

**IN THE MATTER OF
THE ENVIRONMENTAL ASSESSMENT ACT, S.B.C. 2002, c. 43 (the "Act")
AND
IN THE MATTER OF
AN APPLICATION FOR AN ENVIRONMENTAL ASSESSMENT CERTIFICATE BY
THE CITY OF KAMLOOPS
FOR THE
THE KAMLOOPS GROUNDWATER PROJECT (the "Project"),
AT MCARTHUR ISLAND, KAMLOOPS, BRITISH COLUMBIA
ENVIRONMENTAL ASSESSMENT CERTIFICATE W04-02**

Whereas,

- A. Under cover of a letter dated November 1, 2000, the City of Kamloops submitted to the Executive Director (the "Executive Director") of the Environmental Assessment Office (the "EAO") an application (the "Application") for a Project Approval Certificate (the "Certificate") under the former *Environmental Assessment Act*, R.S.B.C., 1996, c.119 (the "former Act") for the Project;
- B. The Project comprises a collector well, pump-house, water main, power line and ancillary facilities;
- C. The Application was reviewed by the Kamloops Groundwater Project Committee (the "former Project Committee") established pursuant to section 9 of the former Act. The former Project Committee included representatives from federal and provincial government agencies;
- D. On December 30, 2002, pursuant to section 51(3) of the Act, the Project was transitioned to the new environmental assessment process by Transition Order #02-10 and accepted as an application under section 16 of the Act;
- E. The Executive Director's delegate has determined that the public notification and consultation measures undertaken in relation to the Project were adequate;
- F. The Executive Director's delegate has determined that the First Nation notification and consultation measures undertaken in relation to the Project were adequate;
- G. The Executive Director's delegate reported on the potential effects of the Project in a report entitled, "Kamloops Groundwater Project: Assessment Report";
- H. The Executive Director has referred the Application, and the Assessment Report, the Recommendations of the Executive Director and Reasons for Recommendations pursuant to section 17 of the Act, to the Minister of Sustainable Resource Management (the "Minister"), the Minister of Community, Aboriginal and Women's Services (the "Responsible Minister") and the Minister of Water, Land and Air Protection (hereafter the "Ministers"); and
- I. The Ministers have considered the Application, the Kamloops Groundwater Project Assessment Report, and the Recommendations of the Executive Director and Reasons for Recommendations.

Now Therefore,

The Ministers, pursuant to section 17(3) of the Act, hereby issue this Certificate to the City of Kamloops subject to the following conditions (the "Conditions"):

Conditions

1. The City of Kamloops must cause the Project to be designed, located, constructed and operated in accordance with the Conditions of this Certificate and the documents and correspondence listed in Schedule A (The City of Kamloops' key commitments contained in documents listed in Schedule A are summarized for ease of reference in Schedule B), and must comply with all of the Conditions of this Certificate to the reasonable satisfaction of the Minister.
2. Where, in the reasonable opinion of the Minister, there is a conflict or inconsistency between any of the documents listed in Schedule A, Condition 1 must be interpreted so that the contents of the later dated document will vary, repeal, rescind or supersede, as the case may be, the contents of earlier dated documents listed in Schedule A.
3. Where, in the reasonable opinion of the Minister, there is a conflict or inconsistency between any of the documents listed in Schedule A and the Conditions which follow, these Conditions must take precedence over and supersede the contents of the documents listed in Schedule A.
4. Despite Condition 1 above, if prior to the start of operation of the Project, the City of Kamloops proposes a material change to the design, location, construction, operation of the Project as described in the documents listed in Schedule A, and the change may in the opinion of the Executive Director have the potential for significant adverse effects, the City of Kamloops must then provide to the Executive Director:
 - a) an application in writing to amend the Certificate pursuant to section 19 (1) of the Act; and
 - b) plans, analysis, records and other information necessary for an effective assessment by the Executive Director of the proposed change.
5. This Certificate is of no force or effect until signed by the Ministers.
6. This Certificate does not constitute a permit, licence, approval or any other authority required under any other enactment.
7. The City of Kamloops must, obtain the written consent of the Minister, such consent not to be unreasonably withheld, prior to disposing, whether legally, beneficially or otherwise, of:
 - a) this Certificate, or any right, title or interest conferred by this Certificate; or
 - b) the Project.
8. The City of Kamloops must submit written reports on the status of compliance with the Conditions of this Certificate to the EAO:
 - a) two weeks prior to the start of the construction of the Project;
 - b) two weeks prior to the start of the operation of the Project; and

- c) annually for five years after the start of the operation of the Project or until relieved of the obligation by the Executive Director.


