## Best Practices for Engagement Requests



***Engagement Request***

**File:** Province File Number

**Portal ID:** Sample1234

**Engagement Contact:** Provincial Staff Person

**Date**: Month, day, year

Tŝilhqot’in National Government

253 Fourth Avenue North

Williams Lake BC V2G 4T4

**Attention**: XXXXXXXX

***Submitted To: TNG via Portal***

The Province wishes to engage with Tŝilhqot’in National Government, who under the TSA, represents the Tŝilhqot’in Nation as defined by the Agreement. The intent of this engagement is to determine the nature and scope of the Aboriginal Rights that may be impacted by this proposed application and achieve reasonable outcomes that address the needs of the Tŝilhqot’in and the Province.

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| **Description of Activity:** **Location is the Bunson Property for Lockhead Resources Ltd. which is located near Bidwell Creek within the Engagement Zone B area.** **Mineral exploration** – This program will consist of 25 HQ diamond drill holes for a total of 8,750 metres of drilling, 20.0 km of excavated (exploration) trail and a trailer camp to house 25 people to be set up on a part logged area. The drill core will be transported to secure storage at the Gibraltar mine in McLeese Lake at the conclusion of the program.**Access Management:** Access to the site will be via Highway 20 and west of Redstone to the Bidwell Road turn-off. The claim area is approximately 30 km south on the of Highway 20 just north of Bidwell Lakes.  |
| **Authorization or decision to be made:** This exploration requires an amendment to the existing *Mines Act* permit held by the proponent.  |
| **Background/Context:** Lockhead Resources commenced their exploration programs in December 2009. This Notice of Work will be the second amendment to the original permit issued on December 21, 2009. An AIA has been completed over a portion of the property. This area has been worked intermittently by several exploration companies since 1971.To date the Province is aware of engagement between the proponent and the TNG. The TNG has not supplied the Province with any indication of an agreement with the proponent under section 2.4 of Appendix A.  |
| **Schedule/Term of Proposed Activity or Tenure:** Exploration activities are to occur between April 18 to December 31, 2012 inclusive. The mineral tenures where the present activities will take place are 208327 and 514981, issued to Lockhead Resources. |
| **Quantum of Activity (Describe Units of activity in relation to potential impacts):** * Twenty-five (25) HQ size diamond drill holes for a total of 8750 metres.
* 25 drill pads and settling ponds will create a new surface disturbance of 2.0 ha.
* 20 km of excavated trail will be installed with a new surface disturbance of 5 ha for a total disturbance of 25 ha’s.
* A total of 142 cu. metres of merchantable timber will be cut to access the drill hole locations. (please note that this area has been severely burned within the last two years)
* Water will be sourced from Bidwell Lake and any other available water source located close to the drill program. The amount of water to be drawn will not exceed 0.0012m3/sec. This is equivalent to 4,000 Litres of water per day. This represents 0.001% of the total water available from Bidwell Lake. The water will be used to lubricate the drill hole process. There are no additives to the drill water procedure. Water used in the drill process will be contained in settling ponds and removed from the site.
* Camp water will be sourced from a well or trucked to site. The total amount of water to be drawn is expected to be no greater than 2,500 litres per day.
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A list of the authorizations or decisions that will be required for this activity or project to be approved is as follows:

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| **Government Agency** | **Decision/Activity**  | **Statute(s)** |
| Ministry of Natural Resource Operations (Forestry) | Occupant Licence to Cut | *Forest Act*, Section 47.4 (2) |
| Ministry of Natural Resource Operations (Mining) | *Mines Act* permit amendment | *Mines Act* [R.S.B.C 1996] c. 293 Section 10 Permit |

Our research on known Aboriginal Rights and interests in the area, including potential wildlife impacts, are outlined below. Where possible, actions have been planned to mitigate impacts to these Rights and interests. We welcome any additional information on Aboriginal Rights and interests, and suggestions on how these Rights and interests can be protected.

