cumulative effects of a Project.</p> <p>From the text in the EIS, it looks like there was a single planned socioeconomic assessment earlier in the EA process. What is the rationale behind dividing the social and economic assessment for this EA?</p>	Each EA pillar and their associated VCs have extensive explanations about assessment methodologies that are consistent with best practices in environmental assessments undertaken in BC and Canada as described in the draft and approved AIR/EISg. Aboriginal Groups, including the Tsleil-Wauthuth Nation, were engaged and involved in the development of the AIR/EISg (See Section 3.2.2.2). All comments received from the Tsleil-Waututh Nation were carefully considered and responded to during Pre-application (See Appendix 2-B).
652	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-071	No primary or secondary data was collected from Aboriginal communities. This is seen as a significant gap.	<p>The social assessment in Section 7 of the EAC Application/EIS incorporates housing and accommodation and emergency services as VCs, and the selected spatial study areas reflect the anticipated spatial extent of the potential project effects. The presented assessment incorporates these spatial study areas. The draft and approved AIR/EISg did not incorporate a geo spatial or social breakdown of effects by other than the LSA and RSA. Aboriginal Groups, including the Tsleil-Wauthuth Nation, were engaged and involved in the development of the AIR/EISg (See Section 3.2.2.2). All comments received from the Tsleil-Waututh Nation were carefully considered and responded to during Pre-application (See Appendix 2-B).</p> <p>Section C provides for identification of Aboriginal interests with respect to potential social, economic, environmental, heritage and health effects of the proposed project and a description of how these interests have been addressed. Information used to prepare this assessment was obtained from Aboriginal Groups through consultations on the Proposed Project or from the following publicly available sources:</p> <p>- Aboriginal Group websites or publications; - British Columbia Treaty Commission; - Aboriginal Affairs and Northern Development Canada (AANDC); - Applications and associated submissions for other projects posted on the BCEAO and CEA Agency websites; and - First Peoples' Heritage, Language and Culture Council (FPHLCC).</p> <p>BURNCO is committed to a program of Aboriginal engagement and consultation throughout and following the Application Review (Sections 3.2.3 and 3.2.4) that is designed in accordance with consultation requirements for meeting Provincial and Federal obligations for consulting First Nations. In addition, BURNCO has made commitments (See Section 19, Table 19.-1) that specifically address potential effects on Tsleil-Wauthuth Nation Aboriginal Rights, including current use, such as fishing and harvesting of freshwater and marine resources, harvesting of terrestrial resources, rights related to intangible cultural heritage. These commitments are presented as mitigation or accommodation measures in Part C of the EAC Application/EIS (Section 11.3.5 and Section 14, Table 14-1) and presented as proposed commitments in Part F of the EAC Application/EIS (Section 19, Table 19-1).</p>

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653	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-072	Aboriginal population profiles (on-reserve and off-reserve) are not included, no information on housing or emergency services on-reserve.	<p>The economic assessment presented in Section 6.1.4.5 of the EAC Application/EIS includes baseline information and data on Aboriginal labour force and economic development matters. The social assessment in Section 7 of the EAC Application/EIS incorporates housing and accommodation and emergency services as VCs, and the selected spatial study areas reflect the anticipated spatial extent of the potential project effects. The draft and approved AIR/EISg did not incorporate a geo spatial or social breakdown of effects by other than the LSA and RSA. Aboriginal Groups, including the Tsleil-Wauthuth Nation, were engaged and involved in the development of the AIR/EISg (See Section 3.2.2.2). All comments received from the Tsleil-Waututh Nation were carefully considered and responded to during Pre-application (See Appendix 2-B).</p> <p>Section C provides for identification of Aboriginal interests with respect to potential social, economic, environmental, heritage and health effects of the proposed project and a description of how these interests have been addressed.</p> <p>BURNCO is committed to a program of Aboriginal engagement and consultation throughout and following the Application Review (Sections 3.2.3 and 3.2.4) that is designed in accordance with consultation requirements for meeting Provincial and Federal obligations for consulting First Nations. In addition, BURNCO has made commitments (See Section 19, Table 19.-1) that specifically address potential effects on Tsleil-Wauthuth Nation Aboriginal Rights, including current use, such as fishing and harvesting of freshwater and marine resources, harvesting of terrestrial resources, rights related to intangible cultural heritage. These commitments are presented as mitigation or accommodation measures in Part C of the EAC Application/EIS (Section 11.3.5 and Section 14, Table 14-1) and presented as proposed commitments in Part F of the EAC Application/EIS (Section 19, Table 19-1).</p>
654	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-073	Appears as if there were no key informants from Aboriginal communities.	<p>Key government and community representatives were interviewed to clarify and gather information on social issues. Certain Aboriginal focused information for Section 6 and 7 of the EAC Application/EIS was collected directly from Aboriginal groups. In addition, Section C provides for identification of Aboriginal interests with respect to potential social, economic, environmental, heritage and health effects of the proposed project and a description of how these interests have been addressed. Information used to prepare this assessment was obtained from Aboriginal Groups through consultations on the Proposed Project or from the following publicly available sources:</p> <ul style="list-style-type: none">- Aboriginal Group websites or publications;- British Columbia Treaty Commission;- Aboriginal Affairs and Northern Development Canada (AANDC);- Applications and associated submissions for other projects posted on the BCEAO and CEA Agency websites; and- First Peoples' Heritage, Language and Culture Council (FPHLCC).
655	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-074	<p>No review of aboriginal consultation input found.</p> <p>Editorial: typo on page 7.1-3 under 7.1.2.3 " A ERP coordinator..." (2) This does not appear to be present.</p>	Concordance reference has been updated. Public and Aboriginal issues raised during pre-application are documented in Volume 4, Part G - Section22.0: Appendix 2. These issues were considered throughout the EAC Application/EIS during scoping of VCs and the assessment or potential effects.
656	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-075	Although the approach to determining potential effects is outlined, TWN does not think the assessment approach is sound and works to divide impacts to lessen the overall effects, or cumulative effects, of a Project.	None required. BCEAO did not require proponent responses to statements it determined to be "duplications and statements that did not require a response."
657	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-076	See above.	None required. BCEAO did not require proponent responses to statements it determined to be "duplications and statements that did not require a response."
658	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-077	See above.	None required. BCEAO did not require proponent responses to statements it determined to be "duplications and statements that did not require a response."
659	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-078	See above. From the text in the EIS, it looks like there was a single planned socioeconomic assessment earlier in the EA process. What is the rationale behind dividing the social and economic assessment for this EA?	None required. BCEAO did not require proponent responses to statements it determined to be "duplications and statements that did not require a response."
660	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-079	No reference to predictive modelling found.	Project specific predictive modelling was not used as part of the Social Conditions Assessment.

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661	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-080	As a social assessment on Aboriginal communities has not been conducted, the residual effects assessment is considered incomplete. Furthermore, the methodology that has resulted in the conclusion of negligible effects is not scientifically sound and does not take into the consideration cumulative social effects.	<p>Section 7 of the EAC Application/EIS does not present a separate social assessment for Aboriginal communities; this was not required by the approved AIR/EIS Guidelines. The social assessment in Section 7 of the EAC Application/EIS incorporates housing and accommodation and emergency services as VCs, and the selected spatial study areas reflect the anticipated spatial extent of the potential project effects. The economic assessment presented in Section 6.1.4.5 of the EAC Application/EIS includes baseline information and data on Aboriginal labour force and economic development matters.</p> <p>The methodology used is consistent with best practices in environmental assessments undertaken in BC and Canada as described in the draft and approved AIR/EISg. The draft and approved AIR/EISg did not incorporate a geo spatial or social breakdown of effects by other than the stated LSA and RSA. Aboriginal Groups, including the Tsleil-Wauthuth Nation, were engaged and involved in the development of the AIR/EISg (See Section 3.2.2.2). All comments received from the Tsleil-Waututh Nation were carefully considered and responded to during Pre-application (See Appendix 2-B).</p> <p>Section C of the EAC Application/EIS presents an assessment of potential effects on Aboriginal interests (environmental, economic, social, heritage and health) and a description of how these interests have been addressed.</p> <p>BURNCO is committed to a program of Aboriginal engagement and consultation throughout and following the Application Review (Sections 3.2.3 and 3.2.4) that is designed in accordance with consultation requirements for meeting Provincial and Federal obligations for consulting First Nations. In addition, BURNCO has made commitments (See Section 19, Table 19.-1) that specifically address potential effects on Tsleil-Wauthuth Nation Aboriginal Rights, including current use, such as fishing and harvesting of freshwater and marine resources, harvesting of terrestrial resources, rights related to intangible cultural heritage. These commitments are presented as mitigation or accommodation measures in Part C of the EAC Application/EIS (Section 11.3.5 and Section 14, Table 14-1) and presented as proposed commitments in Part F of the EAC Application/EIS (Section 19, Table 19-1).</p>
662	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-081	See statement above, and for existing VCs that apply to the general population, this isn't clearly included.	Comment unclear. Information is noted as being present. No further information required.
663	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-082	See statement above, and for existing VCs that apply to the general population, this isn't clearly included.	None required. BCEAO did not require proponent responses to statements it determined to be "duplications and statements that did not require a response."
664	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-083	As a social assessment on Aboriginal communities has not been conducted, the residual effects assessment is incomplete. Furthermore, the methodology that has resulted in the conclusion of negligible effects is not scientifically sound and does not take into the consideration cumulative social effects.	None required. BCEAO did not require proponent responses to statements it determined to be "duplications and statements that did not require a response."
665	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-084	No cumulative effects assessment conducted because it was deemed that there are no residual effects. TWN has concerns with this methodology, as indicated above, and also that the overall social assessment is incomplete due to the exclusion of Aboriginal communities. A cumulative effects assessment is relevant to ALL VCs regardless of the resulting "residual effects". This is a major flaw of the overall EA process.	Residual effects that were assessed to be not-significant or significant were carried forward to the cumulative effects assessment. See Volume 4, Part B - Section 4 for additional details regarding the methods used to determine potential cumulative effects.
666	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-085	TWN views the conclusions as invalid as the social assessment is incomplete due to the exclusion of Aboriginal communities.	<p>The methodology used is consistent with best practices in environmental assessments undertaken in BC and Canada as described in the draft and approved AIR/EISg. Aboriginal Groups, including the Tsleil-Wauthuth Nation, were engaged and involved in the development of the AIR/EISg (See Section 3.2.2.2). All comments received from the Tsleil-Waututh Nation were carefully considered and responded to during Pre-application (See Appendix 2-B).</p> <p>Section C of the EAC Application/EIS presents an assessment of potential effects on Aboriginal interests (environmental, economic, social, heritage and health) and a description of how these interests have been addressed.</p> <p>BURNCO is committed to a program of Aboriginal engagement and consultation throughout and following the Application Review (Sections 3.2.3 and 3.2.4) that is designed in accordance with consultation requirements for meeting Provincial and Federal obligations for consulting First Nations. In addition, BURNCO has made commitments (See Section 19, Table 19.-1) that specifically address potential effects on Tsleil-Wauthuth Nation Aboriginal Rights, including current use, such as fishing and harvesting of freshwater and marine resources, harvesting of terrestrial resources, rights related to intangible cultural heritage. These commitments are presented as mitigation or accommodation measures in Part C of the EAC Application/EIS (Section 11.3.5 and Section 14, Table 14-1) and presented as proposed commitments in Part F of the EAC Application/EIS (Section 19, Table 19-1).</p>

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667	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-086	TWN views the conclusions as invalid as the social assessment is incomplete due to the exclusion of Aboriginal communities.	<p>The methodology used is consistent with best practices in environmental assessments undertaken in BC and Canada as described in the draft and approved AIR/EISg. Aboriginal Groups, including the Tsleil-Wauthuth Nation, were engaged and involved in the development of the AIR/EISg (See Section 3.2.2.2). All comments received from the Tsleil-Waututh Nation were carefully considered and responded to during Pre-application (See Appendix 2-B).</p> <p>Section C of the EAC Application/EIS presents an assessment of potential effects on Aboriginal interests (environmental, economic, social, heritage and health) and a description of how these interests have been addressed.</p> <p>BURNCO is committed to a program of Aboriginal engagement and consultation throughout and following the Application Review (Sections 3.2.3 and 3.2.4) that is designed in accordance with consultation requirements for meeting Provincial and Federal obligations for consulting First Nations. In addition, BURNCO has made commitments (See Section 19, Table 19.-1) that specifically address potential effects on Tsleil-Wauthuth Nation Aboriginal Rights, including current use, such as fishing and harvesting of freshwater and marine resources, harvesting of terrestrial resources, rights related to intangible cultural heritage. These commitments are presented as mitigation or accommodation measures in Part C of the EAC Application/EIS (Section 11.3.5 and Section 14, Table 14-1) and presented as proposed commitments in Part F of the EAC Application/EIS (Section 19, Table 19-1).</p>
670	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-087	<p>Please provide additional rationale behind restricting the RSA to Howe Sound. It is our understanding that the project is intended to supply an increasing demand for aggregate. If this is so, we would expect an increase in the frequency of vessels trips to existing BURNCO facilities outside of Howe Sound (e.g. up the Fraser River).</p> <p>The proposed analysis should encompass an area that includes the destinations of vessel traffic; this should also include a cumulative effects assessment of current vessel traffic and anticipated vessel traffic. Tsleil-Waututh believes in a holistic analytical approach and thus this would make it important to look at the impacts of the proposed increase of vessel traffic at their destinations. In addition, a lack of analysis on current and anticipated vessel traffic may result in an increase that would not be supported by the sustainability guidelines required to continue and increase the health of our waterways.</p>	<p>The scope of assessment of the marine shipping component of the Proposed Project, as defined by the CEA Agency and by the BCEAO, consists of the barge traffic in Howe Sound to south of Passage Island. The scope does not include shipping from where the barges meet the existing shipping lanes in the Strait of Georgia and in the Fraser River to BURNCO's existing facilities in Burnaby and Langley. Incremental increases to marine traffic as a result of the Proposed Project are anticipated only for Ramillies Channel, Thornbrough Channel and Queen Charlotte Channel in Howe Sound where the barges would intersect with existing BURNCO shipping routes. No project-related effects are anticipated south of this point of interconnection in the Strait of Georgia.</p>
687	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-088	<p>This section is insufficient - the resources used to formulate the baseline in the LSA and RSA do not include consultation with Tsleil-Waututh Nation, and does not state whether they were included in phone-based interviews. Though this section regards existing conditions of non-traditional land use, it still regards land that is within the Tsleil-Waututh Consultation area.</p> <p>The list that is stated to be provided in Volume 4, Part G - Section 22.0 is not available and thus needs to be provided in order for further comments, and to see who was consulted.</p>	<p>The screening comment is not consistent with the AIR/EISg. BURNCO is committed to ongoing consultation with Aboriginal groups as identified in Volume1, Part A – Section 3.2.3 and as committed to in Volume 3, Part F – Section 19, Table 19-1 and in Volume 3, Part C. This will be conducted in accordance with direction from the Province as well as the Federal government.</p>
694	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-089	<p>Given that the Likelihood is high for all components in Table 7.3-14, and the rationale magnitude is listed as Medium and Medium-Term in Table 7.3-15, there needs to be additional detail as to why/how the significance is listed for each component as not-significant, and thus does not need to be addressed.</p>	<p>Significance ratings are based on the thresholds outlined in Section 7.3.5.5 which are in accord with thresholds used to determine significance for similar, accepted EAC Applications in BC. In order for an effect to be considered significant, it must be of high magnitude, occurring over the long term, where the local area and its resources are deemed not resilient. The residual effect assessment criteria ratings are discussed in detail for each effect with clear rationale included with each rating and further rationale accompanying each significance rating.</p>
705	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-090	<p>Tsleil-Waututh recommends that its Cultural, Heritage and Investigative Permit (CHIP) be recognized and utilized.</p>	<p>The AIA was conducted under the terms and conditions of Heritage Conservation Act (HCA) Permit 2010-0031, Tsleil-Waututh Nation Permit 2013-006 and Squamish Nation Permit 12-0124, as specified in Section 1.0 of HCA Permit 2010-0031 Final Report on Archaeological Impact Assessment of Proposed Aggregate Project at McNab Creek, Howe Sound, BC.</p>
706	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-091	<p>Tsleil-Waututh expects that we, and another affected Aboriginal groups, will have a chance to comment on the list before it is finalized.</p>	<p>Aboriginal Groups, including the Tsleil-Wauthuth Nation, were engaged and involved in VC selection and the development of the AIR/EISg (See Section 3.2.2.2). All comments received from the Tsleil-Waututh Nation were carefully considered and responded to during Pre-application (See Appendix 2-B). All candidated heritage resources VCs were selected. The selected heritage resource VCs comprise paleontological, archaeological and historical resources.</p> <p>BURNCO is committed to a program of Aboriginal engagement and consultation throughout and following the Application Review (Sections 3.2.3 and 3.2.4) that is designed in accordance with consultation requirements for meeting Provincial and Federal obligations for consulting First Nations.</p> <p>BCEAO indicated on 07-June-2016 that the required information was present.</p>

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707	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-092	Tsleil-Waututh would like to be consulted on whether this aspect is preferred as a watershed as opposed to affected areas; this decision will have an effect on the scope and thus outcomes of the project.	<p>Aboriginal Groups, including the Tsleil-Wauthuth Nation, were engaged and involved in the development of the AIR/EISg (See Section 3.2.2.2), including the Local Study Area (LSA) and Regional Study Area (RSA). All comments received from the Tsleil-Waututh Nation were carefully considered and responded to during Pre-application (See Appendix 2-B). The spatial bountaries for heritage resources are described in Section 8.1.3.2.1 (Table 8.1-2). The assessment was conducted under the terms and conditions of Heritage Conservation Act (HCA) Permit 2010-0031, Tsleil-Waututh Nation Permit 2013-006 and Squamish Nation Permit 12-0124, as specified in Section 1.0 of HCA Permit 2010-0031 Final Report on Archaeological Impact Assessment of Proposed Aggregate Project at McNab Creek, Howe Sound, BC (Appendix 8.1-A).</p> <p>BURNCO is committed to a program of Aboriginal engagement and consultation throughout and following the Application Review (Sections 3.2.3 and 3.2.4) that is designed in accordance with consultation requirements for meeting Provincial and Federal obligations for consulting First Nations. In addition, BURNCO has made commitments (See Section 19, Table 19.-1) that specifically address potential effects on Tsleil-Wauthuth Nation Aboriginal Rights, including rights related to intangible cultural heritage. These commitments are presented as mitigation or accommodation measures in Part C of the EAC Application/EIS (Section 11.3.5 and Section 14, Table 14-1) and presented as proposed commitments in Part F of the EAC Application/EIS (Section 19, Table 19-1).</p> <p>BCEAO indicated on 07-June-2016 that the required information was present.</p>
708	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-093	Tsleil-Waututh encourages consultation on the discussion of watersheds as opposed to arbitrary boundaries.	<p>Aboriginal Groups, including the Tsleil-Wauthuth Nation, were engaged and involved in the development of the AIR/EISg (See Section 3.2.2.2), including the Local Study Area (LSA) and Regional Study Area (RSA). All comments received from the Tsleil-Waututh Nation were carefully considered and responded to during Pre-application (See Appendix 2-B). The spatial bountaries for heritage resources are described in Section 8.1.3.2.1 (Table 8.1-2). The assessment was conducted under the terms and conditions of Heritage Conservation Act (HCA) Permit 2010-0031, Tsleil-Waututh Nation Permit 2013-006 and Squamish Nation Permit 12-0124, as specified in Section 1.0 of HCA Permit 2010-0031 Final Report on Archaeological Impact Assessment of Proposed Aggregate Project at McNab Creek, Howe Sound, BC (Appendix 8.1-A). Administrative boundaries for the heritage resource assessment can be defined as those presented in the HCA Permit 2010-0031 which includes the 117.678 ha LSA. Technical boundaries of the heritage resource assessment include hte RSA and LASA as well as surroundaing areas with existing information on heritage site locations that could be used in the identification of heritage resource potentials. Uncertainties with the exact location of archaeological sites and existing paleiontological resources exist, as does their current condition. Monitoring effects on these resources may prove to be difficult.</p> <p>BURNCO is committed to a program of Aboriginal engagement and consultation throughout and following the Application Review (Sections 3.2.3 and 3.2.4) that is designed in accordance with consultation requirements for meeting Provincial and Federal obligations for consulting First Nations. In addition, BURNCO has made commitments (See Section 19, Table 19.-1) that specifically address potential effects on Tsleil-Wauthuth Nation Aboriginal Rights, including rights related to intangible cultural heritage. These commitments are presented as mitigation or accommodation measures in Part C of the EAC Application/EIS (Section 11.3.5 and Section 14, Table 14-1) and presented as proposed commitments in Part F of the EAC Application/EIS (Section 19, Table 19-1).</p> <p>BCEAO indicated on 07-June-2016 that the required information was present.</p>
710	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-094	8.1.2.3 talks about FN policies but doesn’t specifically say effects assessment will consider community knowledge. In order for these aspects to be shared, Tsleil-Waututh needs to be consulted as they are not general knowledge.	Traditional Ecological Knowledge and Community Knowledge information have been added to Section 8.1.4.1. For additional details please see Volume 3, Part C - Section 11.2.
711	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-095	The proposed Heritage procedures should only be used in areas deemed to have a low/very low potential for archaeological/heritage resources. The implications of such procedures may result in lost heritage sites, and thus loss of Tsleil-Waututh culture and history.	<p>Heritage resources desktop and field studies have been undertaken in areas within areas of highest archaeological and paleontological potential. These studies resulted the discovery of no newly identified heritage resources. In the event that undetected heritage resources are encountered during project-related activities, mitigation measures including avoidance, systematic data recovery, and monitored would be considered as outlined in Section 8.1.5.3.</p> <p>Information is noted as being present. No further information required.</p>
712	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-096	Tsleil-Waututh Nation would encourage parties to include TWN in this discussion as it is relevant to the impacts of the project, within our consultation area.	<p>Identified Aboriginal groups were consulted with and involved in VC selection and the development of the AIR/EISg. See Section 3.2. BURNCO is committed to ongoing consultation with Aboriginal groups as identified in Volume 1, Part A – Section 3.2.3 and as committed to in Volume 3, Part F – Section 19, Table 19-1 and in Volume 3, Part C.</p> <p>Information is noted as being present. No further information required.</p>
713	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-097	Effects on community health and well-being (the social detriments of health) are absent for this assessment, for both the general population and Aboriginal groups. This is viewed as a significant gap in the assessment.	As negligible interaction between the Proposed Project and community health and wellbeing was identified, no assessment of community health and wellbeing from the perspective of the social indicators of health was undertaken (see Section 9.1.1)
714	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-098	Although a rationale is provided for the exclusion of an assessment on community health and wellbeing (the social determinants of health), TWN believes that a comprehensive assessment, for both the general population and Aboriginal communities (separately), needs to be conducted.	<p>As negligible interaction between the Proposed Project and community health and wellbeing was identified, no assessment of community health and wellbeing from the perspective of the social indicators of health was undertaken (see Section 9.1.1)</p> <p>BCEAO indicated on 07-June-2016 that the required information was present.</p>

