

APPENDIX C - Government Agency Issues Tracking Summary

#	Raised By	Issue Raised	Ascot Response	Ascot Commitment
B.C. Provincial Agencies				
	<i>D.W. Flynn, P.Eng., Inspector of Mines, B.C. Ministry of Energy, Mines and Petroleum Resources, Northwest Region</i>	<i>Email dated January 22, 2006, commenting on the Swamp Point Aggregate Mine EA Certificate Application</i>		
1		The level of detail in the EA Application is more than adequate and is almost to the level of detail required for a <i>Mines Act</i> permit application.	n/a	n/a
2		I have noted some items that need to be addressed for <i>Mines Act</i> purposes that may or may not be relevant to the granting of an EA Certificate. Under Section 1.5, a list is provided of those professionals and consulting companies involved in completing the Application. This list shows Mr. Jerry Quaile as being the "Key Individual" in Yukon Engineering Service Ltd. responsible for mine design. There is a blank next to Mr. Quaile's name as to "Professional Status". The applicant needs to be aware [and I believe they are] of the need to have mine Design planning signed off by a suitably qualified professional licensed in the Province of British Columbia.	Ascot is aware of the requirement for mine design planning signed off by a suitably qualified professional licensed in the Province of British Columbia. This will be provided as part of the <i>Mines Act</i> permit application for Swamp Point project (Project).	Appropriate design sign-off to be provided in the <i>Mines Act</i> Permit Application.
3		Under Section 2.1.1.5 "Natural Resources Canada", a clarification is required here in that the storage, use and handling of explosives on British Columbia's mine sites is regulated by Part 8 of the Health, Safety and Reclamation Code for Mines in British Columbia. Natural Resources Canada, Explosives Branch, regulates the manufacture of explosives on mine sites. If any blasting is done, it will require a <i>Mines Act</i> Permit.	Clarification for Section 2.1.1.5 will be provided as part errata for the Swamp Point Aggregate Mine Application. No blasting is planned at this site.	Clarified in the EA Certificate Application errata.
	<i>C. Carr, P.Eng., Manager, Geotechnical Engineering, B.C. Ministry of Energy, Mines and Petroleum Resources, Mining Operations Branch</i>	<i>Email dated January 17, 2006, commenting on the Swamp Point Aggregate Mine EA Certificate Application</i>		

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4		I have reviewed the Application dated November 2005. For the record, I did not have the opportunity to review the Terms of Reference for this project. The geotechnical review has focused on information presented that relates to the design and location of the proposed waste dumps, soil stockpiles, sediment control pond structures, water storage pond structure and pit excavation slopes. Apart from preliminary design information for the pit slopes, there is little design information presented for surface dumps or impoundment dams. Basic information on dump/dam heights, slope angles, foundation conditions and failure consequences is not given. This information will be required for the <i>Mines Act</i> permit review.	Ascot will provide the requested information as part of the <i>Mines Act</i> permit Application – i.e. information on dump/dam (berm) heights, slope angles, foundation conditions and failure consequences.	The site will undergo a geotechnical assessment. The engineering firm will provide design recommendations for waste dumps, water ponds and pit slopes. Geotechnical guidance will be provided for the construction, operation and reclamation of the mine site. This information will be included in the <i>Mines Act</i> permit application.
5		Proposed pit slope designs during pit operations and for final pit walls, and contingencies for local stability problems during operation, appear to be reasonable. Based on assumed parameters, the static factor of safety for final pit slopes is calculated at 1.2. A minimum factor of safety of 1.3 is required in accordance with the guidelines referenced in Section 10.6.6 of the Health, Safety and Reclamation Code. Typical cross-sections and the results of stability analyses will be required for permitting.	A minimum static factor of safety of 1.3 will be provided for final design pit slopes. The preliminary geotechnical assessment was conservatively based on an analysis, which was based on non-intrusive field review by Trow and on available geological information provided by others. The findings of the preliminary analysis determined that the most probable failure surface (i.e. lowest factor of safety of 1.2) for the conceptual pit slope design was limited to shallow sloughing type failure of waste material between mine benches. Additional detailed geotechnical investigation will be carried out in order to complete detailed designs for the geotechnical aspects of this project in accordance with <i>Mines Act</i> permit requirements. Detailed geotechnical designs would include but may not be limited to provision of cross-sections, foundation details and siting requirements, stability analysis including design assumptions, natural hazard mitigation measures, and geotechnical monitoring and/or instrumentation requirements, as required..	The geotechnical assessment will provide Ascot with design criteria that will meet or exceed Section 10.6.6 of the Health, Safety and Reclamation Code. The information will be included in the <i>Mines Act</i> permit application.
6		In general, there are no apparent geotechnical issues or concerns that would preclude this project from proceeding to the <i>Mines Act</i> permitting review stage. As stated above, significantly more detail is required prior to permitting.	As per the responses above, the additional required information will be provided as part of the <i>Mines Act</i> permit application.	The geotechnical assessment will fulfill all information requirements. This information will be included in the <i>Mines Act</i> Permit Application.

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	<i>D. Howe, P.Geo., Regional Manager, Exploration and Mining, Southwest Region</i>	<i>Email dated January 9, 2006, commenting on the Swamp Point Aggregate Mine EA Certificate Application</i>		
7		I have completed my review on portions of the "Application for an Environmental Assessment Certificate for the Swamp Point Aggregate Mine Project, by Ascot Resources Ltd." submitted to the Environmental Assessment Office on December 5 th , 2005. My review was focused only on the operational and post closure reclamation strategies proposed for the project. Sections of the report reviewed include the relevant sections under the Mine Plan (Section 3.6) which discuss operational environmental management strategies, the Environmental and Operational Management Plan (Section 4.0), and portions of the Environmental Assessment Section (Section 5.0). I found the report to be very thorough with respect to their proposed operational and post closure environmental management plans. In fact, the proponent has gone to a permit level of detail, fully compliant with the Mines Act, Health, Safety and Reclamation Code for Mines in B.C., to describe their strategies for environmental protection. In summary, I find the reclamation plan concepts are generally sound and I recommend approval in principle be granted for the project.	n/a	n/a
	<i>Greg Tambyln, MRM, Impact Assessment Biologist, Environmental Management Division, B.C. Ministry of Environment</i>	<i>Letter dated January 23, 2006, providing the following comments on the Application, and noting that a number of comments and questions have been dealt with subsequent to the January 9, 2006 Working Group meeting.</i>		