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| **Discussion of Pertinent Rights or Interests:** 1. **Archaeology:** A number of archaeology sites have been identified in the Remote Access to Archaeological Data. These sites are attached to this Engagement Request. The Archaeological Impact Assessment (AIA) undertaken for the area indicates a cultural depression identified as EkRv-001 which is protected under the *Heritage Conservation Act*. In addition, the AIA found the area to be low for archaeological potential with the exception of the areas associated with water features. The AIA determined the area had high potential for CMT’s.
2. **Traditional Use:** TUS information gathered from the Traditional Use Study Database shows that this area was used as a hunting zone, spiritual area and gathering site. The Ethno-historic report for the Tsilhqot’in Nation indicates a strong pre-contact presence of the Tsilhqot’in Nation and exclusive occupation of the area in the early 1800’s. Aboriginal rights to hunt in this area are considered to be of a very strong strength given their proximity to the Court Case Area and the evidence in the Ethno-Historic report.
3. **Water Resources:** The area is located in the vicinity of the Bidwell Creek and Bidwell Lake, an area with a strong strength of claim amongst the Tsilhqot’in Nation. These water sources drain into the Chilko River, a water system of high important to the Tsilhqot’in Nation and their Aboriginal rights to fish. While these rights are not proven, there is a high strength of claim associated with them.
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| **Discussion of Potential Mitigations**: 1. **Archaeology:** One archaeological site has been documented in the area and will be managed under existing legislation. Due to the Remote Access to Archaeological Data (RAAD) information indicating a number of sites, and AIA had already been completed. These sites will be excluded from the development area. The proponent will be required to have a chance find procedure in place and any further unknown archaeological sites/values encountered will be treated in accordance with the *Heritage Conservation Act*.
2. **Traditional Use:** Information gathered from the Traditional Use Study (TUS) database indicates that the area was used predominantly as a hunting area. These traditional use sites and the rights associated with them will be minimally impacted by any disturbance created by this activity. The reclamation plan for the application directs the proponent to remediate all drill sites and trails to a pre-development condition to the extent possible.
3. **Water Resources:** The total water draw from the site is deemed to be very low, with little risk to fish and fish habitat. No additives to the drill water are begin used, and any drill water will be contained and removed from the site via pump trucks.
4. **Hunting:** The project area has been subject to forest fire, however, remaining live and standing Douglas-fir will be retained for mule deer winter habitat where practicable. If areas exist within the drill program that have not been completely burned, opening size must be less than 0.5 ha and ground disturbance must be kept to a minimum.  General Wildlife measures for this winter range can be found at the following website: <http://www.env.gov.bc.ca/wld/documents/wha/Amendment_ShallowModerate_Feb07_Ord.pdf>
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**Aboriginal Rights Summary and Rational for Engagement Level:**

The Initial assessment for this application indicates a strong strength of claim to Aboriginal rights to hunt. Aboriginal rights to gather and fish are also implicated in this application due to the water usage in the drill process. The impact to these rights is assessed at moderate for the following reasons:

* The scope of the activity is relatively small and focused, occupying a small area compared to other resource operations in the area (i.e. forestry)
* The area has been impacted by past resource development, so the additive effects of this development need to be considered. These additive effects increase the level of disturbance to moderate.
* The duration and season for the activity will impact the ability of the Tsilhqot’in to exercise rights in this specific area, notwithstanding the other meaningful opportunities that also exist in the vicinity.
* There is potential impact to fish and wildlife, and some land alteration.

Based on this initial assessment, the Engagement Level 3 Criteria are met.

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| Engagement Zone*\*Circle as many as apply. If more than one, indicate majority.*  | [ ]  Zone A[x]  Zone B[ ]  Zone C[ ]  Zone DMajority of application area falls in Zone: B |
| Engagement Level | \*Level 1 is now notification at time of decision as per Agreement Appendix E. [ ]  Level 2 (20 Business Days)[x]  Level 3 (40 Business Days)[ ]  Level 4 (60 Business Days)[ ]  TNG/Proponent Agreement has directed Engagement Level |

Level 3 allows for 40 business days of response time; the Province looks forward to your reply by: **Month, Day, Year**.[[1]](#footnote-1)

Sincerely,

First Last Name

Ministry

Phone

## Appendix B: Best Practices for Engagement Response Forms

EXAMPLE ONLY

 TSILHQOT’IN NATIONAL GOVERNMENT

 253 Fourth Avenue North Williams Lake, BC V2G 4T4 Phone (250) 392-3918 Fax (250) 398-5798

**Lockhead Resources Ltd (Bunson Property)**

**Engagement Response for Portal ID 9999**

**Contacts**: Provincial Staff Person - MoNRO – 250.555-5555

E-mail: First.Last@gov.bc.ca

**Compiled by**: TNG Staff Person, 250.392.3918

**Date**: September 30, 2011

**Effective Start Date:** August 15, 2011

**Engagement Level: 3**

1. **GENERAL RESPONSE TO ENGAGEMENT REQUEST**

The Tsilhqot’in National Government (TNG) is providing this response without prejudice to the rights and title that the Tsilhqot’in continues to hold over the territory in which this mining exploration proposal is being contemplated.