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715	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-099	Have local Aboriginal policies/guidelines related to health been considered?	<p>Section 9.1.2 of the EAC Application/EIS provides an overview of the regulatory and policy setting for the health assessment of the Proposed Project.</p> <p>Section C provides for identification of Aboriginal interests with respect to potential social, economic, environmental, heritage and health effects of the proposed project and a description of how these interests have been addressed. Information used to prepare this assessment was obtained from Aboriginal Groups through consultations on the Proposed Project or from the following publicly available sources:</p> <ul style="list-style-type: none">- Aboriginal Group websites or publications;- British Columbia Treaty Commission;- Aboriginal Affairs and Northern Development Canada (AANDC);- Applications and associated submissions for other projects posted on the BCEAO and CEA Agency websites; and- First Peoples' Heritage, Language and Culture Council (FPHLCC).
716	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-100	People is listed as a VC - which does not accurately reflect what's being assessed (otherwise, all aspects of effects on the health and well-being of "people" would be included in the assessment). Perhaps biophysical health is a more appropriate VC name?	<p>People were indicated as the Valued Component (VC) for the human health risk assessment, consistent with the methods described in the AIR. This is typical practice for human health risk assessments conducted in support of Environmental Assessments. 'Human health' would also be a suitable VC name; however, biophysical health implies health of the various environmental components (e.g. air, water, vegetation) versus health of humans. No changes were made to the EA report.</p> <p>Information is noted as being present. No further information required.</p>
718	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-101	<p>As the health assessment does not consider social and cultural determinants of health for both the general population and Aboriginal communities, the determination of adverse effects on health is considered incomplete.</p> <p>Editorial: poor pagination in Appendix 9.1A</p>	As negligible interaction between the Proposed Project and community health and wellbeing was identified, no assessment of community health and wellbeing from the perspective of the social indicators of health was undertaken (see Section 9.1.1)
720	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-102	Baseline data for health is so much more than biophysical data. All data on the social determinants of health for both the general population and Aboriginal communities, is absent. Health, particularly for Aboriginal communities, is so much more than the amount of COPCs in country foods. This is a narrow and limiting definition of health, and does not take into consideration the overall cultural, mental, emotional and spiritual impacts on health of Aboriginal peoples from the Project.	None required. BCEAO did not require proponent responses to statements it determined to be "duplications and statements that did not require a response."
721	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-103	Baseline data for health is so much more than biophysical data. All data on the social determinants of health for both the general population and Aboriginal communities, is absent. Health, particularly for Aboriginal communities, is so much more than the amount of COPCs in country foods. This is a narrow and limiting definition of health, and does not take into consideration the overall cultural, mental, emotional and spiritual impacts on health of Aboriginal peoples from the Project.	None required. BCEAO did not require proponent responses to statements it determined to be "duplications and statements that did not require a response."
723	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-104	Baseline data for health is so much more than biophysical data. All data on the social determinants of health for both the general population and Aboriginal communities, is absent. Health, particularly for Aboriginal communities, is so much more than the amount of COPCs in country foods. This is a narrow and limiting definition of health, and does not take into consideration the overall cultural, mental, emotional and spiritual impacts on health of Aboriginal peoples from the Project.	None required. BCEAO did not require proponent responses to statements it determined to be "duplications and statements that did not require a response."
725	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-0xx	As the health assessment does not consider social and cultural determinants of health for both the general population and Aboriginal communities, the determination of adverse effects on health is incomplete.	None required. BCEAO did not require proponent responses to statements it determined to be "duplications and statements that did not require a response."
727	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-105	<p>No reference to traditional, ecological or community knowledge found.</p> <p>It doesn't appear that the traditional or community knowledge of communities has been adequately considered in this section. BURNCO has not reached out to TWN to fund a TWN specific Traditional Use Study for this Project, so TWN views this section as incomplete. As included in other sections of the EA, all of the traditional use information that BURNCO has of TWN is from secondary sources. TWN would like to discuss capacity funding to develop a TUS for the project.</p>	Traditional Ecological Knowledge and Community Knowledge information have been added to Section 9.1.4. For additional details please see Volume 3, Part C - Section 11.2.

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728	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-106	Lack of information on mitigation - other sectionsa re cited.	None required. BCEAO did not require proponent responses to statements it determined to be "duplications and statements that did not require a response."
730	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-107	This is not detailed in this section.	As referenced in this section, information on the mitigation measures and their limitations that are related to the Human Health assessment are summarized in Volume 2, Part B - Section 5.7 (air quality) and Part B, Section 5.5 (surface water resources).
731	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-108	Minimal discussion of dust mitigation measures on page 9.1-45 Mitigation commitments do not appear to be described.	Fugitive particulate emission mitigation measures as discussed in section 5.7.5.3 and summarized by source in Table 5.7-11: Identified Mitigation Measures: Air Quality.
732	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-109	As no residual and cumulative effects assessment considered the social and cultural determinants of health, TWN views this section as incomplete.	The air quality cumulative effects were assessed qualitatively and are presented in section 5.7.5.7. The human health (public health) cumulative effects assessment (Section 9.1.8.2) was based upon the qualitative air quality cumulative effects assessment described above.
733	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-0xx	As no residual and cumulative effects assessment considered the social and cultural determinants of health, TWN views this section as incomplete.	None required. BCEAO did not require proponent responses to statements it determined to be "duplications and statements that did not require a response."
734	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-0xx	As no residual and cumulative effects assessment considered the social and cultural determinants of health, TWN views this section as incomplete.	None required. BCEAO did not require proponent responses to statements it determined to be "duplications and statements that did not require a response."
735	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-110	See above: As no residual and cumulative effects assessment considered the social and cultural determinants of health, TWN views this section as incomplete.	As negligible interaction between the Proposed Project and community health and wellbeing was identified, no assessment of community health and wellbeing from the perspective of the social indicators of health was undertaken (see Section 9.1.1). The methodology used is consistent with best practices in environmental assessments undertaken in BC and Canada as described in the draft and approved AIR/EISg. Aboriginal Groups, including the Tsleil-Wauthuth Nation, were engaged and involved in the development of the AIR/EISg (See Section 3.2.2.2). All comments received from the Tsleil-Waututh Nation were carefully considered and responded to during Pre-application (See Appendix 2-B).
738	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-111	Tsleil-Waututh is interested in the assessment boundaries to be extended in to the marine area (beyond the upper limit of the intertidal area) to account for any potential impact to marine life.	Potential effect of noise on marine life is addressed in Section 5.2: Marine Resources. Potential effect from in-air noise on Marine Birds VC is assessed in Section 5.2.5.2.5. Information is noted as being present. No further information required.
739	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-112	Looking for specific reference to enhanced sound qualities across water. Important for Gambier locations outside the 1.5km area. How do these methods account for project noise travelling across the Sound?	The noise assessment modelling considered that sound propagates differently over water than it does over land. As stated in Section 9.2.3.3.3.2.1, the noise model can account for ground cover types, including water, consistent with the international standard ISO 9613-2: 1996 Acoustics -- Attenuation of sound during propagation outdoors -- Part 2: General method of calculation. Table 9.2-4 indicates the noise model input parameters, including the ground absorption considered for water (0). As stated in Section 9.2.2.2, sleep disturbance is not relevant to Proposed Project construction, operation, or remediation/closure, since each of these activities will take place during the daytime period.
764	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-113	Tsleil-Waututh Nation expects that adaptive measures (to improve the resilience of VCs in relation to the Project) also be included along with migratory measures. Tsleil-Waututh would like to know how proposed mitigation measures will be monitored, complied with and enforced when necessary. Where mitigation involves development of a Plan, Tsleil-Waututh expects to be fully consulted on the Plan development.	Adaptive mitigation measures are described throughout the EAC Application/EIS as applicable. Table 15-6 to Table 15-23 provides a summary of all mitigation measures that have been addressed in the EAC Application/EIS, including a description of the effectiveness of the mitigation and how it can be monitored with linkages to the Environmental Monitoring and Follow-up Program presented in Section 16.0 and 17.0, where appropriate. Additional information regarding adaptive mitigation techniques can be found in Volume 3, Part E - Section 16.0 and 17.0. BURNCO is committed to ongoing consultation with Aboriginal groups as identified in Volume1, Part A – Section 3.2.3 and as committed to in Volume 3, Part F – Section 19, Table 19-1 and in Volume 3, Part C. This will be conducted in accordance with direction from the Province as well as the Federal government. Information is noted as being present. No further information required.
766	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-114	Given that the determination is via the Proponents, we ask who will be using what method to review the findings of the proponents? Is it possible to have a second party to the findings of the proponent?	None required. BCEAO did not require proponent responses to statements it determined to be "duplications and statements that did not require a response."
769	-	Tsleil-Waututh Nation	7-Jun-16	EAC Application (April 2016) Screening	TWN-115	MOE is not identified as a Responsible Party in Table 19.1 for participation in development of the Air Quality and Meteorological Monitoring Program. Will these commitments include all proposed mitigation measures?	MoE has been added to the list of Responsible Parties in Table 19.1 for participation in development of the Air Quality and Meteorological Monitoring Program. BURNCO plans to design, locate, construct and operate the Proposed Project as described in the EAC Application/EIS, including the implementation of the suite of mitigation proposed to avoid or reduce potential adverse effects. The proposed commitments will be subject to further review and refinement based on comments provided by regulatory agencies, Aboriginal groups and the public during the formal review of the EAC Application/EIS.

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770	-	Penelekut Tribe	15-Aug-16	EAC Application / EIS (July 2016)	PEN-006	<p>We’ve never in the course of this matter, ever been engaged in any meaningful way, nor has anyone stepped up to discuss with us establishing a process that assists us to have the capacity to deal with this referral. We are already completely overtaxed with respect to the referrals that we have some capacity to deal with. Simply sending us notifications and having the expectation that we can do this work without having the resources to do it, isn’t consultation. Please don’t send me any more materials relating to this matter unless you can ensure we have the ability to deal with it. Neither the proponent nor anyone else has ever had a discussion with us about this matter to deal with our concerns.</p> <p>The only contact I ever had on this referral previously was when someone from Golder, quite some time ago, had the audacity to assemble information about Penelakut from the internet and then expected us to review it for them without compensation. I advised that person that is not how one approaches a FN and I absolutely forbade her from utilizing her internet gathered materials in the regulatory process, particularly given that the information could be incorrect and can’t possibly be verified by this community. If you would like to see those emails I would be happy to provide them to you. Essentially there shouldn’t be any information about Penelakut submitted as part of this process given that the people moving this matter through regulatory approval chose not to consult with us.</p> <p>To be clear, to date Penelakut has not been consulted with at all on this project by anyone working on this matter or its regulatory approval.</p>	<p>Section 10.1.9 states that Penelakut Tribe has not reviewed this Part C Aboriginal Information Requirements of the EAC Application/EIS. Penelakut Tribe has not provided information to the Proponent and does not support the use of publicly available information in the Application to support the assessment.</p> <p>Section 11.4.2.8 states that Penelakut Tribe has advised the Proponent that they have not reviewed Part C of the EAC Application/EIS. Further, Penelakut Tribe requested that the Proponent be advised that Penelakut Tribe has not provided information to the Proponent to include in the EAC Application/EIS and does not support the use of publicly available information to support the assessment.</p>
-	1	Squamish Nation	24-Aug-16	EAC Application / EIS (July 2016)	SN-056	The Application makes no mention of Squamish Nation's Wildlife Focus Area for Elk in West Howe Sound, within which the Project is located. This is described in the Agreement on Land Use Planning Between The Squamish First Nation and The Province of British Columbia (2007). The management intent of this focus area for elk is “To expand the provincial elk reintroductions within Squamish Territory in order restore naturally occurring populations, and, provided conservation needs have been met, to provide future opportunities for Squamish Nation hunting of social and ceremonial purposes” [sic]. This objective should be recognized in the assessment and the Project should be evaluated against this objective to understand whether the Project will help or hinder this objective for the Squamish Nation.	<p>The Squamish Nation's Wildlife Focus Area for Elk in West Howe Sound is located entirely within the Terrestrial RSA. Therefore, conclusions of the effects assessment for Roosevelt elk are considered applicable to the Squamish Nation's Wildlife Focus Area for Elk in West Howe Sound. The Project does not introduce any restrictions on reintroductions of elk into the Squamish Territory.</p> <p>The management of elk populations is the responsibility of the Province of BC and the release of hunting permits will not be affected by the Proposed Project. Hunting will be restricted within the active Project area due to safety concerns and to avoid mortality associated with the Project. BURNCO will work with the Squamish Nation to develop a practical communication protocol to enable safe use of Project areas for terrestrial harvesting activities (C-3.3 of Table 19-1 of Part F).</p>
-	2	Squamish Nation	24-Aug-16	EAC Application / EIS (July 2016)	SN-057	The title should be clear that this is winter habitat suitability	Figure 19 of Volume 2, Section 5.3 refers to winter habitat suitability.
-	3	Squamish Nation	24-Aug-16	EAC Application / EIS (July 2016)	SN-058	For the ungulate camera observations, it is important to report the abundance between seasons at each location. These bar charts could show the relative abundance for each season. Please provide this breakdown for deer and elk.	The primary purpose of the remote camera program was to determine the presence and distribution of medium and large mammals present in the Terrestrial LSA. Determining species abundance using remote camera data is beyond the scope of the wildlife baseline study. Estimates of abundance require individual recognition of animals, which is difficult for free-ranging unmarked or uncollared elk or deer. For camera surveys the use of photographic rate (i.e., photographs per sampling time) is an appropriate approach describing presence and distribution in the Terrestrial LSA.
-	4	Squamish Nation	24-Aug-16	EAC Application / EIS (July 2016)	SN-059	Regarding the remote camera survey, the baseline report says that "Data from such studies can be particularly helpful in assessing the presence of wildlife in the landscape, and in assessing wildlife activity and movement patterns, on a seasonal basis." (s.2.2.6.1). Interpretations of the camera data in 3.6.5.1 and 3.6.7.2 does not attempt to describe potential movement patterns on a seasonal basis for elk and deer. What do the data tell us about important movement routes? It appears that the preferred routes are along the main road (elk observations high at camera locations 18, 14 and 20; deer observations highest at 18). This interpretation is important to understand how the project will affect seasonal movements of ungulates along this route and to determine how mitigation measures may be applied. Please describe what we know and don't know about seasonal movement patterns of elk and deer in and around the LSA.	The primary purpose of the remote camera program was to determine presence and distribution of medium and large mammals in the Terrestrial LSA. Quantifying landscape level movement routes and seasonal movement patterns was not the intent of the camera program. However, remote camera data were reviewed to provide insights into wildlife use of the Terrestrial LSA. The seasons when elk and deer were most frequently recorded and the habitat types most frequently utilized are described in Section 3.6.5.1 of the Wildlife Baseline Report.

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-	5	Squamish Nation	24-Aug-16	EAC Application / EIS (July 2016)	SN-060	The Application should recognize the importance of wildlife planning and management objectives such as the provincial Management Plan for Roosevelt Elk in British Columbia (draft 2014). How does the Project help or hinder the objectives for elk populations in this plan?	<p>BURNCO recognizes the importance of wildlife planning and management objectives stated in the provincial draft Management Plan for Roosevelt Elk (BC FLNRO 2015). The first objective is to "maintain self-sustaining populations of Roosevelt elk throughout their current range" in the South Coast region (BC FLNRO 2015). The proposed Project aims to achieve this through appropriate mitigation, reclamation, and compensation of elk habitat as described in Section 5.3 of Volume 2.</p> <p>The fourth objective is to "provide opportunities for consumptive and non-consumptive use" (BC FLNRO 2015). See response to SN-056 for more information on hunting within the Terrestrial LSA.</p> <p>The fifth objective is to "mitigate public safety risk of vehicle collisions" (BC FLNRO 2015). This will be achieved by not constructing new roadways, restricting traffic to designated access roads and daytime hours, restricting traffic volumes, restricting traffic speeds to below 40km/hr, and taking extra caution when driving during dawn and dusk. Elk crossing signs will also be posted on access roads if necessary and defensive driving techniques will be followed. This information is summarized in Section 5.3.1.5.4.3.3.</p>
-	6	Squamish Nation	24-Aug-16	EAC Application / EIS (July 2016)	SN-061	The Application says that 36 ha of high and moderate suitability winter elk habitat will be directly lost. Also, 128 ha (52 ha of high + 76 ha of moderate) will be indirectly affected by disturbance. Overall, 164 ha of high/moderate suitability winter habitat will be effectively lost to elk during the project operations. This is about half (48%) of the suitable winter elk habitat in the LSA. The Application argues that the direct habitat loss is "Low" in context of the RSA (3% of high/moderate habitat). What is the % effective habitat loss (direct+indirect) in the RSA? What is the effective loss in the McNab Creek watershed?	<p>Overall, construction and operations of the Project is predicted to affect 165 ha (36 ha direct and 128 ha indirect due to sensory disturbance) of high and moderate suitability winter elk habitat in the Terrestrial RSA, which represents 3.9% of the suitable habitat in the Terrestrial RSA. However, habituation by elk to sensory disturbance is expected, and much of the habitat conservatively estimated to be indirectly affected will be available to elk over time. The area of suitable Roosevelt elk habitat affected represents approximately 2.5% of the McNab Creek watershed, which covers an area of approximately 6,498 ha.</p> <p>Loss of suitable Roosevelt elk winter habitat will be limited to the Proposed Project Area and is expected to be fully reversible through progressive reclamation and replanting after Project completion, with the exception of the area that will become the pit-lake at the end of the life of the Project.</p>
-	7	Squamish Nation	24-Aug-16	EAC Application / EIS (July 2016)	SN-062	The Application states: "If the Proposed Project is determined to be having an effect on listed species for which adequate data are available, BURNCO will work with regulators to determine appropriate methods for applying additional mitigation or avoidance measures or to reduce these effects, where possible." Please also include Squamish Nation in these discussions regarding mitigation options.	<p>BURNCO will work with the Squamish Nation to develop a mechanism for their involvement in the development and implementation of wildlife mitigation measures.</p>
-	8	Squamish Nation	24-Aug-16	EAC Application / EIS (July 2016)	SN-063	Regarding the mitigation measures proposed: "Habitat clearing within Roosevelt elk winter range during winter months (November to March [Nyberg and Janz 1999]) will be minimized to the extent practical", this is not specific enough to ensure effectiveness. The effect we want to avoid is beginning significant clearing during the winter occupancy by elk and forcing them to find winter habitat elsewhere during a stressful period of their life cycle. It would be preferable to ensure that clearing activities begin prior to elk arrival at low elevations which would allow them to move elsewhere for suitable winter habitat while they are . Prior to the finalization of the proposed Elk Management Plan, we propose that BURNCO use monitors or cameras to estimate the beginning of winter use of the LSA by elk and specify a mitigation measure that ensures that clearing will not begin after the winter arrival of elk in the LSA.	<p>Habitat clearing within elk winter range will be minimized during winter months (November to March) to the extent practical and clearing will be avoided during calving periods (mid-May to mid-July). The population of Roosevelt elk within the Terrestrial RSA has been re-introduced and is predicted to be stable or increasing (Quayle and Brunt 2003). The available evidence suggests that the Roosevelt elk population in the RSA is self-sustaining and maintaining its ecological function. Therefore, the Roosevelt elk population within the RSA is determined to be resilient to imposed stresses (Section 5.3.1.5.6.1.7 of Volume 2, Section 5.3). Roosevelt elk are expected to avoid areas where clearing activities are occurring or to habituate to those areas over time. Given the availability of habitat in the LSA and elsewhere in the RSA, it is unlikely that construction of the Project would represent a measureable impact on the population of Roosevelt elk. Forage is relatively abundant in the LSA outside of the Project Area, and snow interception cover is much more abundant outside the LSA, which is mostly composed of early seral forest.</p> <p>A detailed wildlife mitigation and monitoring plan has not yet been developed but will be developed as part of the Wildlife Management (Protection) Plan to minimize impacts on terrestrial resources and to collect data that will help evaluate the effectiveness of implemented mitigations. BURNCO will work with the Squamish Nation to develop a mechanism for their involvement in the development and implementation of the Habitat Compensation Plan for Roosevelt elk at closure/reclamation.</p>
-	9	Squamish Nation	24-Aug-16	EAC Application / EIS (July 2016)	SN-064	This section describes habitat fragmentation as entirely a positive outcome for elk. There are certainly negative aspects that should be recognized, such as the potential reduction of shelter that occurs when a large contiguous tract is fragmented into smaller pieces and forest edges are exposed leading to further loss of mature trees from windthrow. Please describe the negative effects for elk from habitat fragmentation.	<p>BURNCO acknowledges negative effects can occur due to habitat fragmentation and carried this forward in the effects assessment. However, once mitigation measures are applied, residual effects from Roosevelt elk habitat fragmentation are not expected. Vegetation in the Terrestrial LSA is in various stages of regeneration following historical rock quarrying and clearcut logging activities on site. Elk are expected to adapt and be resilient to existing natural and human-related disturbances and associated changes in habitat availability (Section 5.3.1.5.6.1.7 of Volume 2, Section 5.3).</p> <p>Habitat clearing will be minimized and vegetation buffers will be maintained to facilitate elk movement. Progressive reclamation will include planting native species to result in forest for cover in winter and riparian species and forest edges for forage. Existing disturbed areas, roads and right-of-ways will be used and no new roads are planned. Habitat clearing within elk winter range will be minimized during winter months (November to March) to the extent practical and clearing will be avoided during calving periods (mid-May to mid-July). The pit-lake will be designed to allow for wildlife escape routes and travel. Mitigation measures are described further in Table 5.3-15 of Volume 2, Section 5.3.</p> <p>Please see response to SN-072 for more information on habitat fragmentation and barriers to movement.</p>