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8		<p>Section 4.0 Environmental and Operational Monitoring Plans – It is understood that the proponent will be following best management practices during construction and operation should the project be approved. The Application indicates that the Proponent will be developing detailed plans to mitigate or avoid potential environmental impacts of the proposed mine, including a Water Management Plan, Erosion and Sediment Control Plan, Fuel Management and Spill Contingency Plan, Marine Discharge and Spill Contingency Plan, Air Quality Management Plan, etc.</p>	<p>Best management practices will be used at the mine as described and committed to in the Application. More detailed environmental management plans (i.e. beyond information already provided in the Application) to be developed prior to construction include: detailed design for water management structures; Surface Erosion Prevention and Sediment Control (SEPSC) Plan; Fuel Management and Spill Contingency Plan; dustfall monitoring program to augment the Air Quality Management Plan; Reclamation Plan (to be included in the <i>Mines Act</i> Permit Application); Occupational Health & Safety Policy Manual; and an Emergency Response Plan. The Wildlife Protection Plan will be updated on an ongoing basis as appropriate. Refer to existing Commitment numbers 8 through 19 in Section 7 of the Application.</p>	<p>BMPs to be used as indicated; additional environmental management planning information to be provided as described in the Application. Refer to commitments #9 through #27 in Appendix D.</p>

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9		<p>4.2.2.1 - Overview (for Water Management Structures) – The Application indicates that the runoff settling ponds are designed for a 1 in 10 year 24-hr storm event as suggested by the B.C. Ministry of Environment Guidance for Assessing the Design, Size and Operation of the Sedimentation Ponds Used in Mining. Should the site experience a greater storm event, what contingencies are in place to avoid the discharge of suspended sediments to the aquatic environment?</p>	<p>The settling ponds have been designed to the 1 in 10 year 24-hour event according to MOE standards. The reason that the standard is set at the 1 in 10 year flood level is because the turbidity in natural streams is typically very high for floods greater than a 1 in 10 year event. For a flood level greater than a 1 in 10 year event, the settling pond will continue to operate and sediment will continue to be settled out.</p> <p>In terms of contingencies, it is noted that internal site water management, point source sediment control, and other sediment prevention measures have been incorporated into the design of the project. A detailed SEPSC Plan will be prepared to provide additional safeguards. Continuous turbidity monitoring during mine life will provide the means to determine the effectiveness of the settling ponds and other measures in preventing sediment discharges above the Provincial guidelines (50 mg/L TSS). If it is found that greater settling retention time is required in order to meet the pond discharge limit, the contingency is available throughout mine life to increase settling pond size. Mine designs have and will continue to ensure that settling ponds are sited in locations where this will be possible. Settling pond design and operations will follow the B.C. Government document entitled “Guidance for Assessing the Design, Size and Operation of Sedimentation Ponds Use in Mining”, which includes guidelines for cleaning settling ponds to maintain their capacities.</p>	<p>Monitoring and contingency implementation as noted during construction and operations. Refer to existing commitments #15, 16, 30 and 35 in Appendix D.</p>
10		<p>I could not find Figure 3.6-1 showing drainage elements in Phase 1 of the project.</p>	<p>Provided in the figures section of the Application.</p>	<p>n/a</p>
11		<p>4.4.6.3 Hydrocarbon Spill Contingencies – The Application indicates that “Mobile equipment will be inspected for leaks on a daily basis...” Although not required, will written records be kept of these inspections?</p>	<p>A site log will be kept for equipment inspections, including inspections for leaks.</p>	<p>Site log to be kept for equipment inspections, including inspections for leaks. Refer to commitment #24 in Appendix D.</p>

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12		4.4.6.4 Marine Hydrocarbon Spill Contingencies & Response – The Application indicates that “All vessels will be compliant with Marine Regulations...”See also 4.5.6 Ship Garbage & Sewage “No ship’s garbage will be discharged from any vessel at any time.” These statements seem to indicate that the Proponent has control over the practices of the ships used for hauling its product. What steps will the Proponent take to ensure that all regulations and legislation are followed by vessels involved with the Swamp Point Project (see next comment also).	The requirement for compliance with marine regulations will be a stipulation of contracts between Ascot and vessels servicing the Project.	The requirement for compliance with marine regulations will be a stipulation of contracts between Ascot and vessels servicing the Swamp Point Aggregate Mine. Refer to Commitment #26 in Appendix D.
13		4.5.9 NOx and SOx Emissions – The Application indicates that “Vessels chartered and used to load and transport aggregate from the Project will adhere to the International Maritime Organization “International Convention on the Prevention of Pollution from Ships...”. What actions will the proponent take to ensure that this is the case?	The requirement for compliance with marine regulations, including the cited convention, will be a stipulation of contracts between Ascot and vessels servicing the Swamp Point Aggregate Mine.	The requirement for compliance with marine regulations will be a stipulation of contracts between Ascot and vessels servicing the Swamp Point Aggregate Mine. Refer to Commitment #26 in Appendix D.
14		4.7.1.3.1 Minesite (under Other Air Emissions) – In the list of air emissions for diesel generators, mobile equipment and vehicles, particulate matter including PM ₁₀ and PM _{2.5} is not noted. We suggest that PM ₁₀ and PM _{2.5} be included as it is recognized that diesel PM _{2.5} emissions contain a variety of toxic substances.	Errata to be distributed for the Swamp Point Aggregate Mine EA Certificate Application will note that air emissions from diesel generators, mobile equipment and vehicles include particulate matter, including PM ₁₀ and PM _{2.5} . The toxic nature of diesel PM _{2.5} emissions is acknowledged.	Errata that have been distributed for the Swamp Point Aggregate Mine Application noted that air emissions from diesel generators, mobile equipment and vehicles include particulate matter, including PM ₁₀ and PM _{2.5} .

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15		<p>4.7.1.3.2 Marine – While ships and other vessels will have air emissions, not a lot of attention is given to this issue in the Air Quality Management Plan of the Application. Section 4.7.1.3.2 notes that emissions will include NOx and SOx, though no more information is given (it says that more information is available in section 4.7 but there is basically no reference to marine emissions.) It should be noted that other major projects undergoing EA review (e.g. Kitimat LNG (Liquid Natural Gas) and Kitimat Marine Terminal) are undertaking dispersion modeling to ensure that marine emissions to not exceed ambient provincial standards, especially in regards to SO₂ (ship fuel tends to have sulphur content of 1.7 – 2.4%). Is dispersion modeling for emissions from ships at the Loadout Facility occurring for this project?</p>	<p>As per the approved Terms of Reference for the Project, dispersion modeling has not been completed for emissions from ships at the Loadout Facility. Air emissions for vessels are not expected to pose a significant concern. It is expected that most (if not all) of the time, ships being loaded at the Loadout Facility will shut down their main boilers and switch to a much smaller auxiliary boiler (i.e. not be idling while being loaded). This is standard practice for this type of operation, and provides significant fuel savings for the vessels. This can be done at Swamp Point because the shiploader will be powered from shore rather than by the vessel being loaded. In contrast, the ships in the cited Kitimat examples must idle while in port because power from the vessels is needed for the shiploading activities.</p> <p>It is noted that the Orca Sand and Gravel EA Certificate Application included modeling of air emissions on the assumption of (possible) idling of vessels while being loaded. The Orca project has approximately double the shipping volume of Swamp Point (one vessel every 4 days versus one every 7 to 10 days for Swamp Point), and much closer human residential receptors (1.6 km from the site, versus 50 km for Swamp Point). Even with the much higher shipping rate and closer receptors, the modeling completed for Orca did not predict exceedence of ambient provincial standards at the nearest receptors (predicted that levels would not be measurable). The Orca air quality assessment was examined during the environmental study designs for Swamp Point, and formed part of the basis for the conclusion that such dispersion modeling would not be worthwhile for this Project.</p>	n/a

