



SENĆOŦEN C'Ī, A, NEWEL

PO Box 121 (7725 Tetayut Rd.)
SAANICHTON, BC V8M 2C3

ph.: (250) 544-0962 fax: (250) 652-9114

January 09, 2008

Chief and Council
Tsartlip First Nation
PO Box 70
Brentwood Bay BC V8M 1R3

Attention: Chief Wayne Morris

Dear Chief Morris;

Re: Three Point Properties; Bamberton Development of YOS – Report on Consultations with First Nations

Please find attached a consultation Report submitted to the Cowichan Valley Regional District by Michelle Mahovolich as proof that they have adequately and are currently continuing consultations with the Saanich First Nations.

Three Point Properties is not in a “consultation process” with us, nor have they ever been. We have requested funding in order to bring this issue to the Saanich People as a whole, for proper and thorough consultation, but no funding was ever identified by Three Point Properties for that purpose.

We will be arranging a meeting on this matter in the near future and would like have your Councils position on this report.

Yours truly

Eric Pelkey
Coordinator.

Cc, Three Point Properties
Councillor Lou Claxton
Councillor Joanne Charles
Chief Bruce Underwood

First Nations Communication Bamberton Lands Development Project

Last Updated: May 31, 2007

May 28, 2007 – Eric Pelkey of the Sencoten Alliance copied Michelle Mahovlich on correspondence to their Steering Committee indicating that he has “had repeated inquiries from community members about the Bamberton development. This matter had not been on our agenda for some time and the community wants updates. The reason why we have not had meetings on his matter, is that this is no consultation process in place, no agreement with the developer of any kind for a process. The cost of meetings is prohibitive.” Michelle replied that we had indicated in the past that we did not feel it was our responsibility to pay for consultation however we were open to coming and giving an update on our project to the Steering Committee or any other community members of the Sencoten Alliance. Eric Pelkey indicated his thanks for our reply and they would have some further internal discussions and get back to us.

April 12, 2007 – Met with new Pauquachin Chief Bruce Underwood and Danny Henry at the Bamberton site. Michelle Mahovlich and Ross Tennant provided a power point presentation and site tour. The meeting was meant to be an introduction for Chief Underwood. Results of the meeting were that Three Point would work together with Chief Underwood and Danny Henry to keep their community informed in order that the community as a whole could make a decision on the Bamberton project. We continue to communicate with the Pauquachin who have indicated their preference to communicate directly with Three Point as opposed to through the Sencoten Alliance.

March/April 2007 – Firewood provided to Tsartlip and Tsawout for their longhouses (one occasion each).

March/April 2007 – Cowichan Native Plant Nursery retained to vegetate area around marine estuary with plants native to the area. Work included removal of invasive plant species in that area and adjacent to south landfill. Ferns were also planted on the upper bench of the southlands area around a man-made pond.

March 23, 2007 – John Parker from TPP has been working with the Malahat to get a proper gate or road block in place to prevent bikers and motocross from driving across the Band’s septic field. John met with Band representatives today to finalize details for what they will do.

March 21, 2007 – Tsartlip came and got some firewood from our location in the upper quarry.

March 16, 2007 – Andrea Moore from the Tsartlip First Nation called to ask for firewood for the longhouse. Michelle indicated that firewood was given to the Tsawout a few weeks ago but that they came and cut and hauled it themselves. Michelle called Andrea back to indicate we would put wood into the upper quarry for them to come and cut/haul themselves on or after Wednesday March 21st. Andrea called back to say they would follow up with us on the wood and thank you.

March 13, 2007 – Marie Elliot from the Tsartlip called to ask for \$1,000 to sponsor their soccer team for uniforms. Michelle said that we were just getting ready for an open house and that we would call back at the end of the week.

March 13 to 23, 2007 – Cowichan Tribes Cowichan Native Plant Nursery working on site undertaking a native plant repatriation next to the marine estuary area. TPP is using this as a pilot program to see if we can have a native plant program on the site and continue a working relationship with Ken Elliot and the nursery. At the completion of two weeks the program has gone great and we are pleased with their work.

February 22, 2007 – Received an email request from Tsawout asking for firewood. Acknowledged request and had wood set aside in the upper quarry where they came and cut it themselves and hauled it themselves.

February 7, 2007 – Chief Tom from the Tsartlip First Nation called to see if they could get two loads of fire wood. Michelle arranged to deliver it on Friday this week in 4' lengths, fir only. Dianne Hinkley called February 6th when Michelle was not in the office. Michelle returned her call today (February 7th), she was out so a message was left on her voicemail. Michelle called Ken Elliot on February 6th to touch base on his estimating for native plant reestablishment at the estuary. Ken is working on a plan and cost as we speak. Called Chief Vincent Harry at his work office (not Malahat Band Office) to touch base. Arranged for Chief and Council of the Malahat and whomever else they would like to bring to come to our site to hear about our rezoning application on Thursday Feb 15th.