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-	10	Squamish Nation	24-Aug-16	EAC Application / EIS (July 2016)	SN-065	Regarding the mitigation measure proposed: "Maintain/provide habitat linkages and vegetation buffers to minimize habitat fragmentation between winter ranges for elk. These buffer areas act as travel corridors for wildlife", please explain the specific actions and timing that will take place to ensure this will be implemented and effective. This is an important measures to ensure that elk can continue to persist undisturbed during the winter. The planning should include identification of winter no-go zones to contain the disturbance effects. The prolonged use of wildlife cameras will also help to monitor the use of protected travel corridors.	<p>The Project is predicted to affect 165 ha (or 3.9%) of high and moderate suitability habitat in the Terrestrial RSA. That includes 36 ha of suitable habitat that will be directly lost to clearing, and 128 ha that are predicted to be affected by sensory disturbance. However, the prediction of habitat affected due to sensory disturbance is a conservative estimate because Roosevelt elk are expected to habituate to sensory disturbance. Habitat lost due to clearing will be reclaimed and replanted, which will occur progressively over the life of the Project. The creation of the pit lake will result in the loss of 36 ha or 0.8% of suitable winter habitat for elk in the RSA.</p> <p>Please see response to SN-072 for more information on habitat fragmentation and barriers to movement.</p>
-	11	Squamish Nation	24-Aug-16	EAC Application / EIS (July 2016)	SN-066	Regarding the mitigation measure proposed: "Efforts will be made to restrict noises to below 50dBA within 500m from the Proposed Project Area (i.e., within the ZOI for elk, see Section 5.3.1.5.3.7.1.1)", please commit to monitoring noise effects to ensure that disturbance to elk is contained within the 500m ZOI, and specifiy the measures that will be taken should there be a detectable effect beyond the ZOI.	Noise monitoring will be included as part of the noise management plan, which will be developed as part of the requirements for the Project. The sources of noise above 50dBA within 500 m of the Proposed Project Area will be evaluated and noise levels will be mitigated, where feasible.
-	12	Squamish Nation	24-Aug-16	EAC Application / EIS (July 2016)	SN-067	Regarding mitigation for barriers to wildlife movement, please commit to ensuring safe passage of elk herds across roads or past operating equipment should elk be moving through the project area. This should include a temporary stop-work to permit undisturbed passage.	<p>Please see response to SN-063</p> <p>Road upgrades beyond the Proposed Project area are not planned. Crews and equipment will be moved to the site via boat or barge. The speed of vehicle movement on site will be limited to minimize the risk of collisions with elk or other wildlife, and vehicles will yield to wildlife to permit safe passage.</p>
-	13	Squamish Nation	24-Aug-16	EAC Application / EIS (July 2016)	SN-068	Regarding the mitigation measure proposed: "All employees and contractors will be prohibited from hunting, including Roosevelt elk and grizzly bear, within the LSA", we request that employees and contractors should be prohibited from hunting in the entire McNab Creek watershed. This is a reasonable measure to limit the added effects of hunting on the populations that will already be impacted by the development and operations of the project.	Please see response to SN-056. Workers will be prohibited from using Project-related access to the site to hunt in the LSA, the McNab Creek watershed, or elsewhere in the RSA or beyond.
-	14	Squamish Nation	24-Aug-16	EAC Application / EIS (July 2016)	SN-069	Regarding the mitigation measure proposed: "A Habitat Compensation Plan for Roosevelt elk will be developed and implemented prior to and during the reclamation and closure phase of the Project, with specific recommendations to address habitat compensation for Roosevelt elk": elk habitat compensation plan should be provided to Squamish Nation for approval prior to construction with implementation underway within 2 years of construction beginning. The permanent removal of habitat needs to be replaced reasonably quickly to offset the impact; it can't wait for the reclamation phase 16 years later. Squamish Nation will require this, with further details to be discussed during ongoing deep consultation, as per commitments in Volume 3 in the Application.	See the response to SN-065 for a description of the predicted effects of the Project on Roosevelt elk habitat. Development of the Habitat Compensation Plan for Roosevelt elk will occur early in the life of the Project, as reclamation will be progressive (i.e., occur throughout the life of the Project as areas are no longer needed for operation). BURNCO will work with the Squamish Nation to develop a mechanism for their involvement in the development and implementation of the Habitat Compensation Plan at closure/reclamation.
-	15	Squamish Nation	24-Aug-16	EAC Application / EIS (July 2016)	SN-070	What does the camera data tell us about important elk travel routes? it appears that the preferred routes are along the road (elk observations high at 18, 14 and 20; deer observations highest at 18). How will the project affect the movement of ungulates along this route? It may be expected that the project activities will disrupt the use of this route by ungulates.	Please see responses to SN-059

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-	16	Squamish Nation	24-Aug-16	EAC Application / EIS (July 2016)	SN-071	<p>The Application states: "The net effect of loss of Roosevelt elk habitat, barriers to movement and change in Roosevelt elk mortality are predicted to result in low and negligible magnitude. Therefore the magnitude of net effects of the Proposed Project on Roosevelt elk is also predicted to be low." This conclusion is based on very vague expectations of mitigation success and very simplified reductive reasoning. No convincing rationale is provided that considers the population needs for elk in the McNab valley and particularly the unique qualities of the river delta and shoreline area. Please discuss the importance of the McNab river valley for the local elk population, and in particular the value of the low elevation river delta winter habitat and travel corridors.</p>	<p>Please see the response to SN-075. The assessment of the effects of the Proposed Project on Roosevelt elk was based on known Roosevelt elk ecology; known habitat associations, life history requirements, and behavioural and demographic sensitivities, available information on population demographics, as well as known effects of anthropogenic disturbances on Roosevelt elk and other wildlife species. The population of Roosevelt elk within the Terrestrial RSA is predicted to be stable or increasing (Quayle and Brunt 2003), and therefore likely to be resilient to the predicted loss of 0.8% of the suitable habitat in the RSA due to clearing and the 3% of suitable habitat in the RSA predicted to be temporarily affected due to sensory disturbance. Elk are predicted to habituate to sensory disturbance due to the Project over time, and sensory disturbance will cease at the end of the life of the Project. The Proposed Project will not result in a measureable increase in the risk of mortality to Roosevelt elk or to barriers to movement. Project infrastructure will be removed and habitat reclaimed during the reclamation and closure phase of the project.</p> <p>The McNab valley has a long history of mining and logging activities (Section 2.4.2.1 of Volume 1 Part A). There was no evidence collected during three years of field studies to suggest that the habitat in the Terrestrial LSA is unique in the RSA, with the exception of the long history of industrial use and extensive anthropogenic disturbance that characterizes the existing conditions of the Project area.</p> <p>The McNab Creek and riparian areas will not be affected by the proposed Project. Travel corridors for elk along the McNab Creek will remain intact. Crushing, screening and washing facilities will be enclosed above ground in the Proponent’s proprietary enclosures to avoid and limit fugitive dust and noise emissions. The installation of a clamshell will also limit fugitive dust and noise emissions. Sensory disturbance will also be limited through vegetation buffers, minimized clearing, noise BMP, controlling traffic and speed, minimizing fugitive dust, and limiting operational activities to daylight hours (Table 5.3-15).</p>
-	17	Squamish Nation	24-Aug-16	EAC Application / EIS (July 2016)	SN-072	<p>The Application argues that the project will have a "Negligible" barrier to movement for elk. Please provide a rationale for this determination, based on what is known about elk travel corridors in this area. Please note that any non-significant conclusion of the Project's effects on Squamish Nation's Aboriginal Rights caused by impacts to terrestrial resources is contingent on clear and defensible conclusions on this topic, as outlined in Section 11.3 (particularly 11.3.3.2.1, 11.3.3.2.3.1, 11.3.5.1.1, 11.3.6, and 11.3.8) (Volume 3 of the Application).</p>	<p>The McNab Creek and riparian areas will not be affected by the proposed Project. Travel corridors for elk along the McNab Creek will remain intact. Existing disturbed areas, roads and right-of-ways will be used and no new roads are planned. Vegetation buffers will be maintained or planted to minimize habitat fragmentation between winter range for elk. Roosevelt elk will no longer be able to move directly between the high suitability habitats north of the Proposed Project Area to high suitability habitat in the marine foreshore, and will need to travel around the Proposed Project Area to the east or west to access these areas. However, typical elk range is 5 to 10 km2 (500 to 1,000 ha) on the mainland coast (Blood 2000; Brunt et al. 1989; Quayle and Brunt 2003) and elk are expected to travel around the Proposed Project Area with negligible effects to movement patterns given the small area affected (see response to SN-071).</p>
-	18	Squamish Nation	24-Aug-16	EAC Application / EIS (July 2016)	SN-073	<p>The Application argues that the project's effect from direct habita loss will be "Fully Reversible", even though there will be a pit-pond replacing high/moderate suitability elk habitat. Please provide a rationale for this determination, or acknowledge that this is "Partially Reversible". Please indicate how much area (ha) of habitat will be lost by the pit-pond.</p>	<p>Direct habitat loss due to the Proposed Project is fully reversible. To be not fully reversible would suggest that the habitat lost could not be reclaimed with current technology. However, the reclamation plan involves creation of a pit lake, which will provide additional habitat for wildlife species such as waterfowl and amphibians. Suitable winter habitat loss for Roosevelt elk in the Terrestrial RSA covers 165 ha (or 3.9%) and will mostly be reclaimed and replanted during the reclamation and closure phase of the Project. Creation of the pit lake will affect 36 ha of habitat for elk, the pit lake affects habitat predicted to be moderate suitability, but no high suitability habitat.</p>
-	19	Squamish Nation	24-Aug-16	EAC Application / EIS (July 2016)	SN-074	<p>The Application argues that the population of Roosevelt Elk in the McNab Creek area is "Resilient" because, "The available evidence suggests that the Roosevelt elk population in the RSA is self-sustaining and maintaining its ecological function. Therefore, the Roosevelt elk population within the RSA is determined to be resilient to imposed stresses." What evidence exists that this population is resilient to the stresses of industrial development within key winter habitat? Please provide a rationale for this determination, considering that there may be ~100 individuals of a relatively recently reintroduced population of a Blue-listed species.</p>	<p>The population of Roosevelt elk in the Terrestrial RSA is predicted to be stable or increasing (Quayle and Brunt 2003). Therefore, this self-sustaining population is considered resilient to imposed stressed. Net residual effects from habitat loss, barriers to movement, and changes in mortality are considered to be not significant for Roosevelt elk in the Terrestrial RSA (Table 5.3-54 of Volume 2, Section 5.3).</p>
-	20	Squamish Nation	24-Aug-16	EAC Application / EIS (July 2016)	SN-075	<p>The determination that the project will not have a significant effect on Roosevelt Elk is based on the prediction that there is enough suitable habitat elsewhere in the RSA, which comprises several adjacent watersheds. If the project does inhibit the ability of a self-sustaining population to persist in the McNab watershed, what evidence exists that elk can access and thrive in the other watersheds, considering the impacts and stresses existining in those locations?</p>	<p>Roosevelt elk in the Terrestrial RSA are considered resilient to imposed stresses (Quayle and Brunt 2003) and the magnitude of net cumulative effects to elk is predicted to be moderate. Reasonably foreseeable developments (RFDs), such as Eagle Mountain Woodfibre Gas Pipeline Project, Woodfibre LNG Project and logging activities, are estimated to affect 16% of suitable Roosevelt elk habitat in the Terrestrial RSA. Net cumulative effects are not considered significant for Roosevelt elk (Section 5.3.3.7.2 of Volume 2, Section 5.3). Approximately 84% (3,560 ha) of the Roosevelt elk habitat ranked as high and moderate suitability in the Terrestrial RSA under existing conditions will remain available. However, the conclusion that the Project will not have a significant effect on Roosevelt elk is not based solely on the prediction that there is enough suitable habitat available elsewhere in the RSA. The project will also not increase access to the Roosevelt elk population for hunters and poachers, will not introduce or increase other sources of mortality to the population, and direct habitat losses are predicted to affect only 0.8% of suitable habitat in the Terrestrial RSA during construction and operations. These combined impacts are not predicted to be significant for the Roosevelt elk population in the Terrestrial RSA, which is likely to be either stable or increasing (Quayle and Brunt 2003).</p>

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-	21	Squamish Nation	24-Aug-16	EAC Application / EIS (July 2016)	SN-076	The Application proposes that "Communication and planning with other proponents within McNab Valley" will manage cumulative effects on elk. Please explain this commitment in more detail, including the objectives for the planning and how it will link with monitoring studies. Further, BURNCO's conclusion that the cumulative effect on elk is not significant relies on there being enough habitat in the rest of the RSA, so BURNCO should commit to communicating and planning with land users more broadly than the McNab Valley to ensure that the elk population is resilient enough to be self-sustaining. Please commit to broader coordination, and provide a conceptual plan for how that coordination will achieve success.	BURNCO will develop and implement a Wildlife Management (Protection) Plan. BURNCO will work with Squamish First Nation and stakeholders (i.e., proponents, landowners, and government representatives) in the development of the Habitat Compensation Plan, as appropriate. A detailed wildlife mitigation and monitoring plan has not yet been developed but will be developed as part of the Wildlife Management (Protection) Plan to minimize impacts on terrestrial resources and to collect data that will help evaluate the effectiveness of implemented mitigations.
-	22	Squamish Nation	24-Aug-16	EAC Application / EIS (July 2016)	SN-077	Overall, 164 ha of high/moderate suitability winter habitat will be effectively lost to elk during the project operations. Yet, the cumulative effects assessment only focuses on the 36 ha of directly impacted habitat. Likewise, the other projects are only considered in terms of the direct habitat lost that is projected to be lost. This is a narrow view of the overall cumulative impact on the elk population. The cumulative effect assessment should consider how all stressors (direct habitat loss, indirect effects, impacts to movement etc) from all land uses may affect the population. This would boil down to a much more meaningful and descriptive (albeit complex) assessment than merely stating that 16% of the RSA winter habitat will be impacted, and that "The magnitude of the potential cumulative residual effects on Roosevelt elk winter habitat loss, mortality, and barriers to movement are predicted to be medium, negligible and negligible, respectively" with virtually no evidence or rationale to explain these determinations of the cumulative effect within the RSA. Please provide a thorough discussion and analysis of the cumulative risks to sustaining this elk population, considering all stressors on this vulnerable population.	This assessment used a combination of quantitative and qualitative mean to assess cumulative effects of the Project combined with other reasonably foreseeable developments (RFDs). Direct elk winter habitat loss was quantified using the defined project footprints for RFDs and the predicted amount of forest harvest in the foreseeable future. Effects to changes in mortality and barriers to movement were assessed qualitatively using a reasoned narrative approach because there is some uncertainty around the exact location, geographic extent, and feasibility of the RFDs and forestry activities. The potential effects of RFDs on Roosevelt elk habitat, mortality and barriers to movement are discussed in detail in Section 5.3.3.5.1. The cumulative effects of RFDs on habitat were assessed without considering their reclamation to result in a conservative assessment of cumulative effects on Roosevelt elk and other terrestrial wildlife species. It is expected that RFDs will be required to implement standard mitigations to limit cumulative effects on habitat loss, changes in mortality, and barriers to movement for elk.
-	23	Squamish Nation	24-Aug-16	EAC Application / EIS (July 2016)	SN-078	In the context of the cumulative effects on this population, please provide a science-based comparison of the value of the high/moderate suitability habitat in the low-elevation McNab river shoreline and delta with the high/moderate suitability habitat in other areas (e.g., hillsides, higher elevation, etc) for the current elk population. The assessment treats all habitat modelled as high as having equal value when in reality there is likely a difference in the importance of high suitability habitat for the elk population if distinguishing features are considered. How may the high/moderate habitat in the McNab Creek delta be of different value to the high/moderate suitability habitat in other types of landscapes? What did the field data tell us about the difference in elk use between high suitability winter habitat that may indicate preferences or unique qualities of the McNab delta and shoreline? We believe that this is worthy of examination to understand the importance of the McNab Creek shoreline and fan to the population, rather than simply dismissing it as equivalent to other areas nearby that are assumed to be adequate to sustain and grow the population.	See the response to SN-071 and SN-075.
-	24	Squamish Nation	24-Aug-16	EAC Application / EIS (July 2016)	SN-079	The Application states that the future Wildlife Protection Plan will include "Procedures on how to minimize habitat fragmentation between winter elk ranges". What options exist for this project to implement habitat fragmentation reductions strategies? Please describe the actions that will be undertaken to achieve this.	Please see response to SN-064 and SN-074. The Project footprint has been sited in a location with a long history of anthropogenic disturbance to minimize the fragmentation of undisturbed areas and mature forest. In addition, the Project footprint will be progressively reclaimed throughout the life of the Project.

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-	25	Squamish Nation	24-Aug-16	EAC Application / EIS (July 2016)	SN-080	The Application states that the future Wildlife Protection Plan will include “A Roosevelt elk habitat compensation plan will also be developed and implemented prior to and during the reclamation and closure phase of the Proposed Project.” The elk habitat compensation plan should be provided to Squamish for review/comment prior to construction with implementation underway within 2 years of construction beginning. The permanent removal of habitat needs to be replaced reasonably quickly to offset the impact; it can't wait for the reclamation phase 16 years later. Please commit to this. Considering the sensitivity of this species, a careful consideration of the compensation commitments is required at the Application stage. Please provide a terms of reference for the compensation plan that describes the specific objectives of the plan (what is it compensating for?) so that compensation plannig will be targeted and potentially effective in replacing some of what will be lost.	Please see response to SN-069
-	26	Squamish Nation	24-Aug-16	EAC Application / EIS (July 2016)	SN-081	The monitoring and follow-up is far too vague (2 paragraphs for all wildlife) for there to be any confidence that monitoring will be sufficient to judge compliance and detect unanticipated effects. Furthermore, the Application lacks sufficient detail for EAO to articulate effective certificate conditions for monitoring requirements. We request a complete explanation of the monitoring commitments for the specific effectiveness monitoring required. What specific monitoring will be done for elk and deer? (who, what, when, where, how) How will this monitoring ensure that project effects on the elk population are being adequately managed?	Please see response to SN-063
-	27	Squamish Nation	24-Aug-16	EAC Application / EIS (July 2016)	SN-082	The Application states that “The results of the wildlife monitoring program will be evaluated annually to determine if changes in abundance for wildlife VCs are within acceptable limits.” This implies that monitoring will be done for wildlife VCs at a frequency and extent to monitor abundance for each wildlife VC population with reasonable statistical power. Please confirm.	A detailed wildlife mitigation and monitoring plan has not yet been developed but will be developed as part of the Project Wildlife Protection Plan to minimize impacts on terrestrial resources and to collect data that will help evaluate the effectiveness of implemented mitigations.
-	28	Squamish Nation	24-Aug-16	EAC Application / EIS (July 2016)	SN-083	How will elk monitoring contribute to the population monitoring for the Squamish – BC Land Use Agreement (2007) and the provincial elk management plan?	Where appropriate, BURNCO will be pleased to share elk monitoring data with the Squamish Nation and BC FLNRO biologists for the Squamish – BC Land Use Agreement (2007) and the provincial elk management plan.
-	29	Squamish Nation	24-Aug-16	EAC Application / EIS (July 2016)	SN-084	In general, as detailed in the preceding comments, the Application fails to provide sufficient detail to convey the expected effects on ungulates at a local or regional study level. Consequently we find the residual effects characterization is not adequately supported by the evidence in the Application. Furthermore, Squamish Nation must re-iterate that any non-significant conclusion of the Project's effects on Squamish Nation's Aboriginal Rights caused by impacts to terrestrial resources is contingent on clear and defensible conclusions on this topic, as outlined in Section 11.3 (particularly 11.3.3.2.1, 11.3.3.2.3.1, 11.3.5.1.1, 11.3.6, and 11.3.8) (Volume 3 of the Application).	As noted in Section 11.3.8, the conclusions on "acceptable impacts" on Skwxwú7mesh Nation's Aboriginal Rights are contingent on mitigation described in the EAC Application/EIS. With respect to potential effects on the exercise of Skwxwú7mesh Nation's Aboriginal Rights related to ungulates, the relevant mitigation measures are described in Volume 2, Part B - Section 5.3 Terrestrial Wildlife and Vegetation and in Volume 3, Part C - Section 11.3.4. The mitigation measures specific to Skwxwú7mesh Nation are ongoing consultation between BURNCO and Skwxwú7mesh Nation during the regulatory review of the EAC Application/EIS and involvement in the development and implementation of mitigation, management and monitoring plans related to deer and elk.
-	92	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-116	We would like to note, in the interest of time management, that having a blank tracking document is quite time consuming - when an appropriately filled out tracking table is provided it makes entering comments much faster. We encourage the use of tracking tables where the sections and subjects have already been entered, leaving us space for comments.	Acknowledged. BCEAO / CEAA to advise.
-	93	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-117	We would also like to comment that the overall geographic expanse of the LSA and RSA is continually insufficient in terms of providing a proper assessment area to look at Project outcomes; the sizes/areas chosen in this EA, in addition, to others, do not provide the holisitc perspective that represents Tsleil-Waututh Nation.	The scope of assessment of the marine shipping component of the Proposed Project, as defined by the CEA Agency and by the BCEAO, consists of the barge traffic in Howe Sound to south of Passage Island. The scope does not include shipping from where the barges meet the existing shipping lanes in the Strait of Georgia and in the Fraser River to BURNCO’s existing facilities in Burnaby and Langley. Incremental increases to marine traffic as a result of the Proposed Project are anticipated only for Ramillies Channel, Thornbrough Channel and Queen Charlotte Channel in Howe Sound where the barges would intersect with existing BURNCO shipping routes.