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16		4.7.3 Monitoring (Air Quality) – The Application states that a dustfall monitoring program will be implemented at the mine to enable targeted mitigation of fugitive dust that may arise. What will be included in this monitoring program? i.e. how extensive will the program be, how many monitors will there be and where will they be located? How much dustfall will be tolerated before mitigative strategies will be put in place. This section states that the monitoring program will continue until “it has been demonstrated that there are no significant emissions of dust”. What does “significant” mean (and what standards will be used)?	The proposed dustfall monitoring program was discussed during a January 18, 2006 meeting between Ascot and MOE’s air quality meteorologist. It is proposed that dustfall monitors be placed at the following receptor locations: operations camp, South Beach Creek, Donahue Creek, and a point along the marine foreshore. Where applicable, the provincial dustfall objective of 1.75 mg/dm ² /d (average over 30 days) will be followed. In addition, one or two moveable dustfall canisters would be used to identify and track any key point sources of dust on the site. Mitigation strategies will be implemented as needed to ensure that the provincial dustfall objective is met at the receptor sites. Dustfall monitoring may be discontinued at one or more of the receptor sites (most likely marine and/or Donahue Creek) if there are no recorded dustfall exceedences for a 2 year period of monitoring during full operations. Similarly, monitoring may be discontinued at some sites for the duration of low production operations if no dustfall exceedences are recorded over a 1 year period of low production operations. A map of dustfall monitoring sites will be provided to MOE and MEMPR prior to construction, and updated if/when sites are moved or discontinued. Records of dustfall results will be kept by Ascot and will be available to agencies, the Nisga’a, or First Nations on request.	Dustfall monitoring program to be implemented during construction and operations. Refer to Commitment # 22 in Appendix D.
17		5.2.2.1.3 Regional Climatic Information – “...it was determined that temperatures throughout the year decreased by an average of 0.5°C.” It is unclear what this sentence means.	This sentence should have read that the average temperature at Stewart is 0.5 degrees centigrade higher than the average temperature at Premier.	n/a
18		5.2.2.2.1 / 5.2.2.2.2 - I could not find Figure 4.2-1.	Figure 4.2-1 is located in the figures section of the Application.	n/a
19		5.2.3.2.4 Effects to Reservoir Creek – Table 5.2-15 – are the Operations Conditions and Change columns approximated averages or modeled discharges at some 1 in X year event?	The Operations Conditions and Change columns are average monthly discharges during a normal precipitation year. Operation conditions are modeled.	n/a
20		5.3.2.1.2 Baseline Monitoring Programs – Table 5.3-2 – Benthic invertebrates sampling was not included in the table.	Table 5.3-2 will be corrected to include benthic invertebrate sampling, and will be included with the EA Certificate Application errata.	Modified table has been included in Application errata.

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21		5.3.2.1.3 Monitoring Results – Please confirm the location of the Donahue Tributary Control (DT-C) stream (p. 5-48).	There is an error in the locations of DT-C and DT as shown on Figure 5.3-1. A corrected version of Figure 5.3-1 will be distributed as part of the errata.	A corrected version of Figure 5.3-1 has been distributed as part of the errata.
22		5.3.3 Project Effects Assessment – The proponent has proposed diverting water from Steep Creek to Reservoir Lake in order to ensure adequate water is maintained in the lake as water is pumped from Reservoir Lake to the mining operation. The Application contains no discussion of the possible ecological risks associated with inter-basin diversions. Although Steep Creek is immediately adjacent to the Reservoir Lake watershed and initial water quality results provided by McElhanney Consulting Services Ltd. (Steep Creek – July and September data and Reservoir Lake – June through December) indicate few differences in water quality between Steep Creek and Reservoir Lake, a longer period of water sampling is required to verify this trend. Suggest that the proponent provide a brief summary of the potential risks associated with inter-basin diversions and determine the significance of the potential impact at the Swamp Point site. Would also appreciate a summary of the water quality data between the two sites once all baseline sampling results are collated.	Potential risks associated with inter-basin diversions can include alterations to water chemistry in the receiving basin; and transfer of organisms, which can alter the ecology of the receiving basin stream. The risk of these or other effects in the case of the proposed diversion of water from Steep Creek to Reservoir Lake is considered extremely low. The proposed diversion is not a case of water transfer between opposite sides of a mountain range. The Steep Creek and Reservoir Lake drainages are immediately adjacent to each other. They are on the same mountain slope (same side of the dominant ridge), with approximately the same aspect, separated only by a small height of land. It is expected (and this is supported by the geological mapping of the area) that both catchments would have roughly the same geology. Vegetation cover is approximately the same. The northernmost mapped tributary to Reservoir Lake (refer to Figure 5.3-1) is only approximately 160 m from Steep Creek. The southernmost main tributary of Steep Creek and the northernmost main tributary draining to Reservoir Lake are only approximately 250 to 300 m away from each other. The intakes and transfer locations are upstream of fish populations in these systems. Aquatic insects could easily disperse from one drainage to the other as adults. There is no reason to expect that there would be any significant difference in water quality between the two catchments. Additional water quality sampling results for the two catchments – i.e. sampling conducted after June 2005 – will be provided to MOE. The sampling that has been conducted is adequate to confirm the similarity of the two drainages. As discussed during the January 30, 2006 meeting with MOE, no additional water quality sampling of the two drainages is proposed at this time.	Additional water quality sampling results for the two catchments – i.e. sampling conducted after June 2005 has been provided to MOE.

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		General Comments on the Water Quality and Sediment Quality data supplied in the Application		
23		For many water quality sampling sites, a maximum of 6 months of data was included in the Application. This does not provide adequate information to properly characterize (i.e. show variation or seasonal trends) water quality conditions over the year.	As discussed during the January 30 meeting with MOE, the Application provides 9 sampling results (reflecting a 10 month period) for all sites except those related to water withdrawal (i.e. Steep Creek, Reservoir Lake Creek). The EA Application therefore shows water quality variation over most of a year, and adequately characterizes these sites for EA (i.e. given the relatively low risk to water quality posed by a sand and gravel operation). The sampling results submitted are as described in the "Freshwater Aquatic Sampling Work Program" submitted to MOE in November 2004 and subsequently agreed to by MOE. Water quality sample collection continued through December 2005. Results over the entire 15 month sampling period will be submitted to MOE for review.	
24		Request that the Proponent provide a summary of the full 15 months of water quality data complete with information on means, standard deviations and seasonal trends when the data become available.	Results of the full 15 month water quality sampling period are currently being compiled, complete with information on means, standard deviations and seasonal trends. As previously agreed with MOE, the information will be submitted to MOE when complete.	Results of the full 15 month water quality sampling period have been provided to MOE.
25		Sediment metals results for 2005 were not included in the Application. Please provide a summary of this information, combined and compared to the 2004 data once available.	Once available, sediment metals results for 2005 will be summarized, combined and compared to the 2004 data. This information will be provided to MOE.	Sediment metals results for 2005 have been summarized, combined and compared to the 2004 data. This information has been provided to MOE.

