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File No.: TAS/Coal -1

Andrew Rollo
Canadian Environmental Assessment Agency
757 Hastings St
Vancouver BC V6C 1A1
Andrew.Rollo@ceaa-acee.gc.ca

Rachel Shaw
Environmental Assessment Office
836 Yates St
Victoria BC V8W 9V1
Rachel.Shaw@gov.bc.ca

Dear Andrew Rollo and Rachel Shaw:

Re: Draft Application Information Requirements for the Raven Underground Coal Mine

I am writing on behalf of the Islands Trust Council and of concerned residents of Denman and Hornby Islands to provide comments on the draft Application Information Requirements (dAIR) for the proposed Raven Underground Coal Mine project.

On June 15, 2011, at its regular quarterly meeting, Trust Council unanimously adopted the following resolution:

That the Islands Trust Council write to the Environmental Assessment Office and to the Canadian Environmental Assessment Agency expressing concern about the proposed Raven Underground Coal Mine on Vancouver Island regarding:

- *the need for the environmental assessment process to include a full review by a panel of independent experts;*
- *the potential impact on marine water within the Islands Trust Area, in particular on Baynes Sound; and*
- *the greenhouse gas emissions that would result from the project.*

Overview of Islands Trust

The Islands Trust is a federation of independent local governments that represents 25,000 people living within the Islands Trust Area. The trust area covers the islands and waters between the British Columbia mainland and southern Vancouver Island, including 13 major and more than 450 smaller islands and encompassing an area of 5200 square kilometres. The Islands Trust has a legislated mandate "to preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of the province generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the Government of British Columbia."

The *Islands Trust Policy Statement*, approved by the BC Minister of Municipal Affairs in 1994, was developed to meet responsibilities of the Islands Trust identified in *Islands Trust Act*¹ and to address the need for leadership in achieving the mandate cited in this legislation.

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¹ http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96239_01

In the Roles and Responsibilities section the Policy Statement states:

The Islands Trust Council cannot effectively implement the Policy Statement without the support of all stakeholders. Assistance, cooperation and collaboration are required from local trust committees, island municipalities, the Trust Fund Board, the Provincial Government, other government agencies, non-government organizations, communities, First Nations, property owners, residents and visitors.

Further, Policy 3.1.9 of the Policy Statement states:

Trust Council encourages actions and programs of other government agencies which:

- *place priority on the side of protection for Trust Area ecosystems when judgment must be exercised,*
- *protect the diversity of native species and habitats in the Trust Area, and*
- *prevent pollution of the air, land and fresh and marine waters of the Trust Area.*

As a result of our legislated mandate and its interpretation in the Policy Statement, it is our practice in the Islands Trust to actively enlist others to support the protection and preservation of the trust area. Accordingly, we encourage you to take a precautionary approach with all issues relating to the proposed mine that could impact the ecology of the Trust Area, in particular the marine areas, or the unique amenities of the nearby islands.

Our Concerns

1. Proximity of the Islands Trust Area

The areas of jurisdiction for the Denman Island and Hornby Island Local Trust Committees lie directly east of the proposed mine site. The Denman Island Local Trust Area is less than six kilometres from the proposed mine portal and includes Baynes Sound, the marine area most likely to be affected by the project. About 2200 people live on Denman and Hornby islands, many of whom are deeply worried about the effects of the project on the Baynes Sound ecosystem and the impacts that the industrial noise, artificial light and air-borne fine and ultra-fine particulate matter from the proposed mine would have especially on the Denman community. Many residents are also worried about the negative economic impacts of the project from the decrease in local tourism, lowered property values and loss of young families fearful about potential health effects.

The dAIR are unclear as to whether Denman and Hornby islands are included in the relevant study areas, analyses and on-going monitoring, in particular for noise and air quality. Neither the Islands Trust nor the Denman and Hornby Official Community Plans are mentioned in the dAIR, despite the fact that Comox Valley Regional District sources are cited including its Regional Growth Strategy and the Electoral Area Plan for Area 'A'. As a result there is uncertainty as to whether the proponent appreciates the spatial boundaries of the Islands Trust Area and its proximity to the proposed mine. We request therefore that, before the environmental impact assessment process proceeds further, the proponent review the *Islands Trust Act* and Policy Statement and the Denman Island and Hornby Island Official Community Plans to determine their bearing on the project and amend the dAIR accordingly.