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-	94	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-118	Human and Terrestrial Wildlife Heath require baseline reports in order to properly assess potential project effects on humans and wildlife. Assessing these components through pathways, such as water quality, do not provide a holistic view of impacts. TWN strongly believes that when data - qualitative or quantitative - is not available for a particular project location that it is up to the Proponent and BC EAO to ensure that any data required is created through studies and research. In addition, we encourage the use of both qualitative and quantitative methods for all baseline reports. An insufficient baseline report may result in cumulative effects that have not been properly mitigated.	Baseline information to support the human health and wildlife assessment are provided in Volume 2, Part B - Section 9.1 and Section 5.3 as well as the appendices provided in Volume 4, Part G - Section 22.0: Appendix 9.1-A through 9.1-E and 5.3-A. We look at the pathways that could lead to potential effects to understand the potential effects of the Proposed Project on identified receptors. Potential effects on Aboriginal Rights, including Current Use, are provided in Part C of the EAC Application/EIS.
-	95	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-119	We disagree with the evaluation that one VC can be better represented by another VC, especially in regards to species as each and every one is different and requires different ecological resources, whether minor or great in the project area, to sustainably thrive.	The selection of VCs for the Proposed Project is consistent with the guidance provided by the Province (BCEAO 2013). This includes narrowing down the selection of VCs by asking a number of questions including, but not limited to, the following: - Is the candidate VC better represented by another VC? Can the potential VC be effectively considered within the assessment of another VC? (e.g., is it already duplicated by another species, economic activity). In addition, identified Aboriginal groups were consulted with and involved in VC selection during the development of the AIR/EISg.
-	96	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-120	TWN disagrees with the exclusion of shipping lanes in the assessment as this decreases project effects related to water quality, marine resources, marine mammals, air quality and climate change. We would like to see the shipping lanes and all associated outcomes of marine vessels in the shipping lanesto be included in the assessment and most importantly, cumulative effects.	The scope of assessment of the marine shipping component of the Proposed Project, as defined by the CEA Agency and by the BCEAO, consists of the barge traffic in Howe Sound to south of Passage Island. The scope does not include shipping from where the barges meet the existing shipping lanes in the Strait of Georgia and in the Fraser River to BURNCO’s existing facilities in Burnaby and Langley. Incremental increases to marine traffic as a result of the Proposed Project are anticipated only for Ramillies Channel, Thornbrough Channel and Queen Charlotte Channel in Howe Sound where the barges would intersect with existing BURNCO shipping routes.
-	97	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-121	Tsleil-Waututh does not agree with the cumulative effects assessment method that considers only residual effects of the project that have the potential to interact with other projects and activities as scoped by the EA. Tsleil-Waututh assesses cumulative effects from a holistic perspective, inclusive of past (pre-contact baseline), present and future impacts on its members, culture, economy, and the environment from all projects across the territory. Tsleil-Waututh requests that all effects, including those generated by mitigatory and adaptive measures, be included in the cumulative effects assessment. We would like to discuss appropriate methods with the EAO and Proponent accordingly.	The cumulative effects assessment methodology was based on guidance provided by the BCEAO and the following guidelines and standards: Operational Policy Statement: Addressing Cumulative Environmental Effects under the Canadian Environmental Assessment Act (CEA Agency 2007), Addressing Cumulative Environmental Effects, A Reference Guide for the Canadian Environmental Assessment Act (CEA Agency 1994), Cumulative Effects Practitioners Guide (CEA Agency 1999), and Guideline for the Selection of Valued Components and Assessment of Potential Effects (BCEAO 2013). If the Proposed Project is able to implement widely used mitigation techniques that are known to be effective in minimizing potential environmental effects then the resulting residual effect may be considered negligible. A negligible residual effect is defined, for the purposes of this assessment, as a residual effect that will result in no change or an incremental change to the indicator that is not measureable or within the natural variability of the system. If the effect is considered to be incremental or within the natural variability of the system then it is unlikely to act cumulatively with other current or reasonably foreseeable future projects.
-	98	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-122	We find this table to be lacking in listing Aboriginal interest of components, in addition to stakeholder importance. For example, as TWN looks at our environment with a holistic perspective we believe that all aspects of that system to be equally important and thus we have an interest in all aspects - we may be interested in Elk for example because it is hunted by TWN members, however, we are equally interested in the ecosystems and environment that supports the health and biology of that Elk. Another example would include Climate Change - this is not only an interest for Aboriginal groups, but all stakeholders, including the public and the provincialand federal levels of the Canadian government.	Table 4-2 as well as Table 4-3 were provided within AIR/EISg. The Identified Aboriginal groups were consulted with and involved in VC selection during the development of the AIR/EISg. When assessing the potential effects on VCs, the potential effects on their habitat and food sources were also considered. Climate change was considered as a stand-alone VC as is presented in Table 4-2.
-	99	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-123	Even though chinook salmon and rainbow trout were seen infrequently in the project area, they are relevant to be VCs. Not only are they extremely important species to Tsleil-Waututh, but are decreasing in many areas due to development and thus should be paid attention to accordingly.	BURNCO agrees that chinook salmon and rainbow trout are important species that may infrequently be present within the LSA of the Project. The project design measures and mitigation measures incorporated into the Project are expected to be effective in avoiding effects on the salmonid species considered as VCs. Because the habitat requirements for the more common salmonid species are generally similar to those of chinook salmon and rainbow trout (clean water, adequate flow, instream cover, benthic invertebrate food supply and suitable substrate) it is expected that potential effects on these species will also be avoided.
-	100	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-124	The "timeline" column needs to be updated throughout - please have this updated for the next review phase	The timelines presented in Table 4-7 were based on those available at the time of writing the cumulative effects assessment. As timelines for projects can change suddenly and often, the cumulative effects assessment conservatively assumed that for current or reasonably foreseeable future project with unknown timelines, the Proposed Project would overlap with both construction and operations phases of that project.
-	101	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-125	TWN finds the pit lake to be of great concern - environmentally and ecologically - espeically in realtion to the fact that it will spill over and into adjacent watercourses. We belive this to be an adverse effect to fish and fish habitat and would like to understand how this will be mitigated?	During operation of the pit no surface water connection between the pit lake and downslope watercourses will exist. The downslope watercourses will be fed only by ground water. Only after the dredging activity has ceased will a spill structure be operational. The water quality and temperature of surface water spilt from the pit lake is predicted to meet water quality guidelines for aquatic life and it will be monitored to confirm the predictions.
-	102	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-126	Please advise whether the cement will be cured on or off land? Any additional information in regards to this process would be appreciated.	Concrete will be cast in place via an on-site batch plant or by truck delivery. Certain pre-cast elements may be used depending on final engineering details.

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-	103	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-127	With a) increased activity within Howe Sound and b) the high potential for the pit lake containment to fail, how would there not be any cumulative impacts? Please explain.	The pit lake containment berm will be designed and built to appropriate design criteria, which include seismic stability considerations.
-	104	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-128	Please indicate the size of the pit lake and where it will be located? It is hard to gain this information from the maps provided.	The pit lake developed progressively over the 16 year life of the Project. The location of the pit lake is presented in Figure 2-2 of the EAC Application/EIS. At closure the pit lake will be 600 m by 500 m and approximately 35 m deep.
-	105	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-129	There is mention of removing creosote piles during reclamation and closure. However, are creosote piles being installed during construction? Please provide further information.	There is no plan to install creosote piles during construction. During construction, pile installation (to support the elevated walkway conveyor system and load-out jetty) will be limited to 10 steel piles in the subtidal and 8 steel piles in the intertidal.
-	106	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-130	We would like to state that once the Cresotoe piles are removed, we do not consent to them being reused in Tsleil-Waututh traditional territory.	There is no plan to install creosote piles during construction. During construction, pile installation (to support the elevated walkway conveyor system and load-out jetty) will be limited to 10 steel piles in the subtidal and 8 steel piles in the intertidal.
-	107	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-131	There is a lot of woody debris in the subtidal area from a previous log dump. Is any of the debris to be cleaned up or will it be left in place? We believe in capturing net gain through all project outcomes and effects and encourage Proponents and the EAO to improve areas accordingly through current development projects.	There is no current plan to remove woody debris in the subtidal area associated with a previous log dump given this area still represents an active log sort area (log handling activities will continue to occur in this area in the future).
-	108	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-132	Are there any glass sponges located in the marine area of the LSA and RSA? Please provide further information.	Glass sponges are known to occur throughout Howe Sound, in water depths below -20 m (chart datum). As part of marine baseline investigations, detailed underwater biophysical surveys were conducted in the proposed subtidal footprints of the proposed marine infrastructure (as well as adjacent areas) using SCUBA and towed video survey methods, with detailed information recorded on existing habitat and species present in these areas. This included systematic surveys targeting potential sponge reef habitats. The field surveys concluded that no glass sponge reefs were present in the proposed marine infrastructure (load-out jetty or walkway/conveyor) footprint. This information agrees with known habitat preferences of these organisms (i.e., water depths in the proposed marine infrastructure footprint are shallower than the depth range in which glass sponge reefs occur). In terms of interaction of glass sponge reef habitat with shipping activities, known sponge reefs occur in proximity to the proposed shipping route in several locations, with the closest occurring at the mouth of Ramillies Channel (Volume 4, Part G - Section 22.0 - Appendix 5.2-A, Figure 3). However, water depths at these locations along the proposed shipping route are below -25 m (chart datum). As such, potential impacts from shipping would be limited to propeller wash effects at the corresponding depths of these glass sponge reef occurrences. To assess this potential impact, propeller scour impacts on the seabed were assessed at a modelled depth of -20 m (chart datum) to correspond with the uppermost depths of glass sponge habitat. Jet velocities generated by the tug propeller at -20 m were compared to natural velocities derived from wave and tidal activity in Howe Sound. Estimates of maximum horizontal velocity associated with wind waves were developed from wave hindcasts from available wind data for the Strait of Georgia using the Halibut Bank Ocean Buoy (Environment Canada Station 46146) and are summarized in Table 5.2-12. At -20 m depth, the jet velocities of the proposed tug-assisted barge movements were shown to be within the same magnitude as tidal currents present at this depth, and below the velocity threshold (0.25 m/s) required for seabed particle mobilization (USACE 1989). Given that water depths along the proposed shipping route in the RSA are typically below -20 m (chart datum), the potential effects of tug propeller scour on glass sponge assemblages in the proposed shipping corridors were considered negligible and were not carried forward in the assessment.
-	109	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-133	Will there be a monitor for underwater noise during construction? The thresholds mentioned for dB that could cause harm to fish and marine mammals is hypothetical, which is a study method that we do not agree with. It's important that current qualitative and quantitative studies support all EA applications and Projects.	A qualified Environmental Monitor (EM) will be on-site during the construction phase to monitor underwater sound and pressure levels in the field using a hydrophone and a real-time sound monitor to confirm that pile driving noise levels at the established safety zone radius are below the established acoustic injury thresholds for fish (30 kPa or 210 dB re 1 µPa SPLpeak), as well as for marine mammals (based on three established injury threshold criteria for pinnipeds and cetaceans respectively: 190/180 dB re 1 µPa SPLrms; 210/230 dB re 1 µPa SPLpeak; and 186/198 dB re 1 µPa2a SEL). These acoustic injury thresholds, as referenced in the EAC application, are not hypothetical – they are based on a synthesis of best available science with respect to the effects of anthropogenic sound on marine fish and mammals, as determined through controlled experimentation including species-specific physiological and behavioral response studies. For fish, if underwater noise generated during pile driving is shown to exceed 30 kPa at a distance of 10 m from the source, measures will be taken to reduce either the intensity of the sound generated or the level of sound propagation through the water column (via installation of bubble curtains around the wetted pile and/or the alternate use of a vibratory hammer in place of an impact hammer). For marine mammals, if sounds levels are shown to exceed the acoustic injury thresholds at the safety zone radius, the safety zone will be adjusted accordingly, and marine mammal monitoring will resume using the revised safety distance (with shut-down of piling when marine mammal enter the safety zone).
-	110	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-134	The Project will cause a loss of red-legged frog aquatic breeding sites and adult upland habitat. Can this loss be avoided and/or how will this loss be mitigated? TWN believes first and foremost, in avoiding habitat loss. Please explain.	Approximately 0.12 ha of habitat in Pond 2 and 6 that may be providing breeding habitat for amphibians is predicted to be lost during the construction phase. However, to compensate for this loss of wetland habitat, a total of 0.125 ha of amphibian breeding habitat will be established during the construction phase of the Project in four shallow ponds. Additional information is provided in Section 5.3.1.5.5.1.1.1 (Volume 2, Section 5.3)
-	111	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-135	The Project will cause habitat fragmentation between breeding sites of red-legged frogs. What will be done to decrease this effect? Again, TWN believes in avoiding any effect on habitats. Please provide further information and mitigation plans on how net gain will be achieved.	See response to TWN-134.
-	112	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-136	The loss of any habitat, whether terrestrial or marine, will require not only mitigation, but an increase in functional habitat. TWN believes in net gain through our holistic perspective and our Stewardship Policy (2009), and views mitigation as the only acceptable means of replacing what was destroyed. We expect that efforts will be made to ensure the Project improves the environment and ecology in the area. Please provide details as to how this will occur.	The Proposed Project footprint was sited in an area with a long history of anthropogenic disturbance to minimize impacts to undisturbed habitat (including mature forest) and to generally minimize adverse effects on terrestrial resources. A Reclamation and Effective Closure Plan will be developed and will outline the goals associated with wildlife habitat restoration, methods of rehabilitating wildlife habitat, and parameters to gauge the success of reclamation. Habitat reclamation will occur progressively over the life of the Proposed Project to return habitat to a functional capability for supporting wildlife as soon as possible. A detailed wildlife mitigation and monitoring plan has not yet been developed but will be developed as part of the Wildlife Management (Protection) Plan to minimize impacts on terrestrial resources and to collect data that will help evaluate the effectiveness of implemented mitigations.

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-	113	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-137	TWN would like to know if, during reclamation and closure, the pit lake will become a permanent fixture? Please provide further information.	Confirming the Project involves the formation of a permanent pit lake.
-	114	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-138	Please provide further information on if there were any traditional use vegetation seen in the LSA? And if so, please explain how these areas will be avoided, or provide rationale if they will not be avoided?	Data were collected on all plant species observed during vegetation surveying in the Project area, including traditional use plant species. Species considered to be rare (provincially or federally listed species at-risk) will be avoided. Many traditional use species, such as those listed in Volume 2, Section 5.3.2.4.1 of the EAC Application/EIS, are common on the landscape. Mitigation measures to reduce potential effects to vegetation are provided in Section 5.3.2. and summarized in Table 18-1 of the EAC Application/EIS.
-	115	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-139	Please list if there are any red-listed ecosystems to be avoided during construction and operation in the area?	Volume 2, Section 5.3.2.5.2.3 of the Application discusses effects of the Project on red-listed ecosystems. Red-listed ecosystems were avoided as much as possible during Project design. Impacts to the Tufted hairgrass - Douglas' aster estuarine meadow (GS/Ed02) located along the shoreline were minimized by construction of a raised marine loading conveyer, which will minimize soil and vegetation disturbance.
-	116	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-140	TWN disagrees with the pit lake being considered as mitigation for the Project. The pit lake is simply a means to an end and should not qualify as mitigation, especially if the effects can not be determined until after Project closure. For example, the pit lake may provide a habitat, and thus a food source for grizzly bears, but the pit lake is strictly created for the project and not a habitat for grizzly bears; TWN does not see the pit lake as a mitigation measure, nor does it help to achieve net gain within a sensitive environmental area. Please provide further information and measures as to how the pit lake will be decommissioned.	The pit lake is not being designed as habitat compensation. However, vegetation will be planted around the freshwater pit lake perimeter to establish wildlife habitat. The fish habitat compensation channel is expected to improve the overall productivity of the McNab system and may provide an increased food source for grizzly bear within the Terrestrial LSA following decommissioning. Mitigation measures are described further in Section 5.3.1.5.4 of Volume 2, Section 5.3.
-	117	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-141	We disagree that mitigation for wildlife and vegetation be considered post-operation. For example, how would its functionality be evaluated after project closure? All mitigation measures should occur prior to the effect occurring, in order to best decrease the effect overall. Please provide further information on how this will be done in realtion to wildlife and vegetation effects.	Wildlife and vegetation mitigation measures have been considered since Project design and will be applied during all subsequent Project stages. Please see response to TWN-136.
-	118	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-142	Given the amount of earthquakes that occur on a regular basis, and of all sizes, along the BC Coastal region, we do not find the LSA and RSA for the assessment of Geotechnical Boundaries to be sufficient. There is a high probability of an earthquake occurring outside of the LSA or RSA that would impact the Project area, causing detrimental ecological effects. We would like to see a more realistic LSA and RSA in realtion to Geotehcnical Boundaries based on BC Coastal ranges of Earthquake effects.	The assessment of potential effects of earthquakes on the project consider seismic events that might occur throughout the region including local events. Existing earthquake data are used to assess seismic hazard, including potential earthquakes associated with the Cascadia Subduction zone.
-	119	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-143	We find a desktop review and mapping to be insufficient to properly assess terrain stability in the area. Aboriginal groups that frequent that area, including TWN community members, field crews, hunters and other groups that know the land, should be consulted as they can provide data that includes real life experiences of the environment. From our own experience, terrain stability within the RSA is extrememly unstable and landslides occur often. Please provide information on how such data gathering will occur.	Field confirmation of desktop terrain mapping will be conducted as per the requirements of the Mines Act Permit Application.
-	120	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-144	Please provide further rational and explanation to the pasted text below (page 5-4-28 and 5.4-29) - it states that further studies are required, yet will not be done - if further studies have not occurred, how are you able to state that there is no evidence: " Further investigation and assessment will be required to evaluate the debris flood/debris flow potential and determine if engineering designs are required to mitigate potential risks. There is no evidence for debris flood/debris flows that could potentially impact the Project area. Therefore no further investigations or assessments for debris floods / flows are required and engineering designs are expected to mitigate the potential risk"	It is acknowledged that there is a conflict in the cited text. The lack of evidence for significant, historical debris floods or debris flows in McNab Creek both upstream and downstream of the Project Area indicate that the risk of impacts to the Project Area can be considered low. Proposed geotechnical and natural hazards mitigation, which includes construction of the flood protection dyke, will further reduce the potential for impacts to the Project Area.
-	121	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-145	We disagree with the assessment that there are no cumulative effects in relation to Earthquakes and Terrain Stability. Within a holistic perspective, we believe that even if there will be a low occurrence or likelihood of an event occurring, it needs to be assessed as the outcome could be devastating.	Based on the ratings for residual effects, none were carried forward into a Cumulative Effects Assessment. Potential residual effects on the geotechnical hazards and terrain stability conditions were considered negligible (and not significant) because (summarized from Vol 2 - Section 5.4.5.5): (1) Mass wasting events such as landslides and avalanches occur within the McNab Creek valley (RSA), however there is no evidence of terrain stability concerns within or adjacent to the LSA. Submarine landslide conditions were deemed not present in the LSA (2) With mitigation measures, site geotechnical conditions will not diverge from baseline conditions; and (3) Anticipated engineering designs and mitigation measures would minimize and manage for potential adverse effects.

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-	122	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-146	Please explain what guarantee, after the Project closure and with the pit lake remaining, there is that baseline level flows will remain in McNab Creek?	The rate of loss of flow from McNab Creek to the groundwater system is proportional to the gradient of the groundwater surface between the creek and the Site. The gradient of the groundwater surface under baseline conditions was monitored using monitoring well data located on the Site. During the construction phase of the project the existing groundwater channel will be blocked, resulting in an increase in the local groundwater levels, a flattening of the groundwater gradient between McNab Creek and the Site and a reduction in the rate of flow from McNab Creek to the groundwater system. During the later phases of the operational phase of the project as the pit lake is expanded in a northern direction the groundwater gradient will start to trend towards the baseline conditions. Throughout the operational phase of the project the owner shall monitor the groundwater gradient and the water levels within the pit lake. These monitored groundwater and pit lake water levels shall be used to refine the analysis of the closure groundwater gradient and pit lake water level. These analysis shall be used to inform the progressive planning of the mine. After closure, if necessary, the groundwater gradient can be altered (varying the rate of loss from McNab Creek) by adjusting the height of the weir at the outlet of the pit lake.
-	123	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-147	Please provide us with a new version of this appendix as the second page of the letter is cut off and text is missing, making it difficult to assess the information in the letter.	Revised version of this Appendix has been provided with these responses.
-	124	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-148	TWN would like to know if the documents submitted to BC MoE are available to view? And if not what is the rationale for not disclosing these documents?	The BC MOE approved detailed model plan that summarizes the MOE comments and the agreed solutions has been provided as Appendix 5.7-E.
-	125	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-149	We disagree in the calculation of Tugboat Emissions - Tugboat Emissions need to be calculated, using the entire vessel route for shipping. Calculating within the Project area (which as stated before is not sufficient) does not capture the entire cumulative effects of the Project. It states in the Appendix that this calculation is based on conversations with Health Canada - we would like to understand why emissions will only be calculated in such a small area.	<p>Underway shipping emissions have been considered, but not modelled, between the Project and Golden Ears Bridge.</p> <p>Aggregate material will be shipped from Project to existing processing facilities in Burnaby and Langley. These facilities are currently supplied by:</p> <ul style="list-style-type: none">- Polaris Material Corp.'s Orca Quarry at Port McNeil located on northern Vancouver Island, BC;- Jack Cewe Ltd.'s Treat Creek Operations located in Jervis Inlet, BC; and- Construction Aggregates Ltd.'s gravel mine located in Sechelt, BC. <p>The development of the Project would result a reduction in barge tow distance of up to 280 km between current aggregate sources and processing facilities, thereby improving the environmental impacts.</p> <p>Furthermore, the BC EAO and CEAA (November 12, 2013) confirmed that the scope of assessment include only shipping activities within Howe Sound.</p>
-	126	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-150	We would like to see a comprehensive greenhouse gas emissions analysis (upstream and downstream) of the Project.	The federal requirement for quantification of upstream GHG emission sources is limited to oil and gas facilities undergoing federal environmental assessments (Government of Canada. 2016. Canada Gazette Vol. 150 No. 12), therefore this requirement does not apply to the Project.
-	127	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-151	Looking at climate trends between 1971/1981 to 2010 is insufficient as it does not incorporate 2010 up to current day. Please provide rationale and/or another area where current day baseline conditions are discussed in relation to current goals mandated by the Government of Canada.	<p>According to Environment Canada "Climate Normals and Averages are used to summarize or describe the average climatic conditions of a particular location. At the completion of each decade, Environment Canada updates its Climate Normals for as many locations and as many climatic characteristics as possible." (Government of Canada. 2014. Canadian Climate Normals. Electronic resources. http://climate.weather.gc.ca/climate_normals/index_e.html)</p> <p>At the time of the assessment the most up-to-date climate normal datasets generated by Environment Canada are for the 1981 to 2010 period. These datasets were used in the assessment.</p>
-	128	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-152	All resources and regulations that the Government of Canada and Government of BC use in regards to Climate Change should be utilized to assess this VC. For example, Canada participates in the United Nations Framework Convention on Climate Change and is required to "enact policies and measures" to address greenhouse gases; this framework needs to be added, in addition to the Climate Leadership Plan of August 2016 produced by the Government of BC. We also encourage Proponents to utilize easily accessible studies on such topics from the Canadian Council for Policy Alternatives and the C.D. Howe Institute.	Relevant guidelines and reference documents available at the time of preparation of the assessment were used in the GHG and climate change assessment. Most notably these include Incorporating Climate Change Considerations in Environmental Assessment (The Federal-Provincial-Territorial Committee on Climate Change and Environmental Assessment 2003) and guidance on the quantification of GHG emissions provided by the BC MOE.
-	129	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-153	We would like the Proponent to explain how they understand and define sustainable economic development? In addition, how does this definition fit into Provincial and Federal policies and frameworks within sustainable economic development? Please provide further information.	<p>Section 2.5.2.3 describes the construction and operations practices that comprise BURNCO's sustainable development framework for the Proposed Project.</p> <p>The Sustainable Economy assessment (Section 6.1) addresses the economic pillar of the Environmental Assessment Office's five pillars. Several valued components and measureable indicators listed in Section 6.1.3.1 form the basis for assessing the Proposed Project's economic effects. These valued components and indicators were selected in conformance with the BC EAO's guidance laid out in the publication entitled "Guideline for the Selection of Valued Components and Assessment of Potential Effects".</p>
-	130	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-154	This section states: "This contribution to economic development is valued by local governments and communities as it provides opportunities for income and wealth creation and contributes to a community's economic stability." Tsleil-Waututh also values project contributions based on its role in enhancing economic participation and integration of new market entrants and existing business. It would be interesting to understand the dynamics of the Project in respect of market participation and integration measures. Please provide further information and resources used.	Several valued components and measureable indicators listed in Section 6.1.3.1 form the basis for assessing the Proposed Project's economic effects. These valued components and indicators were selected in conformance with the BC EAO's guidance laid out in the publication entitled "Guideline for the Selection of Valued Components and Assessment of Potential Effects". The potential effects of the Proposed Project are presented by four valued components (Labour Market, Regional Economic Development, Local Government Revenue and Real Estate) in Section 6.1.5.