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26		It is advantageous for the proponent to design a sampling program to collect baseline information at the appropriate level of detail to demonstrate that any impacts that occur after the project start-up can actually be detected (i.e. when compared with pre-project data). Thus, the proponent is encouraged to provide their statistical design for water quality impact assessment monitoring. This includes a power analysis to determine the ability to detect a change in water quality should one occur due to the development of the Project.	As discussed during the January 30, 2006 meeting with MOE, given the parameters of concern (primarily sediments) and inherent problems in the validity of conducting statistical analyses on this type of data set, the proponent and their qualified consultants assert that statistical analyses are unlikely to be useful as a tool in determining any water quality effects at the Swamp Point site. Statistical analyses are useful for determining trends in water quality (e.g. gradually increasing levels of metals). However, site development is not expected to result in a trend of increasing TSS levels; rather increased TSS levels are more likely to occur (if they do) as periodic and discrete events. The monitoring of sediment levels is intended largely as a management tool. Trends of increased metal levels are not expected at this sand and gravel site.	n/a Statistical analyses are not proposed at this time.
	<i>K. Diemert, Sr. Ecosystems Biologist Ecosystems Section, Skeena Region Environmental Stewardship Division, B.C. Ministry of Environment</i>	<i>Letter dated February 10, 2006, commenting on the Swamp Point Aggregate Mine EA Certificate Application</i>		
27		It must be noted that the North Coast LRMP was approved by the provincial government at the end of the comment review stage. It is unknown if there are any overlapping jurisdictions.	The draft North Coast LRMP is described in the EA Application. There are no changes in the final approved LRMP that would affect the Project. The site remains under an 'Ecosystem Based Management Zone', in which "economic activities such as commercial forestry, mineral exploration and development, and hydro-electric development are permitted, ... as are smaller scale and emergent economic activities ..."	n/a

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28		4.8.4.2.5 General Reclamation Methods. It is noted that local native species will be used if practicable and suitable. It is preferred that local native species are used. Test plots can be started as soon as operations begin, leading to seed collection. In this way, seeds will be ready when reclamation time comes around.	The preference for use of local native species is noted. Candidate native plant species potentially suitable for use in site reclamation are identified in the Application. However, locally collected native species are unlikely to be effective for use in site erosion control due to such factors as low annual germination rates (a natural adaptation) and the types of species present on the site. Test plots are typically implemented to test species effectiveness, rather than to propagate plant materials. It is not likely to be practical for a small mine such as this one to propagate very much of their own plant materials on site. Woody species would need to be propagated at a commercial nursery. Based on discussions with local nurseries, there will be limitations to what species they will be willing to produce (i.e. since there is very little economic incentive for them to produce 'unusual' plant seedlings on a small scale). The best and most practical approach is still considered to be what is proposed: (1) plant commercial tree species native to the site, using locally collected seed, (2) plant alder (relatively easily propagated and available) and other locally native woody species as available, and (3) limit agronomic (native or non-native) herbaceous species use to those that are essential for erosion control, but which are relatively short-lived and as non-competitive as possible. The intent is to limit agronomic use, and encourage natural site revegetation (considered relatively easy/simple on this low elevation, coastal site).	n/a
29		4.10.2 General Wildlife Protection Measures. The measures are adequate for wildlife protection. It should be noted that the <i>Wildlife Act</i> outlines areas of protection (which may result in offences) for eagle nests and harassment of wildlife.	Ascot is aware of these provisions of the <i>Wildlife Act</i> . The eagle nest described in the Application was unoccupied during field reviews in May and did not appear to have been used that season. Protection measures have nonetheless been planned to ensure the nest is not disturbed if it is used in the future. Measures are also planned to prevent harassment of wildlife, as described in the Application.	n/a
30		4.10.3 Garbage Management & Bear Safety Measures. Insert a bullet: in the event that a bear does become a problem and may require removal/destruction, the Conservation Officer Service in Terrace must be notified. Any bear destroyed must be reported to the CO Service.	This will be added to the Wildlife Protection Plan as requested.	Refer to commitment # 58 in Appendix D.

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31		Within Section 5.5.3.3.9 a request for an electric fence requirement is made. It may be prudent to insert a bullet around the electric fence for the incinerator.	Ascot is committed to providing electric fencing around the Operations Camp and the incinerator and landfill in the lay down Area to help prevent bears from becoming a problem wildlife issue.	Refer to commitment # 55 in Appendix D.
32		Overall the Wildlife Protection Plan does not provide for a component of monitoring. Monitoring is discussed within Section 5.5, but the overall monitoring plan, with its objectives and outcomes, should be within the Wildlife Protection Plan.	As noted in the approved Terms of Reference, the Wildlife Protection Plan is intended to describe proposed wildlife protection measures for the Project. It is intended to include a list of procedures and requirements for site staff. Those procedures and requirements for staff would be posted at the site, and be included as part of the site training for staff. The monitoring component of the Wildlife Protection Plan would involve the development of reporting procedures and thresholds for actions related to the Plan (e.g. bear/human interactions, eagle nest occupancy). A component of the plan will also be to develop training and reporting procedures for incidental wildlife sightings. The monitoring procedures and thresholds will be developed in conjunction with appropriate resource agencies to ensure that the procedures have appropriate measures and criteria for actions. A commitment has been added to update the Wildlife Protection Plan with a monitoring component.	Refer to commitment # 58 in Appendix D.
33		Section 5.3.2.3.2 Monitoring Results & Interpretation. Overview: Figure 5.3-1 is missing data collected in Steep Creek and Reservoir Creek and incomplete for South Beach Creek. A map with all water quality, fish sampling stations and fish habitat assessment information should be compiled and presented as one map. The RIC standards require a 1:20,000 scale. The map presented is at 1:12,500 scale and would be sufficient for this purpose.	Figure 5.3-1 will be modified to ensure that it includes the requested information. This includes identification of the barrier to fish migration on South Beach Creek. The corrected figure will be distributed as part of the Application errata.	Corrected Figure 5.3-1 has been circulated as part of the Application errata.