Recommendations included in this report are based on a preliminary analysis of the existing Traditional Use Study (TUS). The recommendations should be considered an initial report as further discussion between Ministry of Natural Resource Operations representatives, the TNG Stewardship Department and the proponent are ongoing.

1. **IDENTIFICATION OF POTENTIALLY IMPACTED RIGHTS/INTERESTS**

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| **RIGHTS / INTERESTS**  | **POTENTIAL IMPACTS** |
| Archaeology | The impact to archeological resources may relate the traditional use and ongoing traditional use study of the area.  |
| Traditional Use | Traditional Use has been identified in this area. Hunting, Gathering and Spiritual Sites as indicated in the Provincial Initial Assessment. As the traditional use studies are only 50 % complete the Tsilhqot’in require time to consult with the families who use the area to ensure all traditional use is identified. We also request that we have a field representative on site to ensure we have identified the traditional use boundaries on the map correctly.  |
| **Access Management:**  | Access management is an important issue throughout the Tsilhqot’in Territory. It is important that all access is kept to a minimum to address concerns of wildlife and other cumulative impacts to the general area of interest. |
| **Water Quality:**  | There are numerous water bodies identified within and surrounding the proposed work areas, including the Chilko River. The Tsilhqot’in are “the people of the river” as the rivers bring sustenance to the communities. The land and streams, lakes and wetlands all affect the health of the rivers and lake fisheries. Water quality is integral to Tsilhqot’in rights and title.  |
| **Hunting:**  | This area is a known hunting area that is actively used. Mule Deer, White Tail Deer, Moose, Caribou and fur bearing animals are all utilized in this area by the Tsilhqot’in Nation.  |

1. **RECOMMENDATIONS FOR MITIGATION**

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| RIGHTS / INTERESTS  | RECOMMENDATION FOR MITIGATION |
| Archaeology | The TNG recommend that the results of the AIA be shared so they can be incorporated into our TUS database are utilized for future Engagements. The TNG recommends that TNG archaeological assistants be used to participate in the site visit. The TNG recommends and the archaeological consulting firm to be approved by TNG. |
| Traditional Use | Traditional Use Zones have been identified in this area, and until the exact extent and delineation of archaeological and traditional use sites has been completed, we ask that the buffer zone identified in the attached map be avoided. Any drilling would then need to commence in the other areas until further studies occur. Please refer to the attached map and do not conduct any drilling activities within the red shaded areas until consent is given by TNG. Concerns have also been raised about seasonal activities from mid-August to mid-February and we would prefer to see Amarc’s drilling terminate prior to mid-August.  |
| Access Management:  | Newly constructed roads should be deactivated and addressed within the Reclamation Plan. The plan should indicate when and how deactivation will occur (e.g. proposed seed mixture). We also expect broader access management issues to be addressed, as this exploration may facilitate increased hunting pressure through the trails.  |
| Water Quality:  | Water quality monitoring and testing is recommended for all work areas. To protect rights and title all sources of water need to be tested and monitored before, during and after the drill program. Independent review of the potential water quality implications must be carried out to ensure accuracy.  |
| Hunting:  | General wildlife mitigations as per the winter range area acceptable.  |
| Detailed Reclamation Plan | This document has not been provided to us and we request it be added to the portal to allow the Tsilhqot’in to make suggestions or changes, if needed.  |
| Additional Information Requested | * Additional details regarding water sources, and quantity of water being used by the drills
* the detailed reclamation plan (provided to the Tsilhqot’in National Government )
* proposed mitigation measures,
* accommodation proposals from the province and/or the proponent
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Please contact Mining, Oil & Gas Coordinator at the Tsilhqot’in National Government Office @ 250-392-3918, from 8:30am – 4:30pm, Monday to Fridays, if you have any questions or concerns.

Sincerely,

TNG Staff Person

1. Due date after 40 Business Days takes into account Monday as the Effective Start Date, and two statutory holidays that are excluded from the count of Business Days. [↑](#footnote-ref-1)