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-	131	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-155	Tsleil-Waututh was not consulted on the development or implemntation of the New West Partnership Trade Agreement or Agreement on Internal Trade. These Agreements do not reflect Tsleil-Waututh's principles for economic development in our territory. We will be pursuing appropriate consultation with the Province and Government of Canada on all future trade agreements.	Comment acknowledged. Information is noted as being present. No further information required.
-	132	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-156	Why is Tsleil-Waututh Nation excluded in mention from the Administrative Boundaries section? Please explain.	<p>The reference in Section 6.1.2.3 (Administrative Boundaries) is to the traditional territory Skwxwú7mesh (Squamish) Nation in which the Project site is located. This section also cites the local government entity (Electoral Area F of the SCRD) in which the Project location is situated within.</p> <p>Project-related shipping activities occur within the consultative boundary of the Tsleil-Waututh Nation. Potential effects on Aboriginal Rights, including current use, are addressed in Part C of the EAC Application/EIS.</p>
-	133	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-157	In reference to Aboriginal peoples data, this section states: "The extent and quality of this information is limited to the level of participation within and by First Nations communities..." To date, an MOU and capacity funding agreement has not yet been reached between Tsleil-Waututh and the Proponent, which would permit full and comprehensive engagement of our offices in this Projects review going forwards. We are committed to full engagement if the Proponent will enable it.	Comment acknowledged. Discussions between the Tsleil-Waututh and BURNCO are ongoing. Since the EAC Application/EIS was submitted, BURNCO and Tsleil-Waututh Nation have met and agreed to complete a traditional use study for the Project. The study is expected to be completed by December 2016. BURNCO and Tsleil-Waututh will discuss whether it is appropriate to submit the study to EAO and CEAA as an addendum to the EAC Application/EIS.
-	134	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-158	Please explain if the Sunshine Coast Regional District was approached for information on real estate conditions? If not, why?	Secondary source information was collected from several organizations, including Sunshine Coast Regional District. A Sunshine Coast Regional representative has participated in this assessment as a member of the assessment's Working Group. Primary information was also collected through an interview with a Gambier Island Local Trustee and communications with a representative of McNab Strata.
-	135	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-159	Tsleil-Waututh would appreciate a list of the private sector research reports and academic research used in this section. Please provide.	All documents referenced in this report are included in Section 21.0 (References).
-	136	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-160	It is very likely that the statistics on the Howe Sound Pulp and Paper Mill require updating given recent changes. Please have these updated for the next review stage.	The years in which the data are relevant are provided in Section 6.1. The Howe Sound Pulp and Paper Mill employment cited in the report is current as of 2014. A considerable amount of data is provided in the documents of the EAC Application/EIS.
-	137	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-161	Reference to non-trade based employment is made in section 6.1.5.2.2, but this section focuses exclusively on trades. What is the rationale for this? Please explain.	<p>Table 2-12 lists the skills required for the operation of the Proposed Project. No labourer requirements are anticipated at this time.</p> <p>Section 6.1.4.1 provides baseline conditions for the Labour Market VC. Section 6.1.4.2 focuses on the Education and Skill Base baseline, and includes information on a range of industry-related training.</p> <p>Section 6.1.5.2.1 provides estimated direct, indirect and induced employment effects of the Potential Project. Section 6.1.5.2.2 assesses the Potential Project's anticipated affect on the Regional Economic Development VC, and focuses on new business supply opportunities as measured by incremental business revenues.</p>
-	138	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-162	Is any business disruption anticipated as a result of this projects construction or operation? What elements were considered in determining this (i.e. BC ferries, Howe Sound recreation / tourism, etc.)? Please provide further information.	<p>Business disruption is not anticipated due to the Project.</p> <p>Labour market balance was assessed as part of Sustainable Economy Assessment. Based on foreseen labour supply and capacity condition in the LSA, there is expected to be sufficient capacity within the LSA to meet BURNCO's hiring demands.</p> <p>Potential effects to Outdoor Recreation and Tourism through Project associated changes in the quality of the environmental setting were considered not significant during both construction and operations stages.</p>
-	139	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-163	Why is the Woodfibre LNG project not considered here in light of cumulative shipping impacts to real estate values? Woodfibre based shipping will transit through Burnco's RSA.	<p>As described in the Application Information Requirements (AIR) document (issued by the BC Environmental Assessment Office on December 16, 2014), the RSA for real estate includes the LSA, the west shore of Howe Sound along Thornbrough Channel and extends across Thornbrough Channel to the northwest portion of Gambier Island. The Woodfibre LNG Project was not included in the cumulative effects assessment of real estate because the activities of this project lie outside of the RSA for real estate in the BURNCO Project assessment. The proposed Woodfibre LNG facility lies several kilometres north of the BURNCO Project site along the west shore of Howe Sound. After leaving the Woodfibre processing facility and loading jetty on the west side of Howe Sound, the proposed shipping route for the Woodfibre LNG Project is on the east side of Howe Sound, i.e. through Montagu Channel and Queen Charlotte Channel. The Woodfibre LNG shipping route is situated several kilometres to the east of the northern areas of Gambier Island, and views to the east from this part of Gambier Island are largely shielded by Anvil Island. The Woodfibre LNG shipping route lies to the east of Anvil Island.</p> <p>In addition, potential effects on real estate value due to LNG carrier shipping associated with the Woodfibre LNG Project were identified in neither the Application Information Requirements document nor the environmental assessment application for this project. Potential effects on real estate values due to marine shipping associated with this project were not identified in the Woodfibre LNG Project Assessment Report (dated August 19, 2015) that was prepared and issued by the BC Environmental Assessment Office. The BC Ministers of Environment and Natural Gas Development signed an environmental assessment certificate for the Woodfibre LNG Project on October 26, 2015.</p> <p>Woodfibre LNG projects 80 LNG carrier movements per year (approximate average of 7 per month), which would represent an increase of 1% in larger vessel traffic in Howe Sound.</p>

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-	140	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-164	Even though an assessment on the social indicators of health was not completed due to the conclusion that there are negligible interactions between the proposed Project and community health VCs or sub-components for the general population (which TWN does not agree with), why does the proponent also exclude an assessment on the cultural health of Aboriginal peoples? The adverse cultural health effects from yet another Project in the territory, potentially impacting the marine environment, sacred sites and waters, and disconnecting Aboriginal peoples from their culture is far more cumulative and holistic in scope than an assessment on air, noise, and contaminated foods. TWN expects an assessment on the cultural health of Aboriginal peoples at the very least.	<p>Part C - Aboriginal Information Requirements addresses potential Project related interactions on Aboriginal Rights and Interests, including current use of lands and resources for traditional purposes and intangible cultural heritage which can contribute to cultural health.</p> <p>The assessment presented in Section C found Project associated changes in access to locations of transmission of Aboriginal culture and history to be negligible during construction and operations stages, and positive at closure.</p> <p>Also found to be negligible during construction and operations were Project associated changes in quality of experience in connection with the sensory environment and environmental setting at locations of transmission of Aboriginal culture and heritage. At closure, no effects are anticipated in regard to quality of experience in connection with the sensory environment and environmental setting.</p>
-	141	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-165	The response provided from the Screening was unclear (TWN-099), as it simply referred back to Sections 9.1.2 and Section C. Please directly respond to the question: Have local Aboriginal policies/guidelines related to health been considered? For example, the BC First Nations Health Authority.	<p>Health Canada considers Aboriginal health within it's risk assessment guidance (e.g., wild game consumption rates are published in Health Canada 2012). We are not aware of any local guidelines related to risk assessment and chemical exposure for local Aboriginal populations. The First Nations Health Authority provides guidance on healthy eating and food safety factsheets, so we did not identify guidance that was applicable to health risk assessment. If such guidance is available, please provide Golder with the reference and will review and provide comment.</p> <p>Health Canada. 2012. Federal Contaminated Sites Risk Assessment in Canada Part I: Guidance on Preliminary Quantitative Risk Assessment (PQRA), Version 2.0. September 2010, Revised 2012. Health Canada, Minister of Health: Ottawa, ON.</p>
-	142	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-166	The response provided from the Screening, which indicated that human health would be a suitable VC name, is not accurate as this VC does not consider the social, mental or cultural aspects of human health. "Physical human health" is a more accurate name for the VC compared to "human health" or "people", if biophysical is not acceptable to the authors. We would like to see this changed.	<p>As stated previously, 'People' were indicated as the Valued Component (VC) for the human health risk assessment, consistent with the methods described in the AIR. This is typical practice for human health risk assessments conducted in support of Environmental Assessments.</p> <p>The selection of VCs for the Proposed Project is consistent with the guidance provided by the Province (BC EAO 2013). In addition, the Identified Aboriginal groups were consulted with and involved in VC selection during the development of the AIR/EISg.</p>
-	143	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-167	The boundaries of both the LSA and RSA for the public health assessment are too limited, particularly to assess water quality, air quality, and country foods, as they relate to physical human health. Please provide a rationale for the determination of the LSA and RSA . Overall, we would like to see the areas increased to better assess impacts.	<p>The boundaries for the LSA and RSA are extensive. The RSA is an 80km by 80km grid centered around the proposed Project. There are no health risks identified with contaminants of potential concern in air or water within the LSA or RSA, so extending the LSA and RSA boundaries would not change the conclusions of the human health risk assessment. The LSA and RSA boundaries are also harmonized with those from the air and water quality teams who provide predictions for use in the human health risk assessment.</p> <p>We provided the RSA and LSA boundaries to Health Canada for discussion in the problem formulation stage of the assessment and the RSA includes the incorporation of additional receptor locations based on their comments. In addition, the Identified Aboriginal groups were consulted with and involved in development of the AIR/EISg which included a definition of the LSA and RSA for each discipline.</p>
-	144	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-168	The Assessment indicates that "it was not possible to conduct a quantitative cumulative effects assessment for human health, as there is insufficient information available to conduct water and air quality modelling of other past, present and reasonably foreseeable projects and activities and this modelling has therefore, not been carried out." Please clarify this statement and provide suggestions on how this could be addressed for future assessments. TWN believes that the lack of information is not a good enough reason to not provide proper data. If data for assessing Project effects is required, the Proponent and EAO should ensure it is gathered in all ways possible.	<p>The data are available to assess the Project effects; what is limited is the amount of available quantitative data for future projects (they may not be fully developed yet and/or quantitative information on air or water emissions may not be available). In order to assess the cumulative effects case quantitatively for a the purposes of a human health risk assessment, the same level of information as that available for the Project needs to be available for the future projects and this is not always the case.</p> <p>A qualitative assessment of cumulative effects associated with changes in air quality (effects from water quality were negligible) was made to support the risk assessment cumulative effects assessment by the air quality team. The air quality team indicated that that a qualitative assessment of cumulative effects was appropriate in this case as the Project is an aggregate facility that relies heavily on electrical equipment. Emission sources of concern (stockpiles, screens, crushers, etc.) are low lying, emissions of concern are particulate matter and emission releases are not buoyant. As a result, air quality effects (offsite particulate matter concentrations) will be limited to close proximity to the facility (see Figures 5.7-2 to 5.7-6). Since air quality effects are limited to close proximity of the Facility, and because there are not reasonably foreseeable projects in close proximity to the Facility, a qualitative cumulative effects assessment was undertaken.</p>

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-	145	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-169	TWN finds issue with this table and the inclusion of the traditional information. The sections that are listed in the application do not mirror the TEK information, making the TEK information to be irrelevant for the VC Sections. One of the sentences in every box is: "TEK/CK sources available at the time of writing provided no specific information on (VC Section)." We disagree with this statement. If appropriate consultation occurs, the Proponent will be able to engage with Aboriginal groups, such as TWN, and gain the information needed in order to properly assess VC's, in addition to incorporating the inforamtion provided during each stage of the EA process. Further, we encourage the Proponent to request a TUS from Aboriginal groups, such as TWN, and consequently apply that information into the VC selection and application. Until an appropriate study and application of that inforamtion occurs, we do not agree with this table or the statements. We would like to know how the Proponent is going to attain TUS information from TWN, and apply it to the application. Indeed, we have provided a study scoping document for discussion.	Since the EAC Application/EIS was submitted, BURNCO and Tsleil-Waututh Nation have met and agreed to complete a traditional use study for the Project. The study is expected to be completed by December 2016. BURNCO and Tsleil-Waututh will discuss whether it is appropriate to submit the study to EAO and CEAA as an addendum to the EAC Application/EIS.
-	146	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-170	TWN disagrees that there will not be any effects, residual or otherwise, to Fisheries, during the Construction, Operations, Closing and post-closure stages. As mandated in our Stewardship Policy (2009) and TWN culture, we believe that the LSA/RSA are insufficient to holistically capture effects. Community members hunt, fish and harvest in the area near and around the Project; therefore, the Project will have an effect on TWN.	Comment acknowledged. The LSA for the assessment on Aboriginal and/or Treaty Rights is the area in which potential Project-related effects are anticipated to occur. The RSA is a broader area that is intended to provide further context for the assessment. The assessment identified potential Project-related effects on the exercise of Tsleil-Waututh Nation's Aboriginal Rights and provides recommendations for mitigation measures to address those potential effects.
-	147	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-171	We disagree that even though effects to the transmission of culture and history (access to the Project area from a holisitic perspective) will cease, that they are acceptable. TWN discourages any Project effects that will have an impact on TWN culture. Though the Proponent states that there will be benefial effects at the time of decomissioning, this is from the Perspective of the Pronponent and not from Aboriginal Groups, such as TWN that utilize the area for cultural and sacred purposes. The idea that there will be positive effects at the time of decommission clearly outlines that the Project itself will have a negative effect overall. TWN would prefer to see such positive effects occur now, with a purpose to always return our land to the way it was time out of mind, in order to support our right to desired use of our land. From page 11-91: "Changes in access to locations associated with transmission of culture and history: All Proposed Project effects identified in construction and operations are anticipated to cease. Reclamation during decommissioning is anticipated to have beneficial effects on terrestrial resources, which in turn may have a positive effect on harvesting quantities. Positive effects are not carried forward."	<p>BURNCO based the effects assessment on information provided by Aboriginal Groups or from publicly-available sources. As Tsleil-Waututh Nation did not provide specific information on potential Project-related effects on Tsleil-Waututh Nation culture, BURNCO relied on publicly-available information. The information included in the EAC Application/EIS was provided to Tsleil-Waututh Nation for review and comment prior to submission.</p> <p>BURNCO is committed to ongoing consultation with Tsleil-Waututh Nation to better understand their perspectives on potential Project-related effects and to discuss mitigation measures to address those potential effects. BURNCO has proposed the following mitigation measures to address effects on the exercise of Aboriginal Rights by Tsleil-Waututh in addition to those described in Part B of the EAC Application/EIS:</p> <ul style="list-style-type: none">- Barge movements would occur mostly during weekdays from Monday to Friday, but there may be infrequent movements during weekends depending on the operational requirements of the mine. However, loading of barges during operations would not occur on weekends when peak recreational activity occurs.- As part of the Marine Transportation Management Plan outlined in Volume 3, Part E - Section 16.0, the Proponent would also develop and implement strategies, best management practices and guidelines to avoid and minimize Proposed Project-related disruption of marine-based activities during construction and operations. As part of the development of this plan, the Proponent would consult with Tsleil-Waututh Nation to discuss strategies (including but not limited to routing options) to manage the interaction of Proposed Project vessel traffic with users during times of harvesting or other cultural use.- To address the expected incremental effects on quality of experience for Tsleil-Waututh Nation, the following additional mitigation measures are recommended:- Provide Tsleil-Waututh Nation with opportunities to review and provide input to the Access Management Plan described in Volume 3, Part E - Section 16.0. Based on provisions of the Access Management Plan, develop a communications plan with Tsleil-Waututh Nation to provide Tsleil-Waututh Nation with real-time information on construction and operations activities, including movement of Proposed Project-associated vessels, that may affect quality of experience when using fishing and harvesting locations or locations associated with transmission of culture and history.- Consult with Tsleil-Waututh Nation to identify locations within Howe Sound where members may conduct practices related to intangible culture heritage, timing of such practices, if relevant, and measures that would reduce effects from the Proposed Project on the ability to conduct those practices.- Consult with Tsleil-Waututh on measures that could reduce effects of visual changes from the Proposed Project on the quality of use experience and on cultural activities and transmission of culture and history within Howe Sound. <p>If implemented, the above measures are expected to be effective at addressing the expected incremental effects of the Proposed Project on quality of experience and activities related to intangible cultural heritage, and therefore on Tsleil-Waututh Nation Aboriginal Rights, including current use. Confidence in the effectiveness of the mitigation for the identified effect is moderate as it is based on ongoing consultations with Tsleil-Waututh Nation and the nature of the concerns expressed by Tsleil-</p>

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-	148	Tsleil-Waututh Nation	15-Sep-16	EAC Application / EIS (July 2016)	TWN-172	TWN would like to better understand mitigation plans for areas of concern in regards to fisheries and cultural heritage. It states that mitigation will result in no residual effects, however we do not agree with this statement.	<p>BURNCO requires more information on the specific concerns related to fisheries and cultural heritage to fully respond to this comment.</p> <p>BURNCO is committed to ongoing consultation with Tsleil-Waututh Nation to provide additional information and to discuss potential Project-related effects and potential mitigation measures .</p> <p>BURNCO has proposed the following mitigation measures to address potential Project-related effects on the exercise of Aboriginal Rights by Tsleil-Waututh related to fishing and cultural heritage.</p> <p>To address potential changes in access to freshwater resources, the Proponent proposes:</p> <p>- As part of the Marine Transportation Management Plan outlined in Volume 3, Part E - Section 16.0, the Proponent would also develop and implement strategies, best management practices and guidelines to avoid and minimize Proposed Project-related disruption of marine-based activities during construction and operations. As part of the development of this plan, the Proponent would consult with Tsleil-Waututh Nation to discuss strategies (including but not limited to routing options) to manage the interaction of Proposed Project vessel traffic with users during times of harvesting or other cultural use.</p> <p>To address potential effects on quality of experience related to fishing and using locations associated with the transmission of culture and history, the Proponent recommends:</p> <p>- Providing Tsleil-Waututh Nation with opportunities to review and provide input to the Access Management Plan described in Volume 3, Part E - Section 16.0. Based on provisions of the Access Management Plan, develop a communications plan with Tsleil-Waututh Nation to provide Tsleil-Waututh Nation with real-time information on construction and operations activities, including movement of Proposed Project-associated vessels, that may affect quality of experience when using fishing and harvesting locations or locations associated with transmission of culture and history.</p> <p>To address potential effects on practice of cultural heritage, the Proponent recommends:</p> <p>- Consult with Tsleil-Waututh Nation to identify locations within Howe Sound where members may conduct practices related to intangible culture heritage, timing of such practices, if relevant, and measures that would reduce effects from the Proposed Project on the ability to conduct those practices.</p> <p>- Consult with Tsleil-Waututh on measures that could reduce effects of visual changes from the Proposed Project on the quality of use experience and on cultural activities and transmission of culture and history within Howe Sound.</p>
-	267	Métis Nation BC	3-Oct-16	EAC Application / EIS (July 2016)	MET-002	All Aboriginal people hold inherent, constitutionally protected rights. Further, there is no hierarchy of Aboriginal rights within Section 35. Métis are a distinct Aboriginal peoples with equal but unique Aboriginal rights as other Section 35 Aboriginal peoples. This was highlighted recently in Ministerial Special Representative Thomas Isaac's Report on Métis' Rights.	A summary of the regulatory context for Métis Aboriginal rights is provided in Section 11.1 Regulatory Overview. This section does not present a hierarchy of Aboriginal rights within Section 35.
-	268	Métis Nation BC	3-Oct-16	EAC Application / EIS (July 2016)	MET-003	Like other Aboriginal peoples, the Métis existed prior to Canada's inception as a nation. As noted in the EIS, however, the Métis emerged out of relationships between First Nations women and European men. Thus the Métis are a mixed-race people, (but not any mixed-race people) with their own unique government, culture, language, communities and history. The ethnogenesis or birth of the Métis as a distinct people is connected to the fur-trade. As recognized by the Métis National Council, their kinship networks, past and present, span from Ontario in the east to British Columbia in the west.	<p>The EAC Application/EIS presents the following information on Métis Nation BC as it relates to the Project and the Project area:</p> <p>- Background information in Section 10.1.10</p> <p>- Regulatory overview of Métis Aboriginal rights in Section 11.1</p> <p>- Existing conditions in Section 11.4.2.9</p>
-	269	Métis Nation BC	3-Oct-16	EAC Application / EIS (July 2016)	MET-004	In terms of fish and wildlife issues with respect to the EIS beyond those identified in the original application. We see the proposed channel offsetting as likely to increase fish habitat in a very positive way.	Comment acknowledged.
-	270	Musqueam Indian Band	3-Oct-16	EAC Application / EIS (July 2016)	MIB-001	Our review of the Application/EIS concludes that the proposed Project would result in a significant increase in the barge traffic throughout Musqueam's territorial waters, including Howe Sound, the Salish Sea and the Fraser River.	<p>In Progress.</p> <p>17-Nov-2016: On October 2, 2013, BURNCO submitted a Marine Shipping Scoping Rationale for the Proposed BURNCO Aggregate Project to CEAA Agency. The shipping analysis indicated that the proposed Project would result in an incremental change in tug/barge traffic of:</p> <ul style="list-style-type: none">▪ 92% increase along Ramillies Channel;▪ 9.6% increase along Thornbrough Channel;▪ 12.3% increase along Queen Charlotte Channel to south of Passage Island;▪ 0% net change from south of Passage Island, along the Strait of Georgia, to the North and South Arms of the Fraser River; and▪ 0% net change along the Fraser River to the load-out facilities in Burnaby and Langley. <p>CEA Agency responded to BURNCO's submission on November 12, 2013. CEA Agency updated the scope of the assessment marine shipping for the purposes of the comprehensive study to continue to include barge traffic in Howe Sound, Ramillies Channel, Thornbrough Channel and Queen Charlotte Channel (south of Passage Island). Shipping from where the barges meet the existing shipping lanes in the Strait of Georgia and in the Fraser River to BURNCO's existing facilities in Burnaby and Langley were no longer included for the assessment of marine shipping.</p>