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34		<p>South Beach Creek: Reference is made to gradients of 13 to 20% that would obstruct fish passage. Dolly varden and Bull trout have been found in steeper gradients than 20%. It would be best to capture this as <i>could possibly</i> obstruct passage.</p>	<p>The point that marked the end of fish presence in South Beach Creek is a drop associated with an eroded corduroy crossing of the creek, located approximately 10 m downstream of the current ford crossing. The corduroy old crossing was not excavated to determine if the drop is a “hard” (i.e., due to an actual geographic feature under the wood) or “soft” (due to the transient effects of the corduroy LWD jam) barrier. Never the less, it was this 1 m drop onto bedrock (no pool) that was determined to be the barrier that defined the end of fish presence in this creek.</p> <p>There is some good fish habitat upstream of this drop, and some poor habitat, at 13-20% gradient. This higher gradient habitat was surveyed and found to be an obstruction due not only to gradient, but also flow characteristics such as few pools, shallow pools, and many places where flows pass over smooth bedrock., Project development has been designed to avoid impacts on South Beach Creek, even above occupied fish habitat. This includes riparian buffers and the use of a clear span arch crossing.</p> <p>Further to the discussions with MOE on February 15, Ascot will add the words ‘could possibly’ as requested, and include this in the Application errata.</p>	<p>‘The words ‘could possibly’ have been added to the Application errata as requested.</p>

#	Raised By	Issue Raised	Ascot Response	Ascot Commitment
35		<p>North Beach Creek & Wetland: North Beach Creek will undergo substantial changes as a result of development. It has been determined that there are no fish values present by visual examination only. The visual examination may appear to be conclusive for no fish present but only fish sampling will tell for sure. I question why the electro fisher was not used in the creek when it was at the site on several occasions. In order to be absolutely positive there are no fish present in the stream, multiple passes in multiple seasons utilizing multiple methods must occur. We can accept the visual assessments for no fish values in the stream, but it cannot be stated that there are no fish in the stream, only no fish present at the time of visual assessments. I note that the test in the sections does not state "no fish present".</p>	<p>North Beach Creek was examined for fisheries potential every time the professional fisheries biologist was on site. During all but a few occasions, the channel was dewatered. When the channel was watered, habitat was surveyed for from the upstream road crossing to the mouth. No fish spawning or rearing habitat was observed. A lack of fish habitat is considered evidence of fish absence. Even when the channel was found to be watered, it was dewatered where it flows across North Beach, and thus inaccessible to ocean fish. The surveys of the dry channel occurred in multiple seasons, and are considered a key component in determining the non-fish bearing status. At the most, this channel would only be accessible to ocean fish during very high flows, during which the high water velocities in this steep channel would create unsuitable conditions for fish. DFO has inspected the channel, and agreed with Ascot's assessment of the fish values. Although the text in the EA submission may not explicitly state "no fish present", it was thought that the absence of fish was apparent based on the habitat information presented. Additional clarification should have likely been provided in the Application. Ascot will provide a description of gill net mesh size and methods for fisheries assessment in the Application errata.</p>	<p>Information on gill net mesh size and methods for fisheries assessment has been provided in the Application errata.</p>

#	Raised By	Issue Raised	Ascot Response	Ascot Commitment
36		Fish Observations Reservoir Lake (page 5-75): Fish sampling was conducted to RIC standards, however sampling was conducted once. So at the time of observation there were no fish captured. Multiple passes with multiple methods over multiple seasons are the requirements for no fish present in the water body.	The requirement for multiple season sampling for determination of fish bearing status has been applied to streams, but never lakes. Fish populations can use stream habitat seasonally, but if a fish population is present in a lake, then at least one life stage will be present during all seasons. A single overnight set of a sinking gillnet is considered sufficient evidence for non-fish bearing status in the Skeena Region and has been accepted for many other lakes (Paul Giroux, pers. comm.). The gillnet set was especially effective in the small, relatively shallow, productive Reservoir Lake, where the gillnet spanned almost half the width of the lake. In addition to the gillnetting survey, supporting evidence includes minnow trap results, a significant population of amphibians that would not be present in a fish lake, and the large invertebrates observed swimming in open water during the day – a behaviour not observed in fish lakes.	n/a
37		5.3.3.1.2 Fish & Fish Habitat. Due to the nature of the assessment conducted on North Beach Creek, it cannot be stated that the creek is non-fish bearing as an absolute. It is accepted that there are no fish present at the time of observation.	As noted above (issue #35), the channel was examined several times during different seasons and found to be dry/dewatered. This, plus the survey of fish habitat while the channel was wetted, is considered sufficient evidence for non-fish bearing status for this creek.	
38		5.3.3.2.1 Project/Environmental Interactions. It is stated that flows in Steep Creek and Reservoir Lake outlet will be reduced. Section 5.3.3.2.2 states this reduction to be 50%. A commitment is made to maintain the small pools containing fish at the base of Steep Creek and Reservoir Lake Creek habitat, but assumptions are made that the effects will not be significant. Monitoring of the systems must begin at the beginning of construction and initial operations to ensure the pools do not become de-watered. Section 5.3.3.3.1 states water management strategies and mitigation steps will be developed during the start-up period. This may be too late.	Ascot has committed to work with DFO in developing water management strategies and mitigation steps to ensure that these pools are maintained during water withdrawal. Monitoring of the pools will begin prior to the construction and initial operations period. However, management strategies and mitigation can only be developed once withdrawals begin. The initial operations period is a good time to develop conservative management strategies as water use during this period will be significantly less than during full operation. Ascot considers that the adaptive management strategy agreed to by DFO will require monitoring and re-assessment throughout the life of the Project.	Refer to commitments #29, 31, 33 and 34 in Appendix D.

#	Raised By	Issue Raised	Ascot Response	Ascot Commitment
39		This section also states that Reservoir Lake is non-fish bearing. Monitoring of the system must begin at construction and initial operations to provide conclusive evidence of this statement.	As per the response to Issue # 36, Ascot's professional consultants consider that sufficient evidence has been gathered and presented to confirm the non-fish bearing status of Reservoir Lake. Standard methods were used that have been accepted in the Skeena Region for many other lakes. Ascot does not agree that additional evidence is required.	n/a
40		A request is made for an electronic submission of fish habitat inventory data if it has not been submitted to the MOE already (i.e. through the fish permit collection criteria)	Fish collection information will be submitted through the methods required by the fish collection permit criteria.	Fish collection information has been submitted through the methods required by the fish collection permit criteria.
41		5.5.1.1 Study Areas & Assessment Methods. Acknowledgement of reconnaissance level assessments for the terrestrial ecology and wildlife. For this small area, this level of detail has provided adequate information to propose mitigation strategies to reduce project impacts.	Ascot acknowledges that wildlife transects to detect large and medium-sized mammals and marine wildlife was conducted at a reconnaissance level, with the assumption that a wide range of wildlife species could be present in the area. Ecological assessments to support the rare-plants and ecosystems, amphibians, breeding birds and terrestrial ecosystems was completed at a more detailed level, including multiple seasons.	n/a
42		5.5.3.1.5 Focal Wildlife Species Assessments. Focal wildlife species were identified through a process of asking 4 questions of the species after a rationale for consideration was applied. This resulted in the following species to be carried forward into detailed project effects assessments and propose mitigation measures: western toad, bald eagle, great blue heron, marbled murrelet, black bear and grizzly bear. It is acknowledged that the assessment to decide on the focal species is adequately represented.	Comments noted.	n/a
43		5.5.3.2.3 Rare Plants & Ecosystems. It is acknowledged there are five blue listed ecosystems in the area but outside the development area. Some disturbance may occur due to the close proximity to the development area.	Comments noted.	n/a
44		5.5.3.3.2 Ecosystem Units. Upon commencement of construction activities, native plant seeds can be harvested and used in test plots to begin the determination of best plants for reclamation and for the storage of seeds. This aids to reduce the costs of reclamation and provides for security in utilizing plants that will survive.	Comments noted. Refer to response for issue # 28.	n/a

