

ORCA SAND AND GRAVEL PROJECT

Meeting Summary Pre-Application Meeting

Port McNeil
March 16, 2004

Attendees

BC: Bob Hart (EAO)(Chair), David Eirikson (EAO), John Errington (MEM), Ed Taje (MEM), Al Mackie (MSRM), Linda Phillip (WLAP), Grant Bracher (WLAP), Mac Willing (WLAP), Mark Jones (MoF), Tim Chester (MoF), Gaillen Wraye (LWBC)
Canada: Chris Barlow (CEAA), Stephen Sheehan (EC), Jim Schellenberg (CCG), Derek Chung (DFO)

Kwakiutl First Nation: Hereditary Chief Tony Hunt Sr., Chief Councillor Marion Wright, Councillor Dave Jacobson, Lee Nikl, Paul McElligott, Aryn Lalji

Namgis First Nation: Chief Bill Cranmer, Assistant Band Manager George Speck, Advisor Mike Berry

Polaris: Marco Romero, Herb Wilson, Cal Mark, Richard Pope, Connie Clawson, Dale Scow

Western Forest Products: Bill Day

Regrets

Regional District of Mount Waddington
Town of Port McNeill

Greeting

- Hereditary Chief Tony Hunt Sr. and Chief Councillor Marion Wright welcomed meeting participants to the traditional territory of the Kwakiutl First Nation.
- Chief Bill Cranmer welcomed meeting participants to the traditional territory of the Namgis First Nation.
- Marion Wright indicated that the site tour and Pre-Application Meeting were for information purposes only and that the Kwakiutl Band had not provided any input into the draft Terms of Reference. Kwakiutl input will be provided only after the Band has completed its due diligence of the project.

Environmental Assessment Review Process

- Bob Hart provided a brief overview of the BC Environmental Assessment Act and review process.
 - Documents Distributed: Overview of BC Environmental Assessment Act and Regulations, Flow Chart of Project Review Process
- Chris Barlow provided a brief overview of the Canadian Environmental Assessment Act and review process.

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Information Requirements for Application

- Attendees reviewed the Preliminary Draft Terms of Reference (ToR) prepared by Polaris (dated October 2003) to determine information gaps, with a focus on identifying time sensitive information requirements. Bob Hart indicated that attendee comments on the draft ToR can be provided either at the meeting or via e-mail.
- Aryn Lalji requested that all information provided by meeting participants to Polaris also be provided to the Kwakiutl First Nation.

Italicized items are time sensitive

Atmospheric Environment

- Mac Willing asked about the source of water for processing. Herb Wilson responded that water for processing will come from natural precipitation, and that an application will be made to LWBC for a back-up bore hole.
- Ed Taje indicated it is necessary to know the volumes of the impoundment ponds to ensure compliance with MEM standards.
- Mark Jones asked whether any sediments would be released from the site. Herb Wilson responded that there would be none.

Water Quality

- Stephen Sheehan inquired about leaching from the historical dump into the Cluxewe River.

Air Quality

- Mark Jones noted that the prevailing summer winds are from the NW and that any dust from the operation should be blown into Port McNeill. Herb Wilson responded that the resource is inherently wet and coarse-grained, and that the conveyor belt can be covered if necessary to control dust.

Winthrow

- Bill Day indicated that Western Forest Products have means of mitigating wind throw.

Freshwater Ecology

- Richard Pope indicated that there is significant existing data on the Cluxewe River for baseline freshwater ecology studies, and that these studies will incorporate traditional and local knowledge. He also indicated that time-sensitive amphibian studies had been completed.
- Dave Jacobson asked when the amphibian baseline studies had been done. Herb Wilson responded that they were done in May/June and August.
- Paul McElligott noted that the amphibian baseline study was primarily a bird report, that it may not be complete for frogs and amphibians, and that the bird study may not have been conducted at the optimal time of year. He indicated that further studies are required and that these studies are time sensitive.
- Stephen Sheehan asked whether there is a list of information reports that have been sent to agencies. Marco Romero replied that no reports have been submitted to

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agencies to date, and that they are first being shared with the Kwakiutl and Namgis First Nations in either draft or completed form.

- Mac Willing noted that there is another stream – Bear Creek (gazetted name of Mills Creek) – on the east side of the deposit.

Marine Ecology

- Richard Pope indicated that sub-tidal (including eel grass) and inter tidal studies have been completed and that a marine mammals study is planned. These studies utilize existing information.
- Paul McElligott asked whether any consideration had been given to conducting seasonal studies. He also asked whether the focus of these studies was to determine First Nation uses and issues associated with marine resources or to establish a baseline for EA purposes. He noted that this was part of a larger issue, e.g. whether the focus of wildlife and habitat studies was on species of concern to regulators rather than on issues of interest to First Nations. Dave Jacobson asked whether Polaris had gotten its Terms of Reference from an aboriginal perspective or a European perspective. Marco Romero responded that he would like to meet with First Nations as soon as possible to address these concerns.
- Aryn Lalji stated that the Kwakiutl Band views itself as a proponent in the project, and that the Terms of Reference will be submitted by Polaris and the Band.
- Linda Phillips noted that there is a population of orca whales that transit through the transport area.
- Mike Berry noted that juvenile salmonoids (e.g. Nimpkish Chum) may be impacted by the construction of outloading facilities, and that time sensitive seasonal studies need to be done beginning immediately and continuing through to the end of August.

Terrestrial Environment

- Richard Pope indicated that some terrestrial environment studies have been completed or are ongoing (rare plant, birds, raptors, shore birds).
- It was noted that the project site is on a migration route for marbled murrelet and that more emphasis needs to be put on studying that species.
- Aryn Lalji noted that the Kwakiutl Band is planning a community meeting on species of concern and that the Band hopes to be able to provide Polaris with this information in the near future.
- It was asked when forest clearing would occur. Marco Romero replied that it would not happen in bird nesting season.

Archaeology and Heritage Resources

- Marco Romero indicated that Polaris had not conducted field studies on archaeological resources, that the Kwakiutl First Nation and Namgis First Nation had openly shared confidential information with Polaris on their traditional uses of the project area, and that Polaris and the First Nations are planning to develop a joint approach to protecting any potential archaeological resources (including CMTs) and mitigating project impacts.
- Al Mackie noted that it is necessary to keep distinct studies which address archaeological resources and studies which address traditional uses.

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Other Issues

- Foreshore - it was noted that studies need to be conducted on the foreshore and marine area affected by the conveyor and transport facilities.
- Power Sources – Marco Romero indicated that BC Hydro requires clearer estimates of the projects power needs.
- First Nations input - Paul McElligott noted that First Nation input into the project Terms of Reference was pervasive, and that their input should not be dealt with only under a heading 'First Nations interests'.

Closing Remarks

George Speck stated that Polaris has treated the Namgis First Nation like no other company has done before and that they have been very open and cooperative by answering all their questions, providing support and addressing their concerns.