2. The Assessment Process

The dAIR do not provide sufficient information for the proponent to forecast the extent of mine impacts. The following are examples of important information that is missing:

- the mine plan, including details of the extent of the underground workings, surface layout, processing of ore, waste and product;
- a water management plan, detailing source and uses of process water at surface, pumping and dewatering of underground workings, water treatment, effluent release, emergency plans; and
- proposals for the eventual decommissioning of the mine and for site remediation.

Information such as this is needed for the public to forecast the full extent of mine impacts, in particular, those relating to acid rock drainage. The only way to ensure that all necessary information is available before the application requirements are finalized is to upgrade the current Comprehensive Review to a Full Independent Review Panel, thus allowing for the identification and thorough exploration of all outstanding issues and giving ample opportunity for the public, including qualified experts, to provide their opinions.

3. Potential Impact on Baynes Sound

The biggest concern for Trust Council in the topics covered in the dAIR is the project's potential impact on marine waters in the Islands Trust Area, especially in Baynes Sound. Designated an Important Bird Area², this body of water is the winter home for tens of thousands of waterbirds. Baynes Sound hosts globally, continentally and nationally significant populations of 11 species, several of which are of special conservation concern. Nevertheless, there is no mention of birds in the dAIR. Baynes Sound is also home to large marine mammals such as seals, sea lions and orcas. Additionally gravel and sand shores of Baynes Sound are the breeding ground for Pacific herring and other forage fish, which support the salmon and other large fish that are so important to this area. Last, the nutrient-rich waters of Baynes Sound support a shellfish industry of international renown. Shellfish farming in this area provides jobs to over five hundred nearby residents; however, the industry depends on water that is free of toxic metals and other potential contaminants.

The dAIR are inadequate to provide assurance that Baynes Sound water quality will be unaffected by the proposed mine. The geographic area to be studied should be expanded to encompass the full tenure area of the project to ensure that water courses and groundwater will not be contaminated, leading over time to degradation of the ecology of Baynes Sound. In particular, the marine baseline studies and the modeling studies for groundwater and aquifer impacts should be expanded to assess both short and long-term effects, especially acid rock drainage. Last, more detailed baseline data are needed so that initial metal concentrations in the marine food-web are established to allow for effective monitoring of the bio-accumulation of metals over time.

4. Potential for Greenhouse Gas Emissions

Although the dAIR acknowledges the potential of the mine to generate greenhouse gas (GHG) emissions, it is unclear how this impact would be addressed. Further, the GHG emissions resulting from the shipping and burning of coal at overseas destinations are not included, even though they clearly contribute to climate change. The updated Project Description by the proponent states that some of the product may be sold as thermal coal, rather than metallurgical coal, depending on market conditions at the time of sale. We understand that the terms of reference for the environmental impact assessment do not include related emissions beyond Canada's borders; however, all emissions associated in any way with this project contribute to climate change and thus are a concern.

As a result of the provincial government's Bill 27 (Green Communities Statutes), communities across BC were required to set targets for the reduction of GHG emissions, many adopting the provincial targets of 33% by 2020 and 80% by 2050. As local governments attempt to inspire citizens to design and undertake actions to achieve these targets, it is disheartening to see our governments considering applications for projects that would create significant increases in GHG emissions. Understanding the limitations of the terms of reference on the broad GHG emissions, we therefore would simply ask that the dAIR stipulate clearly the specific requirements for mitigating the effects of the GHG emissions resulting directly from the project.

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² IBA No. BC057, www.ibacanada.ca

In conclusion and for the reasons stated above, we are deeply concerned that the joint environmental impact assessment process currently underway is not being conducted at the most comprehensive level of scrutiny. Accordingly we repeat the request above that the process be revised to include a joint federal/provincial Independent Expert Review Panel with the full public hearings that are part of this process and that the assessment timeline be extended to provide ample opportunity to accommodate this more robust assessment process.

Thank you for your attention to our concerns.