#	Raised By	Issue Raised	Ascot Response	Ascot Commitment
45		5.5.3.3.3 Rare Plants & Ecosystems. Monitoring of the groundwater influence to the limestone rock wall habitats should commence with initial construction activities to ensure the limestone rock wall will not be subjected to dewatering during the life of the project.	In the Application (refer to pg. 5-187), Ascot committed to monitoring the limestone vegetation communities and habitats. This will include periodic checks of the area to confirm that seepage and small waterfalls continue to be present during the seasons that they normally occur; and periodic checks to confirm the ongoing presence of the vegetation communities. Water management consultants concluded that the groundwater discharge (seepage rate) in the rock quarry is not expected to be affected by the mine because the mine will not alter groundwater drainage patterns. This is because no mining of bedrock will occur. Further to the February 15, 2006 meeting with MOE, Ascot is committed to monitoring vegetation and water flows associated with the limestone cliff feature through periodic visual assessments during construction and operations. Since there will be no disruption of groundwater patterns, groundwater monitoring (i.e. through the installation of groundwater wells) will not be undertaken.	Refer to commitment #56 in Appendix D.
46		5.5.3.3.5 Western Toad. The preferred option to establish alternate breeding ponds and transplant salvaged eggs and/or tadpoles to the ponds is accepted as the option to undertake. There would be little effort (?) achieved by transplanting tadpoles/eggs to existing ponds already occupied. Monitoring the movement of western toads should begin with initial construction.	Comments noted. A more detailed amphibian reclamation plan will be developed using a qualified professional, experienced in amphibian habitat establishment and restoration. The plan will be presented to MOE prior to development activities and will be based on using on-site and cost-effective methods. The proposed monitoring of the movements of Western Toad was envisioned as a response to aggregations of toadlets within the working site that could be crushed by moving machinery rather than monitoring movements of individual adults across the site. Due to the uncertainty about the timing of these movements or aggregations, procedures and training for on-site staff to identify and report on toadlet aggregations would be developed prior to construction. If movements or aggregations are noted, more detailed monitoring would be conducted by qualified professionals and mitigation strategies developed as appropriate.	Refer to commitment # 57 in Appendix D.

#	Raised By	Issue Raised	Ascot Response	Ascot Commitment
47		<p>5.5.3.3.6 Bald Eagle. A <i>potential</i> nesting platform has been identified and measures to protect it are suggested. This platform must be assessed by a qualified professional to identify the condition and possible utilization of the nest. After the assessment, protection measures may be implemented. If the nest must be removed at anytime during operations, the <i>Wildlife Act</i> stipulates that a permit is required to do so. If the nest is active and requires removal, compensation will be required. The Application notes the nest is presently outside the development area. The above information is provided in the event expansion into the nest area is required.</p>	<p>The nest platform was assessed by two qualified professionals who determined from the lack of wash and general old appearance that it had not been used for nesting during the 2005 breeding season. It was being used as a resting perch and it was assumed that it could be an alternate nest site, used on a regular basis for resting and will likely be used as a nest site in the future. The nesting platform is 200 m outside of the mine development area, and there are no plans to remove or disturb it. Although development is not expected to occur within 200 m of the tree, if development is proposed that could impact the tree, a qualified professional will assess the nest tree using accepted standards.</p>	n/a
48		<p>5.5.3.3.7 and 5.5.3.3.8 Great Blue Heron and Marbled Murrelet. These two species have been dropped from mitigation measures due to assumptions that noise disturbance and habitat loss will be very minimal. We don't really know whether these birds will be affected. Hence, monitoring of these birds, when they are in the area, should occur from initial construction commencement. If mitigation measures are required, they can be implemented.</p>	<p>Comments noted, however Ascot maintains that these species are not expected to be significantly affected by the project, and further that the number of individuals observed that could be affected is very small. It is unlikely that any habitat effects on these species would be measurable through a monitoring program. Monitoring of behaviour changes would also be very difficult. Potential project effects on Marbled Murrelet nest sites are expected to be negligible, as they prefer nest sites in open stands not directly on the coast (Burger <i>et al.</i> 2000, Chatwin <i>et al.</i> 2000 in Huff <i>et al.</i> in press). Any murrelet observed offshore of the site is likely nesting in riparian areas outside of the project area and would not be affected by the proposed development. For Great Blue Heron, nest sites are conspicuous, similar to those for Bald Eagles, and if present would have likely been noted if in the vicinity of the site. The amount of potential foraging habitat that could be affected by the development along the rocky shoreline is very slight when compared to the available similar habitat outside of the project area. As outlined previously (Response to Issue #32), Ascot will develop an incidental wildlife reporting procedure and associated training for on-site staff to aid in monitoring species such as Great Blue Heron and Marbled Murrelet.</p>	Refer to commitment # 58 in Appendix D.

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49		5.5.3.3.9 Black Bear & Grizzly Bear. Human activities and attractants cause the greatest number of bear-human interactions. MOE encourages proponents to be more pro-active around bear-human conflicts. Effective food and food waste management is encouraged. Keeping food and food wastes from being detected by bears is primary. Clean camps can have problems. Electric fences around incinerators and dump sites are very effective deterrents for bears. Electric fences are not an excuse for a messy camp; they are effective in keeping passing bears from stopping in an area. An electric fence management systems before a problems bear is encountered is more effective than after problem bears have moved in. An electric fence should be utilized at the camp.	Comments noted. Ascot plans to use electric fences at both the Operations Camp and the incinerator areas.	Refer to commitment # 55 in Appendix D.
50		MOE also supports the no hunting, no fishing policy for all employees at the Swamp Point area.	Comments noted.	n/a
51		The species accounts and modeling efforts for bald eagles and bears is valuable information as is the inventory collected at the Swamp Point site. An electronic form of the terrestrial data collected is request in order for the data to be entered into the provincial terrestrial and wildlife data base.	Comments noted. An electronic form of the terrestrial data collected will be provided to MOE.	Electronic form of the terrestrial data has been provided to MOE.
	<i>S. Acheson, Permitting & Assessment Section, Archaeology Branch, Ministry of Tourism, Sports and the Arts</i>	<i>Email dated January 11, 2006, commenting on the Swamp Point Aggregate Mine EA Certificate Application</i>		
52		...Our office had declined participating in this project review last year as indicated by Ray Kenny, Manager of Permitting and Assessment, in April 18, 2005 email to Teresa Morris. In our original review of the project description, the Archaeology Branch concluded that our legislated and program responsibilities was unlikely to be affected by the Swamp Point Project. Attached is a copy of my March 16, 2005 letter to ECOS Environmental Consulting Inc., outlining the reasons for our decision and which is cited in the Application. Having taken the opportunity to look at the application, the Archaeology Branch is fully satisfied with the wording on archaeology and supports the commitments made by the proponent with respect to managing any inadvertent discovery of archaeological resources during construction and operation (Table 7.2-1, Numbers 38 and 39)	Comments noted.	n/a