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-	271	Musqueam Indian Band	3-Oct-16	EAC Application / EIS (July 2016)	MIB-002	The Musqueam people exercise their Aboriginal rights, including fishing and other marine activity related rights, in the aforementioned waters.	<p>In Progress.</p> <p>17-Nov-2016: See response to MIB-001 above. In excluding marine shipping from where the barges meet the existing shipping lanes in the Strait of Georgia and in the Fraser River to BURNCO's existing facilities in Burnaby and Langley, CEAA considered the following analysis of the incremental change in tug/barge traffic of associated with the Proposed Project:</p> <ul style="list-style-type: none">▪ 0% net change from south of Passage Island, along the Strait of Georgia, to the North and South Arms of the Fraser River; and▪ 0% net change along the Fraser River to the load-out facilities in Burnaby and Langley. <p>As directed by CEAA, BURNCO relied on publicly-available sources for the effects assessment, including Musqueam Indian Band’s own Musqueam Comprehensive Land Claim: Preliminary Report on Musqueam Land Use and Occupancy and We Are of One Heart and One Mind: A Comprehensive Sustainable Community Development Plan, as well as regulatory documents for other projects in proximity to the Proposed Project Area. BURNCO provided Musqueam Indian Band with a preliminary draft of the background information prepared from publicly-available sources to be included in the EAC Application/EIS for review and comment on November 9, 2015. BURNCO provided Musqueam Indian Band with the draft effects assessment and First Nations Consultation Report for review and coment on January 8, 2016 prior to finalizing the EAC Application/EIS. BURNCO did not receive responses to either request.</p>
-	272	Musqueam Indian Band	3-Oct-16	EAC Application / EIS (July 2016)	MIB-003	The proposed route for barge traffic passes directly through Musqueam's traditional fishing extents in Howe Sound, the Salish Sea and the Fraser River. Given the significant constraints already imposed upon fishing with Musqueam's marine use territories, including existing shipping activities, legacy impacts (i.e., long-lasting effects from past projects and activities), and current fishery conservation restrictions, the increased barge traffic posed by this Project will cumulatively pose an adverse impact on Musqueam's ability to meaningfully exercise constitutionally protected fishing activities recognized in the Sparrow decision.	<p>In Progress.</p> <p>17-Nov-2016: Please see responses to MIB-001 and MIB-002, above. In excluding marine shipping from where the barges meet the existing shipping lanes in the Strait of Georgia and in the Fraser River to BURNCO's existing facilities in Burnaby and Langley, CEAA considered the following analysis of the incremental change in tug/barge traffic of associated with the Proposed Project:</p> <ul style="list-style-type: none">▪ 0% net change from south of Passage Island, along the Strait of Georgia, to the North and South Arms of the Fraser River; and▪ 0% net change along the Fraser River to the load-out facilities in Burnaby and Langley.
-	273	Musqueam Indian Band	3-Oct-16	EAC Application / EIS (July 2016)	MIB-004	The Application/EIS does not accurately characterize Musqueam's rights-based traditional use activities and how these activities will be affected by the increased barge trafic associated with the Project.	<p>In Progress.</p> <p>17-Nov-2016: As directed by CEAA, BURNCO relied on publicly-available sources for the effects assessment, including Musqueam Indian Band’s own Musqueam Comprehensive Land Claim: Preliminary Report on Musqueam Land Use and Occupancy and We Are of One Heart and One Mind: A Comprehensive Sustainable Community Development Plan, as well as regulatory documents for other projects in proximity to the Proposed Project Area. BURNCO provided Musqueam Indian Band with a preliminary draft of the background information prepared from publicly-available sources to be included in the EAC Application/EIS for review and comment on November 9, 2015. BURNCO provided Musqueam Indian Band with the draft effects assessment and First Nations Consultation Report for review and coment on January 8, 2016 prior to finalizing the EAC Application/EIS. BURNCO did not receive responses to either request.</p> <p>In excluding marine shipping from where the barges meet the existing shipping lanes in the Strait of Georgia and in the Fraser River to BURNCO's existing facilities in Burnaby and Langley, CEAA considered the following analysis of the incremental change in tug/barge traffic of associated with the Proposed Project:</p> <ul style="list-style-type: none">▪ 0% net change from south of Passage Island, along the Strait of Georgia, to the North and South Arms of the Fraser River; and▪ 0% net change along the Fraser River to the load-out facilities in Burnaby and Langley.
-	274	Musqueam Indian Band	3-Oct-16	EAC Application / EIS (July 2016)	MIB-005	The proposed transport of processed aggregate material by barges to BURNCO's existing facilities in Burnaby or Langley, will pass directly through Musqueam territorial waters at the eastern entrance to Howe Sound, the Salish Sea and the Fraser River, and as such, potentially poses a hazard to Musqueam's recognized and constitutionally protected priority fishing activities that take place in these areas.	<p>In Progress.</p> <p>17-Nov-2016: As directed by CEAA, BURNCO relied on publicly-available sources for the effects assessment, including Musqueam Indian Band’s own Musqueam Comprehensive Land Claim: Preliminary Report on Musqueam Land Use and Occupancy and We Are of One Heart and One Mind: A Comprehensive Sustainable Community Development Plan, as well as regulatory documents for other projects in proximity to the Proposed Project Area. BURNCO provided Musqueam Indian Band with a preliminary draft of the background information prepared from publicly-available sources to be included in the EAC Application/EIS for review and comment on November 9, 2015. BURNCO provided Musqueam Indian Band with the draft effects assessment and First Nations Consultation Report for review and coment on January 8, 2016 prior to finalizing the EAC Application/EIS. BURNCO did not receive responses to either request.</p> <p>In excluding marine shipping from where the barges meet the existing shipping lanes in the Strait of Georgia and in the Fraser River to BURNCO's existing facilities in Burnaby and Langley, CEAA considered the following analysis of the incremental change in tug/barge traffic of associated with the Proposed Project:</p> <ul style="list-style-type: none">▪ 0% net change from south of Passage Island, along the Strait of Georgia, to the North and South Arms of the Fraser River; and▪ 0% net change along the Fraser River to the load-out facilities in Burnaby and Langley.

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-	275	Musqueam Indian Band	3-Oct-16	EAC Application / EIS (July 2016)	MIB-006	This is a sizable increase in vessel movements through Musqueam's fishing areas; such an increase will pose new daily hazards and potential adverse effects to the spaces in Musqueam practices their constitutionally protected rights. Any potential adverse effect on Musqueam's affirmed rights requires the Crown to consult with, and accommodate Musqueam.	<p>In Progress.</p> <p>17-Nov-2016: As directed by CEAA, BURNCO relied on publicly-available sources for the effects assessment, including Musqueam Indian Band’s own Musqueam Comprehensive Land Claim: Preliminary Report on Musqueam Land Use and Occupancy and We Are of One Heart and One Mind: A Comprehensive Sustainable Community Development Plan, as well as regulatory documents for other projects in proximity to the Proposed Project Area. BURNCO provided Musqueam Indian Band with a preliminary draft of the background information prepared from publicly-available sources to be included in the EAC Application/EIS for review and comment on November 9, 2015. BURNCO provided Musqueam Indian Band with the draft effects assessment and First Nations Consultation Report for review and coment on January 8, 2016 prior to finalizing the EAC Application/EIS. BURNCO did not receive responses to either request.</p> <p>In excluding marine shipping from where the barges meet the existing shipping lanes in the Strait of Georgia and in the Fraser River to BURNCO's existing facilities in Burnaby and Langley, CEAA considered the following analysis of the incremental change in tug/barge traffic of associated with the Proposed Project:</p> <ul style="list-style-type: none">▪ 0% net change from south of Passage Island, along the Strait of Georgia, to the North and South Arms of the Fraser River; and▪ 0% net change along the Fraser River to the load-out facilities in Burnaby and Langley.
-	276	Musqueam Indian Band	3-Oct-16	EAC Application / EIS (July 2016)	MIB-007a	In order for Musqueam to understand the full extent of potential impacts on Musqueam rights and interests, the following critical information gaps on key Project components and activities must be substantiated by the Proponent: a. The quantity and type of waste and fuel that will be transported by barge, including the kind of hazardous waste, if applicable;	<p>a. The quantity of waste expected for the Project that will be transported by barge is currently unknown. Expected waste resulting from the Proposed Project includes industrial waste, domestic waste and sewage effluent. Other hazardous materials expected to be on-site includes fuels and lubricants, paints and solvents, and other chemicals. The quantity of waste expected for the Project is currently unknown. Tugs and barges for the Project will be operated by Seaspan. Seaspan has implemented and maintained an Environmental Management System that conforms to ISO 14001:2004 and includes the following in-house best management practices (BMPs) relevant to the removal of waste from site:</p> <ul style="list-style-type: none">■ BMP – 01: Hazardous Materials Management■ BMP – 02: Waste Management and Recycling■ BMP – 03: Spill Prevention and Response■ BMP – 04: Site Management and Housekeeping <p>The BMPs are provided in Volume 4, Part G – Section 22.0: Appendix 16-A of the Application.</p>
-	277	Musqueam Indian Band	3-Oct-16	EAC Application / EIS (July 2016)	MIB-007b	b. Details on how these materials will be handled;	<p>b. A Material Storage, Handling and Waste Management Plan will be developed to ensure appropriate collection, storage, transportation and/or disposal of waste and hazardous materials to minimize environmental effects and meet appropriate regulations. Expected waste resulting from the Proposed Project includes industrial waste, domestic waste and sewage effluent. Other hazardous materials expected to be on-site includes fuels and lubricants, paints and solvents, and other chemicals. Wastes will be reduced, re-used and recycled as much as feasibly possible. Additional information on the Plan is provided in Section 16.2.2.3.</p>
-	278	Musqueam Indian Band	3-Oct-16	EAC Application / EIS (July 2016)	MIB-007c	c. The frequency of barge trips during construction and the routes that these materials will travel, including as it relates to the Salish Sea and the Fraser River;	<p>c. Information on the numbers of Project-related vessels and routes that they would travel during construction is provided in Section 7.2.5.2.1.1.2 Interference with Navigation Use and Navigability due to Project-related Vessel Traffic.</p>
-	279	Musqueam Indian Band	3-Oct-16	EAC Application / EIS (July 2016)	MIB-007d	d. What measures will be in place to avoid spills, and emergency measures (including securities) to address spills if they were to occur; and	<p>d. A Spill Prevention and Emergency Response Plan (SERP) will be developed and implemented for the Project. The SERP will set measures and controls in place to (i) prevent release of toxic or deleterious substances into the environment as a result of an accidental event and (ii) contain and clean up spills and leaks in cases where a release (accidental event) has occurred. More information on the SERP is provided in Section 16.6.</p> <p>A Marine Transport Management Plan will also be prepared (see Section 16.2.2.11), which will provide details on safety procedures for vessels calling and loading at the terminal. The Proposed Project’s mined aggregate, materials and wastes will be shipped via Seaspan tugs and barges that are operated by highly experienced mariners who are familiar with the navigational routes in Howe Sound and regularly service the forestry industry. Project-related tugs and barges will be required to adhere to regulations for preventing collisions at sea. Seaspan has implemented and maintained an Environmental Management System that conforms to ISO 14001:2004, which includes a Spill Prevention and Response Best Management Plan.</p>
-	280	Musqueam Indian Band	3-Oct-16	EAC Application / EIS (July 2016)	MIB-007e	e. The degree of increase in barge traffic on the Fraser River that is presented by the Project.	<p>e. In excluding marine shipping from where the barges meet the existing shipping lanes in the Strait of Georgia and in the Fraser River to BURNCO's existing facilities in Burnaby and Langley, CEAA considered the following analysis of the incremental change in tug/barge traffic of associated with the Proposed Project:</p> <ul style="list-style-type: none">▪ 0% net change from south of Passage Island, along the Strait of Georgia, to the North and South Arms of the Fraser River; and▪ 0% net change along the Fraser River to the load-out facilities in Burnaby and Langley.
-	281	Musqueam Indian Band	3-Oct-16	EAC Application / EIS (July 2016)	MIB-008	The effects of the barging component on Musqueam's rights based activities and Current Use of Lands and Resources for Traditional Purposes (CULRTP) have not been adequately characterized or assed due to the following gaps: a. Inadequately scoped project that excludes existing barge routes in the Strait of Georgia and Fraser River; and b. Missing information on Musqueam use in the currently defined Local Study Area (LSA) and Regional Study Area (RSA). Once these gaps are filled, effects from barge shipping, and subsequent increase in marine traffic on Musqueam rights and interests will need to be assessed.	<p>In Progress.</p> <p>17-Nov-2016: The LSA was selected to include the immediate freshwater and terrestrial Proposed Project footprint and adjacent areas. These areas are where potential Proposed Project-related disturbances could occur during the construction, operation, reclamation and closure phases.</p> <p>The RSA was selected to be larger in scope, encompassing an area broader than the immediate footprint of the Proposed Project. RSA boundaries were selected to represent an appropriate scale that provides relevant context for consideration of the Proposed Project effects, offer useful and meaningful data, and neither over-emphasizes nor under-emphasizes the scale of the Proposed Project effects. The scope of the assessment does not include shipping from where the barges meet the existing shipping lanes in the Strait of Georgia and in the Fraser River.</p> <p>In excluding marine shipping from where the barges meet the existing shipping lanes in the Strait of Georgia and in the Fraser River to BURNCO's existing facilities in Burnaby and Langley, CEAA considered the following analysis of the incremental change in tug/barge traffic of associated with the Proposed Project:</p> <ul style="list-style-type: none">▪ 0% net change from south of Passage Island, along the Strait of Georgia, to the North and South Arms of the Fraser River; and▪ 0% net change along the Fraser River to the load-out facilities in Burnaby and Langley.

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-	282	Musqueam Indian Band	3-Oct-16	EAC Application / EIS (July 2016)	MIB-009	Where there are admitted potential effects to Musqueam's rights-based practices, the Proponent inaccurately claims that these practices are limited to the Fraser River (e.g., see Section 11.4.2.3 of the Application/EIS), and subsequently excludes this area from the scope of the assessment. Additional traffic on the Fraser River during fishing seasons is an adverse impact on Musqueam fishing rights.	<p>In Progress.</p> <p>17-Nov-2016: In excluding marine shipping from where the barges meet the existing shipping lanes in the Strait of Georgia and in the Fraser River to BURNCO's existing facilities in Burnaby and Langley, CEAA considered the following analysis of the incremental change in tug/barge traffic of associated with the Proposed Project:</p> <ul style="list-style-type: none">▪ 0% net change from south of Passage Island, along the Strait of Georgia, to the North and South Arms of the Fraser River; and▪ 0% net change along the Fraser River to the load-out facilities in Burnaby and Langley. <p>As directed by CEAA, BURNCO relied on publicly-available sources for the effects assessment, including Musqueam Indian Band’s own Musqueam Comprehensive Land Claim: Preliminary Report on Musqueam Land Use and Occupancy and We Are of One Heart and One Mind: A Comprehensive Sustainable Community Development Plan, as well as regulatory documents for other projects in proximity to the Proposed Project Area. BURNCO provided Musqueam Indian Band with a preliminary draft of the background information prepared from publicly-available sources to be included in the EAC Application/EIS for review and comment on November 9, 2015. BURNCO provided Musqueam Indian Band with the draft effects assessment and First Nations Consultation Report for review and coment on January 8, 2016 prior to finalizing the EAC Application/EIS. BURNCO did not receive responses to either request.</p>
-	283	Musqueam Indian Band	3-Oct-16	EAC Application / EIS (July 2016)	MIB-010	Where the spatial boundaries of the EA overlap with Musqueam's traditional territory, such as within Howe Sound, Burrard Inlet, and the Salish Sea, the Proponent fails to provide any information regarding our members' use of these areas.	<p>In Progress.</p> <p>17-Nov-2016: In excluding marine shipping from where the barges meet the existing shipping lanes in the Strait of Georgia and in the Fraser River to BURNCO's existing facilities in Burnaby and Langley, CEAA considered the following analysis of the incremental change in tug/barge traffic of associated with the Proposed Project:</p> <ul style="list-style-type: none">▪ 0% net change from south of Passage Island, along the Strait of Georgia, to the North and South Arms of the Fraser River; and▪ 0% net change along the Fraser River to the load-out facilities in Burnaby and Langley. <p>As directed by CEAA, BURNCO relied on publicly-available sources for the effects assessment, including Musqueam Indian Band’s own Musqueam Comprehensive Land Claim: Preliminary Report on Musqueam Land Use and Occupancy and We Are of One Heart and One Mind: A Comprehensive Sustainable Community Development Plan, as well as regulatory documents for other projects in proximity to the Proposed Project Area. BURNCO provided Musqueam Indian Band with a preliminary draft of the background information prepared from publicly-available sources to be included in the EAC Application/EIS for review and comment on November 9, 2015. BURNCO provided Musqueam Indian Band with the draft effects assessment and First Nations Consultation Report for review and coment on January 8, 2016 prior to finalizing the EAC Application/EIS. BURNCO did not receive responses to either request.</p>
-	284	Musqueam Indian Band	3-Oct-16	EAC Application / EIS (July 2016)	MIB-011	<p>The absence of potential interactions between the Project and Musqueam's rights-based practices (in either Part C or under the CULRTP VC) is a notable gap in the assessment that the Agency and EAO must require the Proponent to address. Any sizable increase in barge traffic through Musqueam's territorial waters has the potential to adversely impact Musqueam's rights-based activities. To this effect, Musqueam requests:</p> <p>a. The Proponent be required to provide an assessment of Musqueam current and future rights-based harvesting activities in and around the eastern entrance to Howe Sound and the Salish Sea, subject to direct engagement with Musqueam on information provided herein, and a thorough assessment of effects;</p> <p>b. The EAO's section 11 Order and CEA Agency's scope of review be revised to include the barge traffic in the Strait of Georgia and the Fraser River; and</p> <p>c. The Local and Regional Assessment Areas for CULRTP be expanded accordingly.</p>	<p>In Progress.</p> <p>17-Nov-2016: As directed by CEAA, BURNCO relied on publicly-available sources for the effects assessment, including Musqueam Indian Band’s own Musqueam Comprehensive Land Claim: Preliminary Report on Musqueam Land Use and Occupancy and We Are of One Heart and One Mind: A Comprehensive Sustainable Community Development Plan, as well as regulatory documents for other projects in proximity to the Proposed Project Area. BURNCO provided Musqueam Indian Band with a preliminary draft of the background information prepared from publicly-available sources to be included in the EAC Application/EIS for review and comment on November 9, 2015. BURNCO provided Musqueam Indian Band with the draft effects assessment and First Nations Consultation Report for review and comment on January 8, 2016 prior to finalizing the EAC Application/EIS. BURNCO did not receive responses to either request.</p> <p>In excluding marine shipping from where the barges meet the existing shipping lanes in the Strait of Georgia and in the Fraser River to BURNCO's existing facilities in Burnaby and Langley, CEAA considered the following analysis of the incremental change in tug/barge traffic of associated with the Proposed Project:</p> <ul style="list-style-type: none">▪ 0% net change from south of Passage Island, along the Strait of Georgia, to the North and South Arms of the Fraser River; and▪ 0% net change along the Fraser River to the load-out facilities in Burnaby and Langley.

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-	285	Musqueam Indian Band	3-Oct-16	EAC Application / EIS (July 2016)	MIB-012	<p>Documented fish and marine values for these location include, but are not limited to:</p> <ul style="list-style-type: none">▪ Herring in Burrard Inlet, part of RSA and adjacent LSA;▪ Halibut and cod fishing from the eastern shores of Howe Sound in RSA;▪ Sturgeon fishing upstream from Burrard Inlet likely in LSA;▪ Capelin/smelt caught at low water along beaches of Howe Sound in RSA;▪ Clam digging in RSA; and▪ Sea mammal harvesting in RSA.	<p>In Progress.</p> <p>17-Nov-2016: In excluding marine shipping from where the barges meet the existing shipping lanes in the Strait of Georgia and in the Fraser River to BURNCO's existing facilities in Burnaby and Langley, CEAA considered the following analysis of the incremental change in tug/barge traffic of associated with the Proposed Project:</p> <ul style="list-style-type: none">▪ 0% net change from south of Passage Island, along the Strait of Georgia, to the North and South Arms of the Fraser River; and▪ 0% net change along the Fraser River to the load-out facilities in Burnaby and Langley. <p>Consequently, Burrard Inlet is not included in the spatial boundary for the assessment.</p> <p>As directed by CEAA, BURNCO relied on publicly-available sources for the effects assessment, including Musqueam Indian Band’s own Musqueam Comprehensive Land Claim: Preliminary Report on Musqueam Land Use and Occupancy and We Are of One Heart and One Mind: A Comprehensive Sustainable Community Development Plan, as well as regulatory documents for other projects in proximity to the Proposed Project Area. The sources relied on for this assessment did not specify the fish and marine values at the locations indicated, including:</p> <ul style="list-style-type: none">▪ Halibut and cod fishing from the eastern shores of Howe Sound in RSA;▪ Capelin/smelt caught at low water along beaches of Howe Sound in RSA;▪ Clam digging in RSA; and▪ Sea mammal harvesting in RSA. <p>The potential effects of the Proposed Project were assessed for Marine Fish, Marine Benthic Communities (flora and fauna) and Marine Mammals (EAC Application/EIS Section 5.2). No significant residual effects are predicted for these Valued Components.</p>
-	286	Musqueam Indian Band	3-Oct-16	EAC Application / EIS (July 2016)	MIB-013	<p>Documented terrestrial values for the eastern shore of Howe Sound and islands within the Sound include:</p> <ul style="list-style-type: none">▪ Mountain goat;▪ Camping;▪ Hunting deer; and▪ Gathering medicines - root gathering, berry picking, cedar bark and other trees.	<p>In Progress.</p> <p>17-Nov-2016: No potential interactions between the Proposed Project and terrestrial values were identified on the eastern shore of Howe Sound and islands within the Sound; therefore, these areas were not included in the spatial boundaries for the effects assessment for the Terrestrial Wildlife and Vegetation VC.</p>
-	287	Musqueam Indian Band	3-Oct-16	EAC Application / EIS (July 2016)	MIB-014	<p>Musqueam requests that the Proponent be required to provide the following additional information:</p> <ul style="list-style-type: none">▪ Traditional use information on current use in Howe Sound and Burrard Inlet is added to the Application/EIS, subject to direct engagement with Musqueam on information provided herein, and a thorough re-assessment of effects is completed; and▪ Assessment of potential effects of accidents and malfunctions on terrestrial use and values on Bowen Island and Passage Island in relation to Musqueam rights, including current use.	<p>In Progress.</p> <p>17-Nov-2016: As directed by CEAA, BURNCO relied on publicly-available sources for the effects assessment, including Musqueam Indian Band’s own Musqueam Comprehensive Land Claim: Preliminary Report on Musqueam Land Use and Occupancy and We Are of One Heart and One Mind: A Comprehensive Sustainable Community Development Plan, as well as regulatory documents for other projects in proximity to the Proposed Project Area. BURNCO provided Musqueam Indian Band with a preliminary draft of the background information prepared from publicly-available sources to be included in the EAC Application/EIS for review and comment on November 9, 2015. BURNCO provided Musqueam Indian Band with the draft effects assessment and First Nations Consultation Report for review and comment on January 8, 2016 prior to finalizing the EAC Application/EIS. BURNCO did not receive responses to either request.</p> <p>No potential interactions between the Proposed Project and terrestrial values were identified on the eastern shore of Bowen and Passage islands; therefore, these areas were not included in the spatial boundaries for the effects assessment for the Terrestrial Wildlife and Vegetation VC. A Spill Prevention and Emergency Response Plan (SERP) will be developed and implemented for the Project. The SERP will set measures and controls in place to (i) prevent release of toxic or deleterious substances into the environment as a result of an accidental event and (ii) contain and clean up spills and leaks in cases where a release (accidental event) has occurred. More information on the SERP is provided in Section 16.6.</p> <p>A Marine Transport Management Plan will also be prepared (see Section 16.2.2.11), which will provide details on safety procedures for vessels calling and loading at the terminal. The Proposed Project’s mined aggregate, materials and wastes will be shipped via Seaspan tugs and barges that are operated by highly experienced mariners who are familiar with the navigational routes in Howe Sound and regularly service the forestry industry. Project-related tugs and barges will be required to adhere to regulations for preventing collisions at sea. Seaspan has implemented and maintained an Environmental Management System that conforms to ISO 14001:2004, which includes a Spill Prevention and Response Best Management Plan. The BMPs are provided in Volume 4, Part G – Section 22.0: Appendix 16-A of the Application.</p>
-	288	Musqueam Indian Band	3-Oct-16	EAC Application / EIS (July 2016)	MIB-015	<p>Prior to this EA process proceeding further, we request that CEAA and the EAO provide Musqueam with a plan for consulting with Musqueam regarding the potential adverse effects posed by additional barge traffic on Musqueam's Aboriginal rights throughout Musqueam territory in a manner that includes a meaningful assessment of effects and potential accommodation mechanisms.</p>	<p>As directed by CEAA, BURNCO relied on publicly-available sources for the effects assessment, including Musqueam Indian Band’s own Musqueam Comprehensive Land Claim: Preliminary Report on Musqueam Land Use and Occupancy and We Are of One Heart and One Mind: A Comprehensive Sustainable Community Development Plan, as well as regulatory documents for other projects in proximity to the Proposed Project Area. BURNCO provided Musqueam Indian Band with a preliminary draft of the background information prepared from publicly-available sources to be included in the EAC Application/EIS for review and comment on November 9, 2015. BURNCO provided Musqueam Indian Band with the draft effects assessment and First Nations Consultation Report for review and comment on January 8, 2016 prior to finalizing the EAC Application/EIS. BURNCO did not receive responses to either request.</p>