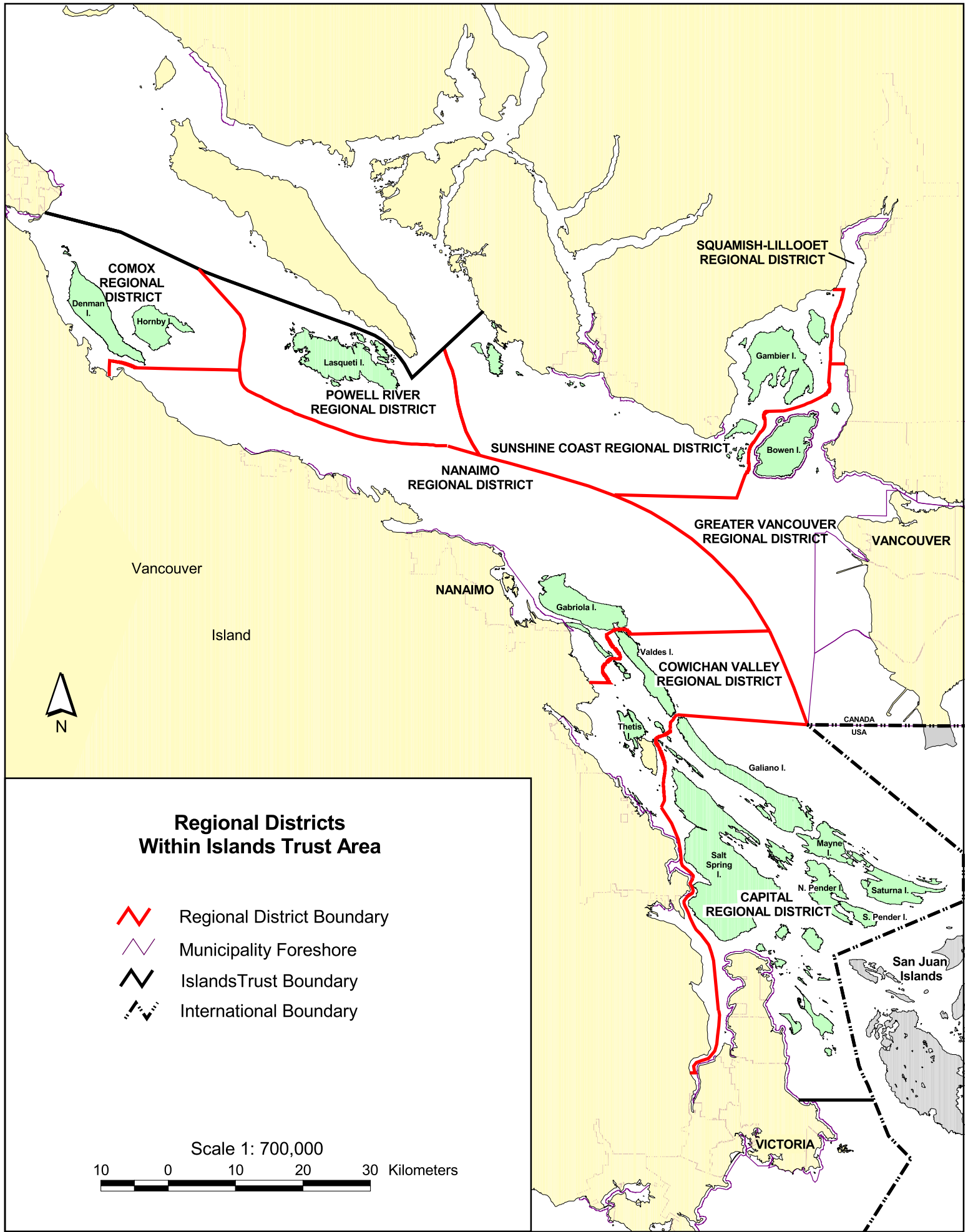
Sincerely,

A handwritten signature in black ink, appearing to read 'Sheila Malcolmson', with a long horizontal flourish extending to the right.





Sheila Malcolmson
Chair, Islands Trust Council

Attachment – Islands Trust Area map

cc The Honourable Peter Kent, Minister, Environment Canada
 The Honourable Terry Lake, Minister of Environment, BC
 Denman Island Local Trust Committee
 Hornby Island Local Trust Committee
 Islands Trust Website



**Regional Districts
Within Islands Trust Area**

-  Regional District Boundary
-  Municipality Foreshore
-  IslandsTrust Boundary
-  International Boundary

Scale 1: 700,000

10 0 10 20 30 Kilometers