Duration of Certificate

- 9. The City of Kamloops must have, in the reasonable opinion of the Minister, substantially started the construction of the Project within five years of the date of issue of this Certificate, if not this Certificate expires.

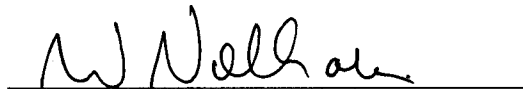
Suspension, Cancellation and Amendment of Certificate

- 10. This Certificate may be subject to cancellation, suspension in whole or in part, amendment, or the attachment of new Conditions, for any of the following reasons:
 - a) the Minister has reasonable and probable grounds to believe that the City of Kamloops is in default of any of:
 - i. an order of the Courts under section 35(2), 45 or 47 of the Act;
 - ii. an order of the Minister made under section 34 or 36 of the Act; or
 - iii. one or more requirements or Conditions of this Certificate.
 - b) The City of Kamloops, or its officers or employees when acting on behalf of the City of Kamloops, have been convicted of an offence under the Act, with respect to the Project.

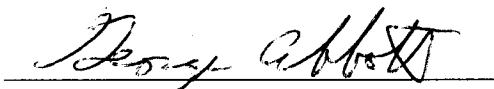
The Conditions of this Certificate are agreed to by the City of Kamloops this
10th day of March, 2004.



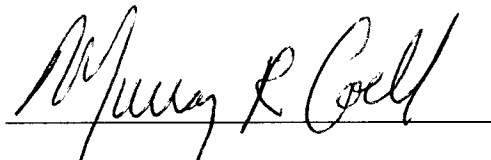
Mayor Mel Rothenburger
City of Kamloops



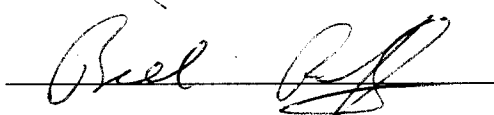
Wayne Vollrath, Corporate Administrator
City of Kamloops



Honourable George Abbott
Minister of Sustainable Resource
Management



Honourable Murray Coell
Minister of Community, Aboriginal
and Women's Services



Honourable Bill Barisoff
Minister of Water, Land and Air Protection

Issued this 13th day of April, 2004, in Victoria, British Columbia.

SCHEDULE A

DOCUMENTATION AND CORRESPONDENCE FOR THE KAMLOOPS GROUNDWATER PROJECT

November 2000	City of Kamloops – CEAA Comprehensive Study Report and BCEAA Application for Project Approval for a Groundwater Collector Well and Ancillary Facilities, McArthur Island, Kamloops, BC
December 13, 2000	Golder Associated Ltd. – Submission of Archaeological Impact Assessment Proposed Water Collector Well and Associated Developments, McArthur Island, Kamloops, BC
December 13, 2000	Letter from Bruce Bosdet (Golder Associates Ltd.) to Marcia Farquhar (EAO) regarding commitment to monitor and mitigate drawdown effects on riparian vegetation Groundwater Collector Well McArthur Island, Kamloops, BC
December 22, 2000	Letter from Bruce Bosdet (Golder Associates Ltd.) to Marcia Farquhar (EAO) regarding commitment to conduct archaeological monitoring during trenching on north side of slough Groundwater Collector Well McArthur Island, Kamloops, BC
January 12, 2001	Letter from Bruce Bosdet (Golder Associates Ltd.) to Marcia Farquhar (EAO) regarding commitments on pumping test schedule review and slough crossing schedule Groundwater Collector Well McArthur Island, Kamloops, BC
September 17, 2003	Report from Golder Associates Ltd. to Stephen Connolly regarding review of long term pumping test and discharge water quality – <i>the results of its data collection and assessment to confirm the aquifer characteristics and water quality at the collector well site on McArthur Island</i> (forwarded by e-mail on September 18, 2003)