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-	289	Cowichan Tribes	3-Oct-16	EAC Application / EIS (July 2016)	CT-005	While the majority of project activities will be taking place in Howe Sound, the marine shipping activities will bring increased traffic to the South Arm of the Fraser River, which is within Cowichan Tribes traditional territory and Statement of Intent. This will affect, whether directly or through cumulative impacts, Cowichan Tribes traditional, current and future use in the area.	<p>On October 2, 2013, BURNCO submitted a Marine Shipping Scoping Rationale for the Proposed BURNCO Aggregate Project to CEAA Agency. The shipping analysis indicated that the proposed Project would result in an incremental change in tug/barge traffic of:</p> <ul style="list-style-type: none">▪ 92% increase along Ramillies Channel;▪ 9.6% increase along Thornbrough Channel;▪ 12.3% increase along Queen Charlotte Channel to south of Passage Island;▪ 0% net change from south of Passage Island, along the Strait of Georgia, to the North and South Arms of the Fraser River; and▪ 0% net change along the Fraser River to the load-out facilities in Burnaby and Langley. <p>CEA Agency responded to BURNCO's submission on November 12, 2013. CEA Agency updated the scope of the assessment marine shipping for the purposes of the comprehensive study to continue to include barge traffic in Howe Sound, Ramillies Channel, Thornbrough Channel and Queen Charlotte Channel (south of Passage Island). Shipping from where the barges meet the existing shipping lanes in the Strait of Georgia and in the Fraser River to BURNCO's existing facilities in Burnaby and Langley were no longer included for the assessment of marine shipping.</p>
-	290	Cowichan Tribes	3-Oct-16	EAC Application / EIS (July 2016)	CT-006	It is of great concern that the cumulative effects of increased industrial activity and of marine shipping in particular are not addressed in any meaningful way.	<p>An assessment of cumulative effects has been undertaken for all VCs where residual effects were identified.</p> <p>In excluding marine shipping from where the barges meet the existing shipping lanes in the Strait of Georgia and in the Fraser River to BURNCO's existing facilities in Burnaby and Langley, CEAA considered the following analysis of the incremental change in tug/barge traffic of associated with the Proposed Project:</p> <ul style="list-style-type: none">▪ 0% net change from south of Passage Island, along the Strait of Georgia, to the North and South Arms of the Fraser River; and▪ 0% net change along the Fraser River to the load-out facilities in Burnaby and Langley.
-	291	Cowichan Tribes	3-Oct-16	EAC Application / EIS (July 2016)	CT-007	While we understand the impacts of the Project are being confined within the parameters of the EIS, to the McNab estuary, the nature of environmental assessment should be more holistic.	<p>Comment acknowledged. The scope of the assessment goes beyond McNab Creek and the McNab estuary, and does include the potential effects of Project-related barge traffic in Howe Sound, Ramillies Channel, Thornbrough Channel and Queen Charlotte Channel (south of Passage Island). In excluding marine shipping from where the barges meet the existing shipping lanes in the Strait of Georgia and in the Fraser River to BURNCO's existing facilities in Burnaby and Langley, CEAA considered the following analysis of the incremental change in tug/barge traffic of associated with the Proposed Project:</p> <ul style="list-style-type: none">▪ 0% net change from south of Passage Island, along the Strait of Georgia, to the North and South Arms of the Fraser River; and▪ 0% net change along the Fraser River to the load-out facilities in Burnaby and Langley.
-	292	Cowichan Tribes	3-Oct-16	EAC Application / EIS (July 2016)	CT-008	Additionally, we also realize that the issue of marine shipping is delegated to Transport Canada, but there should still be a more in-depth assessment of marine shipping and the cumulative impacts therein, especially as they pertain to Cowichan Tribes territory and rights.	<p>Section 7.2 of the EAC Application/EIS presents a marine transportation assessment, including potential wake effects from the Proposed Project-related vessel traffic on shoreline infrastructure, and potential interference with navigation use and navigability due to Proposed Project-related infrastructure and vessel traffic. In excluding marine shipping from where the barges meet the existing shipping lanes in the Strait of Georgia and in the Fraser River to BURNCO's existing facilities in Burnaby and Langley, CEAA considered the following analysis of the incremental change in tug/barge traffic of associated with the Proposed Project:</p> <ul style="list-style-type: none">▪ 0% net change from south of Passage Island, along the Strait of Georgia, to the North and South Arms of the Fraser River; and▪ 0% net change along the Fraser River to the load-out facilities in Burnaby and Langley. <p>There is no potential interaction between potential wake effects and shoreline infrastructure, therefore the nature of this interaction was determined to be negligible. The potential effects of the Proposed Project on navigation use and navigability associated with Project-related infrastructure was determined to be negligible following the implementation of proposed mitigation.</p> <p>Potential effects of the Proposed Project on navigation use and navigability due to Project associated vessel traffic during construction and operations was determined to be not significant as the frequency of small vessels changing direction and speed to move out of the paths of larger vessels is expected to increase only slightly.</p> <p>Proposed Project-related barging may interact with Woodfibre LNG carriers along a small section of the Project's barging route. However, potential interactions between vessels would occur infrequently and potential cumulative residual effects are expected to be not significant following implementation of mitigation measures which include marine transportation management planning involving Canada Coast Guard, Pacific Pilotage Authority, the selected tug operator, BURNCO and other key maritime stakeholders – including Woodfibre LNG – to identify mutually agreeable operating practices.</p> <p>Marine shipping is not a component of the Project. Please see response to comment CT-001.</p>
-	293	Cowichan Tribes	3-Oct-16	EAC Application / EIS (July 2016)	CT-009	Please note that in past correspondence between Cowichan Tribes and the BC Environmental Assessment Office (EAO), Cowichan Tribes was determined through a preliminary assessment to be unlikely to notice any significant adverse effects on our indigenous rights from the Project. We responded to this assessment with confusion, as Cowichan Tribes, along with our partners in the Cowichan Nation Alliance (Halalt, Penelakut, and Stz'uminus) had made very clear our strength of claim to aboriginal rights and title on the lower South Arm of the Fraser River.	<p>Comment acknowledged. Section 11.4.2 Existing Conditions summarizes Cowichan Nation Alliance member First Nations' use of the Fraser River, based on publicly available sources.</p> <p>In excluding marine shipping from where the barges meet the existing shipping lanes in the Strait of Georgia and in the Fraser River to BURNCO's existing facilities in Burnaby and Langley, CEAA considered the following analysis of the incremental change in tug/barge traffic of associated with the Proposed Project:</p> <ul style="list-style-type: none">▪ 0% net change from south of Passage Island, along the Strait of Georgia, to the North and South Arms of the Fraser River; and▪ 0% net change along the Fraser River to the load-out facilities in Burnaby and Langley.

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-	294	Cowichan Tribes	3-Oct-16	EAC Application / EIS (July 2016)	CT-010	In an e-mail dated February 9, 2012, we stated our concerns, including "route alternatives, spill contamination, spillage risk and prevention, marine traffic, fisheries and fish habitat, wildlife and wildlife habitat, and air/noise impacts".	BURNCO has no record of the described correspondence dated February 9, 2012. Notwithstanding, each of the stated concerns are addressed in the following sections of the EAC Application/EIS: - Route Alternatives - Section 2.8.2.2 Alternative Transportation Options - Spill Contamination/Spillage Risk and Prevention - Section 5.2.5.2.5.4 Marine Resources Accidents and Malfunctions - Marine Traffic - Section 7.2 Marine Transportation - Fisheries and Fish Habitat - Section 5.1 Fisheries and Freshwater Habitat - Wildlife and Wildlife Habitat - Section 5.3 Terrestrial Wildlife and Vegetation - Air Quality - Section 5.7 - Air Quality - Noise - Section 9.2 Noise
-	295	Cowichan Tribes	3-Oct-16	EAC Application / EIS (July 2016)	CT-011	There was an established, year-round village in use by the Cowichan Nation within the South Arm of the Fraser River. This should be reflected in the profile of all Cowichan Nation Alliance members in Volume 3, Part C of the EIS.	The Proponent has included information on the village site of Tl'uqtinus in the summaries presented for each Cowichan Nation Alliance member First Nations under Section 11.4.2 Existing Conditions. In excluding marine shipping from where the barges meet the existing shipping lanes in the Strait of Georgia and in the Fraser River to BURNCO's existing facilities in Burnaby and Langley, CEAA considered the following analysis of the incremental change in tug/barge traffic of associated with the Proposed Project: ▪ 0% net change from south of Passage Island, along the Strait of Georgia, to the North and South Arms of the Fraser River; and ▪ 0% net change along the Fraser River to the load-out facilities in Burnaby and Langley.
-	573	Tsleil-Waututh Nation	24-Nov-16	Round 1 Responses (20Oct2016)	TWN-117.1	Thank you for the comment - we understand what the scope does and does not include, hence our comment that disagrees with the scope. We strongly believe that by not assessing marine shipping on a cumulative level, ensuring the full travel length of the vessel is included, that this project will be approved without fully knowing the environmental impacts, especially Climate Change. We would like to see this included in the assessment.	TWN's comment is acknowledged and documented. Rationale is provided for LSA and RSA boundaries which we consider extensive and suitable for the assessment of the proposed Project. No further revisions are proposed. On October 2, 2013, BURNCO submitted a Marine Shipping Scoping Rationale for the Proposed BURNCO Aggregate Project to CEAA Agency. The shipping analysis indicated that the proposed Project would result in an incremental change in tug/barge traffic of: ▪ 92% increase along Ramillies Channel; ▪ 9.6% increase along Thornbrough Channel; ▪ 12.3% increase along Queen Charlotte Channel to south of Passage Island; ▪ 0% net change from south of Passage Island, along the Strait of Georgia, to the North and South Arms of the Fraser River; and ▪ 0% net change along the Fraser River to the load-out facilities in Burnaby and Langley. CEA Agency responded to BURNCO's submission on November 12, 2013. CEA Agency updated the scope of the assessment marine shipping for the purposes of the comprehensive study to continue to include barge traffic in Howe Sound, Ramillies Channel, Thornbrough Channel and Queen Charlotte Channel (south of Passage Island). Shipping from where the barges meet the existing shipping lanes in the Strait of Georgia and in the Fraser River to BURNCO's existing facilities in Burnaby and Langley were no longer included for the assessment of marine shipping. Notwithstanding, Underway shipping emissions have been considered, but not modelled, between the Project and Golden Ears Bridge. Aggregate material will be shipped from Project to existing processing facilities in Burnaby and Langley. The current plants are supplied with aggregate from a combination of the following locations: - Polaris Material Corp.'s Orca Quarry at Port McNeil located on northern Vancouver Island, BC; - Jack Cewe Ltd.'s Treat Creek Operations located in Jervis Inlet, BC; and - Construction Aggregates Ltd.'s gravel mine located in Sechelt, BC Gravel from proposed Project will replace the gravel that is currently transported by barge from these facilities. In addition, the development of the Project would result a reduction in barge transport distance of up to 280 km, thereby reducing the associated environmental impacts (including potential Climate Change effects).
-	574	Tsleil-Waututh Nation	24-Nov-16	Round 1 Responses (20Oct2016)	TWN-118.1	If there is baseline information to support human health and wildlife, please explain the following text from 4.1 that regarded our first comment. Please note that we do not include pathway components to be baseline data unless directly collected from humans and/or wildlife as this does not support our belief in the equal importance of both qualitative and quantitative data: "Unlike other components, field data is not used to directly measure existing risks to human and terrestrial wildlife health. Instead, existing risks must be estimated using the same risk assessment approach and methods used to evaluate how the Proposed Project may affect human and terrestrial wildlife health. As such, there is no baseline report for human and terrestrial wildlife health. Baseline data and information from the other disciplines are used in the assessment of human and terrestrial wildlife health."	The risk assessment uses baseline data from multiple discipline teams (air, water, fish etc.) in addition to the soil and vegetation data that were collected specifically to support the human health risk assessment. The sources of baseline data have been provided in the previous response. The baseline data and/or baseline predictions using the baseline data from the various teams are screened for the protection of human health in the problem formulation stage of the risk assessment as part of the process to identify contaminants of potential concern. Risk estimates (e.g., mathematical calculations) for both base case (baseline) and project case are provided in the EA application (Section 9.1) for these contaminants of potential concern, so that the results can be easily compared. The presentation of baseline risk estimates in the EA report is unique to the human health risk assessment because the base case results provide context to the project risks and allow for the incremental comparison which results from the project, which is required by several regulatory agencies.
-	575	Tsleil-Waututh Nation	24-Nov-16	Round 1 Responses (20Oct2016)	TWN-119.1	We appreciate that the VC selection is inline with BCEAO requirements, however, we consistently disagree with this particular methodology in regards to BCEAO requirements. TWN strongly urges Proponents to go beyond the requirements, as well as encourages BCEAO to strengthen their requirements.	TWN's comment is acknowledged and documented. VC selection was done in accordance with the relevant guidance and is consistent with EA practice in BC. No further analysis is proposed.

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-	576	Tsleil-Waututh Nation	24-Nov-16	Round 1 Responses (20Oct2016)	TWN-120.1	Please refer to our response for TWN-117	TWN’s comment is acknowledged and documented. In excluding marine shipping from where the barges meet the existing shipping lanes in the Strait of Georgia and in the Fraser River to BURNCO's existing facilities in Burnaby and Langley, BCEAO and CEAA considered the following analysis of the incremental change in tug/barge traffic of associated with the Proposed Project: <ul style="list-style-type: none">▪ 0% net change from south of Passage Island, along the Strait of Georgia, to the North and South Arms of the Fraser River; and▪ 0% net change along the Fraser River to the load-out facilities in Burnaby and Langley.
-	577	Tsleil-Waututh Nation	24-Nov-16	Round 1 Responses (20Oct2016)	TWN-121.1	TWN understands your use of mitigation measures to create effective negligible effects; however, this is completely hypothetical, hence are disagreement with the methodology. How can an effect be considered negligible if there is no way to no if the mitigation measure will work? Many, if not most projects produce negative effects and outcomes that were "mitigated" on paper, but unsuccessful in real life once it's too late. TWN focuses on ensuring that these unplanned effects stop occurring in order to improve the conditions of our land, water and resources.	The effectiveness and uncertainty of mitigation measures were also considered as part of the characterization of residual effects. If mitigation measures are known to be effective based on previous experience and widely used mitigation measures, in the industry for example marine mammal monitoring for safety zones and underwater noise monitoring, then the certainty of the measure being effective is considered high. In general, mitigation measures that had higher certainty were evaluated have lower (negligible, not-significant) significance ratings [taking into consideration the other residual effect characteristics (e.g., magnitude, geographic extent etc.)]. This is in line with the current guidance documents provided by the federal and provincial government. In addition, the compliance with mitigation measures will be monitored throughout the Proposed Project. This is achieved through the implementation of the environmental management system. Environmental management during the Proposed Project will include the reporting of all non-compliance events to the relevant regulators and the subsequent development of adaptive management techniques to address these events. This system will also allow for arising issues to be dealt with up front and for plans to be adapted to manage mitigation measures that may not be proving effective as they are currently being used.
-	578	Tsleil-Waututh Nation	24-Nov-16	Round 1 Responses (20Oct2016)	TWN-122.1	TWN does not find the response to be relevant to the comment. We find the "Importance to First Nations Groups" column to be lacking in relation to the items that are marked off as considered important, in addition to the correlation between Climate Change and Stakeholders. Please advise how this table will be revised to show all correlating factors that are important to these respective groups.	<p>Tables 4-2 and Table 4-3 were meant to present a summary of the VCs selected and the rationale for their selection. Additional information regarding the selection of VCs and their importance to stakeholders and First Nations groups may also be provided in the discipline specific sections of the EAC Application/EIS. BURNCO understands the climate change is likely of importance to all stakeholders, including the public and the provincial and federal levels of the Canadian government. Thus, is was selected as a stand-alone VC. If a VC was noted as "-" within the Importance to First Nations Groups column it does not mean that it is not important to First Nations groups, rather those indicated as "Component known to be of interest to First Nations.</p> <p>The EAC Application/EIS will not be re-issued, however, this information request and our response form part of the formal record of the Technical Working Group's review of the assessment. Review comments provided by First Nations and others during the Application Review - and associated Proponent responses - are being trackedand submitted to the BCEAO and the CEA Agency for their consideration in preparing their assessment reporting.</p>
-	579	Tsleil-Waututh Nation	24-Nov-16	Round 1 Responses (20Oct2016)	TWN-123.1	Please see comments above regarding a) using common species and b) regarding hypothetical information to assess potential effects. TWN strongly disagrees with both.	<p>TWN's comment is acknowledged and documented. The project design measures and mitigation measures incorporated into the Project are expected to be effective in avoiding effects on the salmonid species considered as VCs. Because the habitat requirements for the more common salmonid species are generally similar to those of chinook salmon and rainbow trout (clean water, adequate flow, instream cover, benthic invertebrate food supply and suitable substrate) it is expected that potential effects on these species will also be avoided.</p> <p>The effectiveness and uncertainty of mitigation measures were also considered as part of the characterization of residual effects. If mitigation measures are known to be effective based on previous experience and widely used mitigation measures, in the industry for example marine mammal monitoring for safety zones and underwater noise monitoring, then the certainty of the measure being effective is considered high. In general, mitigation measures that had higher certainty were evaluated have lower (negligible, not-significant) significance ratings [taking into consideration the other residual effect characteristics (e.g., magnitude, geographic extent etc.)]. This is in line with the current guidance documents provided by the federal and provincial government.</p> <p>In addition, the compliance with mitigation measures will be monitored throughout the Proposed Project. This is achieved through the implementation of the environmental management system. Environmental management during the Proposed Project will include the reporting of all non-compliance events to the relevant regulators and the subsequent development of adaptive management techniques to address these events. This system will also allow for arising issues to be dealt with up front and for plans to be adapted to manage mitigation measures that may not be proving effective as they are currently being used.</p>
-	580	Tsleil-Waututh Nation	24-Nov-16	Round 1 Responses (20Oct2016)	TWN-144.1	Thank you - please confirm that the conflicting text will be revised.	The EAC Application/EIS will not be re-issued, however, this information request and our response form part of the formal record of the Technical Working Group's review of the assessment. Therefore, the conflicting text has effectively been corrected through this process.
-	581	Tsleil-Waututh Nation	24-Nov-16	Round 1 Responses (20Oct2016)	TWN-147.1	Received from EAO 16 Nov, 2016 - Thank you	No response required.
-	582	Tsleil-Waututh Nation	24-Nov-16	Round 1 Responses (20Oct2016)	TWN-148.1	Thank you for this appendix. We have reviewed the report and have follow up questions: 1. Section 3.2 states, “In the conceptual model plan submitted to BC MoE (Golder 2013), it was stated that due to the limited use of diesel combustion equipment, emissions such as SO2 and NO2 will be quantified and their impacts to the surrounding environment will be qualitatively discussed; while the particulate matters emissions, TSP, PM10, and PM2.5 will be assessed using dispersion modelling. However, based on a conversation with Health Canada tugboat exhaust effects will be modelled and assessed at sensitive receptors in the local and regional study areas.” Is this tugboat modelling in addition to what was proposed in the conceptual model plan?	1. The initial conceptual model plan (Golder Associates Ltd. 2013. BURNCO McNab Creek Aggregate Project Conceptual Air Dispersion Model Plan, Technical Memorandum Reference No. 1114220046-517-TM-Rev0-4700) did not include assessing NO2 and SO2 emissions from tugboats; however, TSP, PM10 and PM2.5 emissions from tugboats were included. In the final (approved) detailed model plan, NO2 and SO2 emissions from tugs in the vicinity of the Project, including emissions associated with maneuvering were included in the model and assessed at sensitive receptors (the sensitive receptors identified in the human and ecological health risk assessment).
-	583	Tsleil-Waututh Nation	24-Nov-16	Round 1 Responses (20Oct2016)	TWN-148.10	10.TWN would find it more useful to combine and expand Table 18 and 19 so that it is easier to compare the MM5 results to the observed data at Port Mellon.	10. TWN's comment is acknowledged and documented, however, no additional updates to the detailed model plan are proposed.