#	Raised By	Issue Raised	Ascot Response	Ascot Commitment
	<i>I. Smythe, Section Head, Regional Client Services Division, Integrated Land Management Bureau, Ministry of Agriculture and Lands</i>	<i>Email dated January 18, 2006, commenting on the Swamp Point Aggregate Mine EA Certificate Application</i>		
53		We don't have any specific comments to make on the Application. Their licences are in place and we can convert to leases if they so wish at a later date.	Comments noted.	n/a
Canadian Federal Agencies				
	<i>Dale Desrochers, Habitat Biologist, Major Project Review Unit, Fisheries and Oceans Canada</i>	<i>Letter dated January 19, 2006, requesting that the following items be included in the Project List of Commitments:</i>	Ascot agrees to include items in the Revised Project List of Commitments, with the exception of the items described below, as discussed with Dale Desrochers by telephone conversation on February 6, 2006.	
54		No disruption of ground water drainage patterns.	Agreed. Already noted in the EA Certificate Application. Added to revised List of Commitments.	Refer to commitment #6 in Appendix D.
55		No mining of bedrock material.	Agreed. As per the EA Certificate Application, no mining of bedrock is proposed. Added to revised List of Commitments.	Refer to commitment #5 in Appendix D.
56		Minimum of one meter of gravel to remain above bedrock.	Agreed, with the exception – as noted in the EA Application – of small (unavoidable) areas of exposed cliff faces. No excavation of bedrock is proposed within any exposed cliff face areas.	Refer to commitment #6 in Appendix D.
57		Independent environmental monitor(s) shall record, photograph (digital) and report all required aspects of project construction activities, which include stated mitigation and monitoring measures. A copy of the report(s) shall be provided to DFO.	Provision for environmental monitor already included in list of commitments (Commitments #8 and #9, Section 7). Agree to specifically commit to the other items listed here.	Refer to commitments # 12, 13 and 25 in Appendix D.
58		Development and implementation of the SEPSC to include advice from an Environmental Specialist in the field. SEPSC to cover all construction, operational and reclamation phases of this Project.	Agreed. Already in the Application list of commitments (Commitment #13, Section 7).	Refer to commitment #13 in Appendix D.
59		Detailed drawings for South Beach Creek crossing to be submitted to DFO for review and comment prior to construction.	Agreed. Added to the List of Commitments.	Refer to commitment #7 in Appendix D.
60		Establish in-pipe flow gates to regulate volume of diverted water from Steep Creek to Reservoir Lake.	Agreed. This was already planned. Added to the List of Commitments.	Refer to commitment #8 in Appendix D.

#	Raised By	Issue Raised	Ascot Response	Ascot Commitment
61		Establish water quantity monitoring stations and assess fish habitat requirements of Reservoir Lake Creek and Steep Creek during mining operations. During Phase 1 (initial 2 years of project) identify in stream flow requirements to maintain key spawning and rearing habitats (pools).	Agreed, as already covered by existing commitments #22 and 24, Section 7) and as per previous discussions with DFO. Additional specific commitment added.	Refer to commitments # 29, 31 and 33 in Appendix D.
62		Develop, in conjunction with DFO, an adaptive operational monitoring and management program to ensure reductions in flows within Reservoir Lake Creek and Steep Creek do not affect the habitat capability and suitability of these sites.	Agreed, as already committed to in the EA Certificate Application and as per previous discussions with DFO.	Refer to commitment s # 31 and 34 in Appendix D.
63		Provide description of marine habitats impacted by physical footprint of steel piles as defined by underwater video and transect data.	Agreed as discussed during the January 9, 2006 Working Group meeting. DFO has copies of underwater video and descriptions of the marine habitats to be impacted by the physical footprint of the steel piles. Further to a subsequent discussion with D. Desrochers on February 6, 2006, a better approach than isolating the video for the pile locations may be to conduct another dive assessment of the pile locations prior to pile installation, and move sessile organisms at that time if determined to be warranted. Potential approaches to be discussed with Holly Smith.	Meeting and field inspection has taken place with Holly Smith in Prince Rupert. A letter of advice will be sought prior to commencing construction. Refer to commitment #38, in Appendix D.
64		Remove marine invertebrates from steel pile footprint prior to construction. Locate concrete footings associated with barge ramp and ship loader designed above highest high water line.	The marine survey demonstrated that there is minimal biota at the load-out site, and those encountered tended to favour intertidal and upper sub-tidal areas. Underwater survey indicated that minimal organisms would be affected by the pilings. As confirmed with D. Desrochers on February 6, Ascot to meet with Holly Smith in Prince Rupert to discuss the necessity of removing invertebrates and any other monitoring required prior to or during pile installation. Meeting will be held with Holly Smith in Prince Rupert to discuss monitoring and mitigation techniques required during pile installation.	Refer to commitment #38 in Appendix D.
65		Locate concrete footings associated with barge ramp and ship loader designs above highest high water line.	Agreed. As per the existing design drawings, the concrete footings will be situated above the highest high water line.	Refer to commitment #43 in Appendix D.

#	Raised By	Issue Raised	Ascot Response	Ascot Commitment
66		Develop, in conjunction with DFO, appropriate monitoring thresholds for water quality parameters (ph, turbidity) during marine construction activities.	Agreed, however note that with implementation of the proposed design, mitigation and Best Management Practices (BMPs), marine water quality is not expected to be adversely affected during construction. Site runoff is not expected to be an issue, and debris related to pile placement would be contained as a result of their design and placement methods. Ascot will commit to requiring the independent Site Monitor to have an <i>in situ</i> meter available for use if needed. Threshold levels for monitoring would conform to those published for the protection of aquatic life (marine) and be included in the Site Monitor's report. The Site Monitor would have the authority to alter or stop activities generating sediment, and direct any containment activities required. Captured by existing Commitment #26 (Section 7), have added a commitment to meet with Holly Smith to determine the details of the monitoring and mitigation program.	Refer to commitment #40 in Appendix D.
67		Construction activities are expected to adhere to existing best management practices such as the Land Development Guidelines for Aquatic Species, Fish Stream Crossing Guidebook, and the Pile Driving and Related Operations for B.C. Marine and Pile Driving Contractors Association.	Agreed. The EA Application commits to adhering to existing BMPs. Captured by several existing commitments in Section 7 (e.g. #'s 22, 26, and 29), but specific commitment has been added to the revised list.	Refer to commitment #41 in Appendix D.
68		Develop, in conjunction with DFO, appropriate marine work windows for proposed barge and ship loading designs. Windows to consider key species of concern, such as but not limited to, juvenile and adult anadromous salmonids, juvenile and adult steelhead trout, rockfish, herring and marine mammals (e.g. harbour seal).	Agree to work with DFO in identifying appropriate marine work windows. However, wish to reiterate the low impact design specifically selected for this project's marine facilities; the relatively short marine construction period; and the findings through the EA of no significant impacts to marine resources during construction. As a result, it is suggested that there should be some latitude in identifying potentially suitable marine work periods. Much of the marine work will have to occur during limited project timing and safety windows (i.e. weather conditions must be conducive to pile placement).	Refer to commitment #42 in Appendix D.