**SCHEDULE B: SUMMARY OF KEY COMMITMENTS AND MITIGATION MEASURES
FOR THE KAMLOOPS GROUNDWATER PROJECT**

AREA	COMMITMENTS	REFERENCE TO APPLICATION	AGENCY CONTACT
GROUNDWATER WELL CONSTRUCTION AND OPERATION			
1	<p>Water Quality</p> <ul style="list-style-type: none"> Implementation of erosion and sediment control measures generally consistent with the provisions and intent of the <i>Land Development Guidelines for the Protection of Aquatic Habitat</i> (DFO and MELP, 1993) including release of any construction-related water from site will be less than 25 mg/L total suspended solids above background levels Develop a Well Head Protection Plan (well head and aquifer protection plan) which will include MWLAP Well Protection Toolkit methods and protocols Monitor, report and evaluate effectiveness of the Wellhead Protection Plan on an annual basis Development of a Well Closure Plan 	<p>Section 7.5.1 (p. 41)</p> <p>Section 8.1 (p. 58 – 61)</p> <p>Section 8.1 (p. 58)</p> <p>Section 8.2</p>	<p>MWLAP, DFO</p> <p>MWLAP</p> <p>MWLAP</p> <p>MWLAP</p>
ANCILLARY WORKS – POWER LINE AND WATER MAIN			
1	<p>Fisheries and other Aquatic Resources</p> <ul style="list-style-type: none"> Consult with DFO on the final design of slough crossing, implementation of mitigation measures outlined in Application and any additional mitigation measures required Pipeline crossing of the McArthur Island slough will be scheduled for a low water period (when the river level is below the bottom elevation of the slough) Complete a Landscape and Restoration Plan which will include details of implementation on the following: <ul style="list-style-type: none"> Notify agencies on riparian vegetation removal Minimize disturbance and replant disturbed areas according to standards and policies Monitoring riparian vegetation near the well site for evidence of adverse effect from drawdown, for a period of up to 5 years beyond the restoration period for disturbed vegetation Undertake compensation planting for any determined adverse impact of drawdown on riparian vegetation near the well site 	<p>Section 7.5.2 (p. 47) Appendix 9</p> <p>Correspondence to EAO dated January 12, 2001</p> <p>Section 8.3 (p. 62); Section 7.5.2 (p. 42, 43); Section 7.5.4 (p. 49); Correspondence to EAO dated December 13, 2000</p>	<p>DFO</p> <p>EAO, DFO, MWLAP</p> <p>DFO, WLAP</p>

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AREA	COMMITMENTS	REFERENCE TO APPLICATION	AGENCY CONTACT
2 Wildlife and Wildlife Habitat <i>Construction</i>	<ul style="list-style-type: none"> • Vegetation clearing activities scheduled to avoid sensitive nesting season periods from April to September • Painted Turtle – avoidance of critical nesting habitat by scheduling the slough crossing construction in the dry or if not practical, relocation of the Painted Turtle to other areas along the shoreline • Painted Turtle - Conduct a survey during the detailed design phase, and again prior to construction, to assist in selecting a utility alignment which avoids disturbance to Painted Turtle nesting areas • Prior to clearing, conducting a survey to identify wildlife trees and raptor nests within the vicinity of the proposed collector well and along the alignments for the ancillary facilities, for the purpose of avoiding or minimizing disturbance of important habitat, where practical. In the event that nesting sites are discovered, efforts will be made to avoid disturbing or removing the trees containing the nests 	<p>Section 7.5.3 (p. 47); Section 8.4 (p. 65)</p> <p>Section 7.5.3 (p. 48); Section 8.4 (p. 65)</p> <p>Section 7.5.3 (p. 48)</p> <p>Section 7.5.3 (p. 48); Section 8.4 (p. 65)</p>	<p>MWLAP</p> <p>MWLAP</p> <p>MWLAP</p> <p>MWLAP</p>
3 Archaeology <i>Construction</i>	<ul style="list-style-type: none"> • Archaeological monitoring will be undertaken during trenching works in designated areas on the north shore of the McArthur Island slough 	<p>Correspondence to EAO dated December 22, 2000</p>	<p>MSRM</p>

List of Abbreviations:

DFO Fisheries and Oceans Canada
EAO Environmental Assessment Office
MSRM Ministry of Sustainable Resource Management
MWLAP Ministry of Water, Land and Air Protection