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-	584	Tsleil-Waututh Nation	24-Nov-16	Round 1 Responses (20Oct2016)	TWN-148.11	11. TWN disagrees with the statement: “... there will be no combustion or cooling tower stack emissions from this Project. Therefore, there will be no concerns for the effect on visibility around the Project site.” Particulate matter could potentially have a visual impact, especially for the seasonal residences which are approximately 1 km away. Please explain how concerns for the effect on visibiltiy will be assessed.	11. The text that is being referenced refers specifically to fogging and icing, and the potential of fogging and icing to affect visibility, as indicated by the section heading. There are no expected concerns regarding visibility related to fogging and icing associated with the project because there are no stationary combustion sources or cooling towers associated with the project. Please refer to Chapter 7.4 regarding Project visual resources assessment, which includes consideration of suspended particulates (dust).
-	585	Tsleil-Waututh Nation	24-Nov-16	Round 1 Responses (20Oct2016)	TWN-148.12	12. Please better explain this statement: “In addition to comparing MM5 data to observation additional another QA/QC procedure will be undertaken and results will be included in the Environmental Assessment.” (section 7.1).	12. The additional quality checks were at the request of the BC MOE. The additional quality checks can be found in Appendix 5.7-B Section 2.2.4.5 and 2.2.4.6.
-	586	Tsleil-Waututh Nation	24-Nov-16	Round 1 Responses (20Oct2016)	TWN-148.13	13. Have there been any additional results or studies since this document? If so, please provide and if not, please indicate when we might expect them.	13. The only additional investigation related to air quality was in response to BCMOE comment MOE-051. BCMOE's comment and BURNCO's response are summarized below: MOE-051 BCMOE: Section 2.1.3.2 Data Processing: The limited data sets (2 TSP samples and 1 Dustfall sample) are insufficient to determine, with any confidence, representative background metals concentrations and deposition rates. Also. sampling occurred in November when particulate concentrations and any associated metals are likely to be low. BURNCO: Background metal concentrations using the limited metals data within the National Air Pollution Surveillance (NAPS) dataset was investigated. The updated metal background concentrations were added to model predictions and the application case's concentrations (project plus background) screened through the human health assessment. The updated background metal concentrations and human health screening are presented in 16-Nov-16 Technical Memo entitled BURNCO Aggregate Project: Response to Information Request MOE-051.
-	587	Tsleil-Waututh Nation	24-Nov-16	Round 1 Responses (20Oct2016)	TWN-148.2	2. Regional background was to be established using three established air quality monitoring stations. MOE later instructed Golder to use just one of the sites (Langdale elementary) as the baseline. Please provide information as to how and why MOE made that decision. Additionally, only the most recent year’s data (2013) was used - TWN recommends running the model for various years to check it is a good representative of the background.	2. The guidance provided by the MOE at the time was that monitoring data from Langdale Elementary was considered to be the most representative of air quality in the vicinity of the Project. However, based on a brief assessment it was found that the use of monitoring data from Langdale Elementary did not necessarily result in the most conservative (highest) background concentrations (Table 8 in Appendix 5.7-E), therefore all three stations were used to determine existing concentrations.
-	588	Tsleil-Waututh Nation	24-Nov-16	Round 1 Responses (20Oct2016)	TWN-148.3	3. SO2 and NO2 are not modeled for anything other than tugboat operation. However, there would be SO2 and NO2 emissions from bulldozing, excavating, forklifts, loaders. Please provide a rationale as to why they were not modeled.	3. As discussed in Section 5.7.5.2.1, the use of onsite vehicles will be limited at most to 3 onsite vehicles per year during normal operations. In addition, for 30 days of the year (at a maximum of 14 hours per day) the pit will be expanded and four additional vehicles (one excavator, three rock trucks and one loader) will operate onsite. Due to the limited onsite combustion activities, NO2 and SO2 from onsite vehicles were not modelled. This is consistent with the approach agreed with the Ministry of Environment within the detailed model plan (Section 4.0, Appendix 5.7-E)
-	589	Tsleil-Waututh Nation	24-Nov-16	Round 1 Responses (20Oct2016)	TWN-148.4	4. Figure 1 –TWN would like to see the list of source descriptions located to the bottom or side of the figure, rather than on top of the location of the seasonal residences.	4. Requested information is presented in supplemental Figure TWN-148.4
-	590	Tsleil-Waututh Nation	24-Nov-16	Round 1 Responses (20Oct2016)	TWN-148.5	5. TWN questions whether 1 hour of use per day of the Tug Boat is an accurate assumption? Please provide further information.	5. Tug boats will bring the barge to the Project dock, and move the loaded barge from the Project. Tug boats will not be idle at the facility. The time it takes to be maneuver the barge into the facility has been estimated at 10% of total transport time.
-	591	Tsleil-Waututh Nation	24-Nov-16	Round 1 Responses (20Oct2016)	TWN-148.6	6. The report references the BC Air Quality Dispersion Modelling Guidelines, 2008. But there has since been an update (November 2015). Will the model be updated to reflect current guidelines?	6. At the time of the assessment the BC MOE (2008) was the relevant guidance document. No updates to the model or modelling plan is anticipated.
-	592	Tsleil-Waututh Nation	24-Nov-16	Round 1 Responses (20Oct2016)	TWN-148.7	7. TSP was calculated from a 24 hour average and the annual average of PM10 – using US EPA procedures. TWN would like to see these calculations - please indicate where we can can find them.	7. US EPA 1986. Procedures for Estimating Probability of Nonattainment of a PM10 NAAQS Using Total Suspended Particulate or PM10 Data. Electronic resource last accessed April 24, 2014. http://nepis.epa.gov/EPA/html/DLwait.htm?url=/Exe/ZyPDF.cgi/2000N9B4.PDF?Dockey=2000N9B4.PDF
-	593	Tsleil-Waututh Nation	24-Nov-16	Round 1 Responses (20Oct2016)	TWN-148.8	8. Could you please provide a rationale as to why in the CALMET/CALPUFF models you use a 100 by 100m grid? In addition, was a sensitivity analysis completed?	8. Model developer guidance instructs that ideally 10 grid cells should be between major geographic features in order to resolve terrain (Exponent Engineering and Scientific Consulting. 2014. CALPUFF FAQs Answers. Electronic Resource last accessed 5 December 2016. http://www.src.com/calpuff/FAQ-answers.htm#2.1.4). McNab valley is approximately 4 km wide at the Project (mouth of the valley), and the mouth of the McNab Valley is about 3 km north of Gambier Island. A grid size of 100 m (0.1 km) will allow for more than 10 grid cells between the major geographic features. Furthermore, 100 m grid pacing is considered fine resolution for long range dispersion models (CALMET/CALPUFF) and the find grid spacing has been accepted by the MOE in the detailed model plan (Appendix 5.7-E). Therefore, no additional sensitivity assessments were undertaken.
-	594	Tsleil-Waututh Nation	24-Nov-16	Round 1 Responses (20Oct2016)	TWN-148.9	9. Please explain the use of the 1:250,000 DEM instead of the BC Guideline’s suggested 1:20,000?	9. The 1:250,000 data at the project site has a resolution of about 90 m at the project location. The resolution is better than (less than) the CALMET resolution (100 m). Therefore, the difference between the 1:250,000 and 1:20,000 data when resampled at 100 m is not expected to affect the CALMET terrain resolution.
-	595	Tsleil-Waututh Nation	24-Nov-16	Round 1 Responses (20Oct2016)	TWN-150.1	TWN understands this, however, we still believe that a comprehensive GHG emission analysis should occur with every project in regards to current provincial and federal targets.	TWN's comment is acknowledged and documented. The GHG assessment was undertaken using the guidance provided by both the federal and provincial government for an aggregate facility (non oil and gas facility). No further analysis is proposed.

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-	596	Tsleil-Waututh Nation	24-Nov-16	Round 1 Responses (20Oct2016)	TWN-151.1	As stated in prior comments, as well as above, TWN does not see the lack of data to be a strong enough reason to either not use data, or to use outdated data. It needs to be the responsibility of the Proponent and regulatory body to create the data required to properly assess project effects. We would like to see more current data in this regard.	TWN's comment is acknowledged and documented. Describing existing climate using climate normals ending in 2010 are consistent with guidance from the federal government. No additional analysis is proposed.
-	597	Tsleil-Waututh Nation	24-Nov-16	Round 1 Responses (20Oct2016)	TWN-152.1	Some of the mentioned items in our comment are relevant and were available at the time of preparation, such as the UN framework, in addition, we believe that if new information becomes available while the EA process is ongoing is should be accepted and incorporated in order to ensure the least impacts possible. We would like to see the most current (now) policies and documents incorporated into this EA.	TWN's comment is acknowledged and documented. Relevant guidelines and reference documents available at the time of preparation of the assessment were used in the GHG and climate change assessment. No additional updates are proposed.
-	598	Tsleil-Waututh Nation	24-Nov-16	Round 1 Responses (20Oct2016)	TWN-153.1	Section found in 2.5.3.2 - thank you. TWN finds a disconnection between this framework and the Project plans. Especially in regards to Pitt Lake, as the land will not be returned to the state in which it was found. Please explain how this framework is thus being followed?	Section 2.5.2.3 presents a Sustainable Development Framework, and the handling of individual situations on the landscape are guided by this framework. Frameworks of this type do not typically anticipate every situation on the landscape. However, many of the concepts presented in the framework align with the Environmental Management Program and the component plans described in Volume 3, Part E, Section 16 of the EAC Application/EIS. The Reclamation and Effective Closure Plan (see Volume 4, Part G - Section 22: Appendix 4), for example, provides additional information about the various reclamation activities and outcomes within the Project area.
-	599	Tsleil-Waututh Nation	24-Nov-16	Round 1 Responses (20Oct2016)	TWN-154.1	The response does not answer our questions or relate to the comment made.	The potential effects of the proposed Project are presented by four valued components (Labour Market, Regional Economic Development, Local Government Revenue and Real Estate) in Section 6.1.5. This section itemizes specific indicators for these valued components and the potential Project effects associated with each, and mitigation and benefits enhancement measures that the Project proponent has committed toimplement (See Sec. 6.1.5.3). The benefit enhancement measures include measures to enhance employment of local and First Nations workers and Project procurement of materials, goods and services from local and First Nations owned and operated businesses.
-	600	Tsleil-Waututh Nation	24-Nov-16	Round 1 Responses (20Oct2016)	TWN-156.1	This response again, does not answer our question, but re-states the facts to which we were commenting on. Please responsd to our question.	TWN's comment is acknowledged and documented. We have reviewed the earlier response provided (see TWN-156) and consider it to be responsive to the original question. Section 6.1.2.3 (Administrative Boundaries) includes reference to the traditional territory of the Skwxwú7mesh (Squamish) Nation as the Project site is located within the traditional territory of the Skwxwú7mesh (Squamish) Nation.
-	601	Tsleil-Waututh Nation	24-Nov-16	Round 1 Responses (20Oct2016)	TWN-158.1	Again, we would like our questions answered, rather than being provided additional information that weaves around the actual question.	We have reviewed the earlier response provided (see TWN-158) and consider it to be responsive to the original question. The SCRД continues to participate on the Technical Working Group and is involved in the review of the EAC Application/EIS.
-	602	Tsleil-Waututh Nation	24-Nov-16	Round 1 Responses (20Oct2016)	TWN-159.1	Section 21 is a list of references for the entirety of the report - we would appreciate, as stated, a list for this section in particular.	Section 6.1.3.3.1 of the EAC Application/EIS describes the methods for preparing the baseline conditions of the assessment against which potential project effects are compared. The baseline conditions for each Valued Component are presented in Section 6.1.4. Citations are included that refer to references presented in Section 21. Section 21 is broken into subheadings for each component of the assessment. Reference material for the economic assessment is listed in Section 21.2.3 which beings on page 21-47.
-	603	Tsleil-Waututh Nation	24-Nov-16	Round 1 Responses (20Oct2016)	TWN-160.1	We understood the years and that there is a lot of data in the EIS; this is why we flagged this set of data in particular as it's not current, and has changed significatnly and therefore, we expect it to be updated.	TWN's comment is acknowledged and documented. A more up to date employment figure for the Howe Sound Pulp and Paper mill will not result in a material change of the understanding of existing conditions such that an alteration of potential Project effects would be considered. No update to the data cited in Section 6.1 is proposed.
-	604	Tsleil-Waututh Nation	24-Nov-16	Round 1 Responses (20Oct2016)	TWN-161.1	Our question was not answered, rather we were told what various sections represent. Please answer the question.	TWN's comment is acknowledged and documented. Section 6.1.5.2.2 of the EAC Application/EIS focusses on the anticipated effects on the Regional Economic Development, including on new business supply opportunities as measured by incremental business revenues. Section 6.1.4.1.3, which was the subject of the earlier question (TWN-161), does not focus exclusively on "trades", but rather on local training opportunities that are relevant to the anticipated Project-related jobs as described in Section 2.5.4.
-	605	Tsleil-Waututh Nation	24-Nov-16	Round 1 Responses (20Oct2016)	TWN-163.1	TWN strongly encourages this to occur.	<p>We assume this comment is in relation to our 20-Oct-2016 response which stated that "A Technical Memo is being considered to include the Woodfibre LNG Project into the cumulative effects assessment fo the real estate values component". On 17-Nov-2016, the following response was submitted to the BCEAO and to the CEA Agency:</p> <p>As described in the Application Information Requirements (AIR) document (issued by the BC Environmental Assessment Office on December 16, 2014), the RSA for real estate includes the LSA, the west shore of Howe Sound along Thornbrough Channel and extends across Thornbrough Channel to the northwest portion of Gambier Island. The Woodfibre LNG Project was not included in the cumulative effects assessment of real estate because the activities of this project lie outside of the RSA for real estate in the BURNCO Project assessment. The proposed Woodfibre LNG facility lies several kilometres north of the BURNCO Project site along the west shore of Howe Sound. After leaving the Woodfibre processing facility and loading jetty on the west side of Howe Sound, the proposed shipping route for the Woodfibre LNG Project is on the east side of Howe Sound, i.e. through Montagu Channel and Queen Charlotte Channel. The Woodfibre LNG shipping route is situated several kilometres to the east of the northern areas of Gambier Island, and views to the east from this part of Gambier Island are largely shielded by Anvil Island. The Woodfibre LNG shipping route lies to the east of Anvil Island.</p> <p>In addition, potential effects on real estate value due to LNG carrier shipping associated with the Woodfibre LNG Project were identified in neither the Application Information Requirements document nor the environmental assessment application for this project. Potential effects on real estate values due to marine shipping associated with this project were not identified in the Woodfibre LNG Project Assessment Report (dated August 19, 2015) that was prepared and issued by the BC Environmental Assessment Office. The BC Ministers of Environment and Natural Gas Development signed an environmental assessment certificate for the Woodfibre LNG Project on October 26, 2015.</p> <p>Woodfibre LNG projects 80 LNG carrier movements per year (approximate average of 7 per month), which would represent an increase of 1% in larger vessel traffic in Howe Sound.</p>

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-	606	Tsleil-Waututh Nation	24-Nov-16	Round 1 Responses (20Oct2016)	TWN-164.1	Part C does not constitute an Aboriginal cultural health assessment - we stand by our original comment. In addition, TWN strongly disagrees with the methodology that states project associated changes will be positive at closure in relation to Aboriginal culture and history. We also strongly disagree with this statement in the response: "At closure, no effects are anticipated in regard to quality of experience in connection with the sensory environment and environmental setting." As the Pitt Lake is not planned to be cleaned up and the lands will not return to their original, or improved state, the experience in connection to the environment will significantly change.	TWN’s comment is acknowledged and documented. BURNCO agrees that a standalone assessment of Aboriginal cultural health was not included in the scope of the assessment. Part C considers potential effects on the exercise of Aboriginal rights that relate to the transmission of culture and history, which in turn may affect cultural health and wellbeing. No further analysis is proposed. To further clarify our earlier response, no impacts to surface water quality were identified in Pitt Lake from a human health perspective following closure.
-	607	Tsleil-Waututh Nation	24-Nov-16	Round 1 Responses (20Oct2016)	TWN-165.1	To confirm, the First Nations Health Authority was not contacted? And outside of Health Canada gaming consumption data, no Aboriginal policies or guidelines were used? Please explain the rationale for this. To note: FNHA provides much more than healthy eating tips and food safety factsheets, such as the First Nations Regional Health Survey posted on their website. http://www.fnha.ca/Documents/RHS_Report.pdf	Thank you for providing this reference. We have reviewed the document, however it does not include reported consumption rates for country foods or environmental guidelines for water, soil, air, or food items. Site-specific consumption rates were not available for local First Nations at the time of the assessment. Therefore, the Health Canada fish consumption rates for 'high-consumers' was used to derive screening values for fish tissue. The First Nations Food Nutrition and Environment Study (Chan et al 2010) reports consumption rates for a number of First Nations groups in BC broken down by 'ecozone/culture area'; however, First Nations local to the study area were not represented in the report. The closest regional data are from Pacific Maritime/Subarctic/Northwest Coast and the Pacific Maritime/Plateau ecozones, which included 9 participating First Nations communities in coastal BC. The reported average daily ingestion rates for fish/shellfish consumption (including salmon, halibut, lingcod, mussels, and crab) was 33.8 g/day (96.5 g/day corrected for consumers only) for the Subarctic/Northwest Coast ecozone and 18.9 g/day (67.5 g/day for consumers only). The high-consumer rate reported in Health Canada (2007) is equivalent to the 90th percentile consumption rate of 45 g/day (49 g/day for consumers only) from a Canadian dietary survey. Therefore, use of the Health Canada high-consumer value of 49 g/day (fish and shellfish combined) was considered reasonable for preliminary screening purposes for coastal BC First Nations. It should also be noted that changes in fish/shellfish tissue are not predicted to occur as a result of the project; therefore the fish/shellfish consumption pathway was not retained for the risk assessment. Health Canada. 2007. Human Health Risk Assessment of Mercury in Fish and Health Benefits of Fish Consumption. Bureau of Chemical Safety. March 2007. Laurie Chan, Olivier Receveur, Harold Schwartz, Amy Ing and Constantine Tikhonov. 2011. First Nations Food, Nutrition, and Environment Study. Results from British Columbia (2008/2009). Prince George: University of Northern British Columbia, 2011.
-	608	Tsleil-Waututh Nation	24-Nov-16	Round 1 Responses (20Oct2016)	TWN-166.1	We did have the opportunity to provide comments during the development of the AIR, which is stated several times here in the Proponent Responses. However, we would like to note that as per BC EAO guidelines, comments and questions are allowed and invited at each stage (ie. pre-app, Screening, application Review); these can be recurring comments or new comments. These stages are not static, but fluid with the attempt to make the application and thus the Project better with each stage. Comments at each stage are as equal and important as comments received in previous stages. The lack of mentioning a comment at an earlier stage should in no way deflect from the importance of that comment. We would hope that our comments at each stage are excepted and regarded as ways to inform decision making and improve the project overall.	TWN’s comment is acknowledged and documented. We also acknowledge the iterative nature of the assessment process. Notwithstanding, we maintain that 'People' is a suitable VC for the human health risk assessment, consistent with the methods described in the approved EAC Application Information Requirements which guided the assessment. No further revisions are proposed.
-	609	Tsleil-Waututh Nation	24-Nov-16	Round 1 Responses (20Oct2016)	TWN-167.1	Our comment still stands.	TWN’s comment is acknowledged and documented. Rationale is provided for LSA and RSA boundaries for the public health assessment, which we consider extensive and suitable for the assessment of the proposed Project. No further revisions are proposed.
-	610	Tsleil-Waututh Nation	24-Nov-16	Round 1 Responses (20Oct2016)	TWN-168.1	Please provide us with the document(s)/reports that showcase the qualitative assessment used in the absense of quantitative data required for this assessment.	The Air Quality Cumulative Effects Assessment is presented in section Section 5.7.5.7 of the EAC Application/EIS.
-	611	Tsleil-Waututh Nation	24-Nov-16	Round 1 Responses (20Oct2016)	TWN-169.1	Thank you for the response. We look forward, and expect to work with the Proponent on ways to incorporate the information into the application and Project.	No response required.
-	612	Tsleil-Waututh Nation	24-Nov-16	Round 1 Responses (20Oct2016)	TWN-172.1	Thank you for the reponse. We look forward to these future meetings and discussions.	No response required.
-	613	Squamish Nation	2-Dec-16	Draft First Nations Consultation Report (30Nov2016)	SN-085	Confidential Skwxwú7mesh Nation Revisions to BURNCO FN Consultation Report.	Confidential review comments discussed with Skwxwú7mesh Nation and incorporated into revised draft report.
-	668	Ratcliffe & Company representing Squamish Nation	15-Dec-16	Draft First Nations Consultation Report (12Dec2016)	SN-086	Confidential Skwxwú7mesh Nation Revisions to BURNCO FN Consultation Report.	Confidential review comments discussed with Skwxwú7mesh Nation and incorporated into final report.

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-	669	Tsleil-Waututh Nation	15-Dec-16	Draft First Nations Consultation Report (12Dec2016)	TWN-173	TWN will aim to provide comments as early as we can within the first two weeks of January.	Acknowledged. BURNCO is committed to continuing consulting with Tsleil-Waututh Nation in a meaningful way throughout remainder of Application Review and beyond.
-	670	Tsleil-Waututh Nation	13-Jan-17	Draft First Nations Consultation Report (12Dec2016)	TWN-174	<p>TWN has had time now to review the draft report and at this time does not have any further comments. We appreciate the opportunity to review the report and found that our previous comments were well integrated into this new version. We look forward to continued correspondence and communication in regards to the Project as this may not be an exhaustive list of our comments and concerns.</p> <p>In the same email from December 14, we also received your responses to our Round 1 comments (October 20). I am wondering if there will be a Round 2 occurring, or as it seems from the correspondence from EAO re: the suspension, that the next round will move directly to the Draft Assessment Report?</p>	<p>Acknowledged and thank you.</p> <p>In response to your inquiry about BURNCO responses to Round 2 comments, these have been provided to BCEAO and CEA Agency and were also included in Appendix A of the Draft Consultation Report dated December 12 (Application Review ID Nos. 573-612, pages 30-34 of the Appendix).</p> <p>Updated Appendix A resent for information.</p>

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