#	Raised By	Issue Raised	Ascot Response	Ascot Commitment
69		Develop program to monitor harbour seal use of Donahue Creek estuary pre- and post-construction, as well as during ship loading operations, during period of harbour seal rearing.	Further to discussions with D. Desrochers on February 6, 2006, Ascot will discuss the necessity for and scope of any Harbour Seal monitoring program with Holly Smith. The Donahue Estuary is located more than 1 km from the proposed shiploading facilities; both mammals and other biota using the estuary and its surrounding area are not expected to be influenced to any significant degree by the project. Marine construction (i.e. pile installation) is expected to last only a few weeks and will use methods that limit noise generation. Large vessels will be loaded only once every 7 to 10 days during full operations, and the loading activities are not expected to be disruptive to any seals that may be present 1 km or more away from the shiploader.	Refer to commitment #42 in Appendix D.
70		Develop monitoring program for Orca whale presence within 2 km zone of project footprint during construction and ship loading operations within the seasonal period of use by Orca whales	Ascot will develop a monitoring program for Orca whale presence during the marine construction period. As noted in the EA Certificate Application, a Site Monitor will be present during construction and would be vigilant for any approaching marine mammals. The Monitor would have the written authority to reduce, stop or re-direct any on-site activities to avoid contact of conflict with marine mammals. Any observed mammals and associated action would be documented by the Site Monitor and submitted to DFO as part of a Site Development Monitoring Report. In terms of operations - as discussed with D. Desrochers on February 6, 2006, Ascot will also follow up on becoming a member of the BC Cetacean Sightings Network for the North Coast Area. The proposed Orca monitoring program will be discussed with Holly Smith, DFO, Prince Rupert.	Refer to commitments #42 and 45 in Appendix D.

#	Raised By	Issue Raised	Ascot Response	Ascot Commitment
71		Develop, in conjunction with DFO, appropriate monitoring program to verify unimpeded adult and juvenile migration of salmonid species along marine foreshore within and adjacent to project footprint post-construction. Program to include ship loading activity during key migration periods.	Installed pilings are not expected to impede salmonid species migration along the marine foreshore post-construction. DFO's original advice to prevent effects to salmonid movement was to ensure that pilings and any other structures in the water be located at least 10 m from shore. The Swamp Point shiploading facility was designed with no structures within 10 m of shore, and additional design measures were included to prevent shading within this area. The pilings themselves occupy a very small area (50 m ² in total), and are not expected to impede fish passage. Ascot will discuss the utility and scope of a potential salmonid monitoring program with Holly Smith, DFO, Prince Rupert.	Refer to commitments #42 and 43 in Appendix D.
72		Proponent is required to continue dialogue with DFO to ensure the above noted points of commitment are addressed. This dialogue will result in the execution of a Letter of Advice to the Proponent from DFO.	Ascot agrees to continue dialogue with DFO to confirm commitments and their implementation. A meeting has been scheduled with Holly Smith for February 22, 2006. A site visit and subsequent meetings will be scheduled as appropriate.	Refer to commitment #38 in Appendix D.
73		It is recognized that the most efficient method of future communication regarding Project site specifics is at the Area Office level. In this regard, we request that all future correspondence with DFO post-EA Certificate completion to occur with Holly Smith, Habitat Biologist, North Coast Office, Print Rupert, B.C., 250-627-3422 or smith@pac.dfo-mpo.gc.ca .	Ascot commits to working with Holly Smith post-EA Certificate completion.	Refer to commitment #44 in Appendix D.
Local Government Agencies				
	<i>T. Pellegrino, Planner, Regional District of Kitimat-Stikine</i>	<i>Email dated January 23, 2006, commenting on the Swamp Point Aggregate Mine EA Certificate Application</i>		
74		The Regional District has reviewed the application for an Environmental Assessment Certificate (Nov. 05) as submitted by Ascot Resources Ltd. to construct and operate a sand and gravel extraction operation and ship loading facility at Swamp Point. This is to advise that the application as submitted is acceptable to the Regional District and we have no objections.	n/a	n/a
	<i>A. Brand Danuser, Mayor, District of Stewart</i>	<i>Letter dated January 19, 2006, commenting on the Swamp Point Aggregate Mine EA Certificate Application</i>		

#	Raised By	Issue Raised	Ascot Response	Ascot Commitment
75		At the regular Council meeting of the District of Stewart held on January 9 th , 2006 the Swamp Point Aggregate Mine Project Application was discussed. A motion to write a letter stating our support of this project was unanimously endorsed. As this project is located approximately 50 km south of Stewart the potential for economic spin off and employment for Stewart residents is very real. Council members have attended all of the Public Open House meetings and we do not have any issues of concern regarding this project.	n/a	n/a
U.S. and State of Alaska Government Agencies				
	<i>Pamela Bergman, Regional Environmental Officer – Alaska, United States Department of the Interior, Office of Environmental Policy and Compliance</i>	<i>Letter dated January 20, 2006, noting the following comments for consideration in review of the Application.</i>		
76		Mine Perimeter Road – Because it is unknown if construction of the mine perimeter road would expose acid-generating rock, we recommend that this potential be evaluated and mitigated, if necessary.	The mine perimeter road will be entirely constructed in gravel or other unconsolidated overburden. As a result, additional evaluation and mitigation of this potential is not considered necessary.	n/a
77		Water Quality Monitoring – We recommend that a water-quality monitoring plan for construction and operation of the mine be developed and implemented. We also recommend that several water quality monitoring stations be established to enable periodic monitoring of pH, metal concentrations, and sedimentation.	Ascot has committed to ongoing use of continuous turbidity monitors at several site locations during construction and operations. Ascot will be required by MOE to conduct sufficient water quality monitoring to demonstrate that effluent discharged to the environment by the Swamp Point Aggregate Mine does not cause pollution as defined by the Environmental Management Act. MOE is responsible for audit monitoring.	Refer to commitments #30 and #35 in Appendix D.

Note: n/a = not applicable. No additional action proposed beyond what is described in the Application.

Reference: Huff, M. H., M. G. Raphael, S. L. Millar, S. K. Nelson, J. Baldwin. In Press. Northwest Forest Plan - The First 10 Years (1994-2003) Status and Trend of Populations and Nesting Habitat for the Marbled Murrelet. U.S. Department of Agriculture, Forest Service. Pacific Northwest Research Station. Portland Oregon.