February 1, 2007 – Called Chief Vincent Harry at his office number. The person who answered indicated he is away sick. I left my name and telephone number. Followed the telephone call with an email to Chief Harry indicating that Three Point wants to set up a community meeting to review our rezoning application with them and to continue dialogue on the concept of the cultural cost charge.

January 25, 2007 – Spoke to Eric Pelkey and we set a date of Tuesday February 20th at 9:30 am to make a presentation to the Alliance. Chief Tom confirmed. Chief Underwood cannot come but is sending a councilor. Due to snow, Kenny Elliot and I had to reschedule twice, but he is now coming Friday January 26th to provide some estimates for the landscaping around the estuary. Dianne Hinkley called on Friday January 19th to say she had been very sick and away from work. Michelle called her back January 25th and left a message (she was back in the office). Called and left Michael Harry a voicemail at the Malahat Band Office to call me back.

January 19, 2007 – Michelle sent two copies of the rezoning application and a copy of our archaeological overview report to the Malahat First Nations office to Michael Harry and Vincent Harry with another invitation to meet as a community. Michelle sent copies of the rezoning application to Chiefs Claxton, Tom and Underwood for them to read before going there in February for a presentation.

January 8, 2007 – Eric Pelkey had called December 14th to touch base. Michelle was away December 16th to 27th on holidays so followed up January 8, 2007 with a phone call to the Tsawout office where Eric works. Left a message there for Eric to try and set up a meeting for the near future with the Sencoten Alliance. Contacted Kenny Elliot at the Cowichan Tribes nursery to set up a time to come to the site and give us some ideas for replanting near the Bamber Creek estuary. Kenny is coming on site Thursday January 11th to visit. Sent an email to Dianne Hinkley at Cowichan Tribes to see if they were interested in talking about the cultural cost charge any further – awaiting a reply from her.

December 11, 2006 – Sent an email to Eric Pelkey suggesting a meeting in January to discuss our land use plans and the cultural cost charge. Tried calling Malahat First Nation office in the morning, no answer. Sent an email to Michael Harry to connect with the Malahat and see if they would like to meet in January as well. Received email back from Michael Harry with his new contact information and indicating they'd like to try and have a community meeting in January.

December 7, 2006 – Called Michael Harry at Malahat to touch base and set up a meeting in their community to discuss our application – left message with receptionist. Called Eric Pelkey to try and set up discussions in January regarding the cultural cost charge – left message with receptionist. Sent an email to Dianne Hinkley to see if the Cowichan Tribes would like a meeting regarding our proposed land use plan or the cultural cost charge.

November 22, 2006 – Received an email from Eric Pelkey apologizing for not returning contacts. Suggested meeting in near future. Michelle replied that it would be best if it were at the same time as an Alliance meeting so all concerned were present.

November 14, 2006 – Michelle called Eric Pelkey at the Tsawout office to try and reach him. He was not in but a message was left with the receptionist. Michelle sent an email to Susan and Eric asking if the Alliance would like another meeting to discuss the concept of the cultural cost charge and to indicate that we had submitted our rezoning application last week.

November 1, 2006 – Michelle called Dianne Hinkley at Cowichan Tribes to touch base. We arranged for a tour of their tree nursery on Thursday November 16th and asked for an indication as to whether their Council wanted to meet again in the near future regarding the cultural cost charge. Dianne is going to get back to us on that.

Michelle called Eric Pelkey however the receptionist said he was away all week. Michelle sent him and Susan Behn an email asking if it were possible to meet again to discuss the concept of the cultural cost charge. Susan returned with an email saying Eric would be back Monday November 6th and she would ask him to contact me.

Michelle left a message with Michael Harry to see if he was returning to work this Friday. Michael has been unable to attend work on the past two Fridays, which is the anticipated work day based on his decision to come back to work.

October 31, 2006 – Received letter from Tseycum First Nation indicating they were not interested in participating in future dialogue regarding Bamberton as they thought it would be perceived that they were in favour of development. Michelle drafted a letter in response indicating our respect for their decision but also indicating our willingness to meet at future dates if they changed their mind. The letter was emailed November 1st and an original copy mailed. Copies of both letters were sent to Mike Walker, Area Director and to John Horgan, MLA.

October 27th, 2006 – Michael Harry was supposed to be at the Bamberton office for work today but did not show up, no telephone messages. Michelle called the Band office at 9:15 but nobody answered, left a message.

October 24th, 2006 – Chief Chris Tom called to ask for some firewood for the longhouse at the Tsarlip First Nation. Three Point had a gravel truck load of firewood delivered to the longhouse on October 26th.

October 20th, 2006 – Michael Harry was supposed to be back at work today for one day a week, but was sick.

October 4th, 2006 – Michelle had courier packages sent to all six First Nations Band Offices that included numerous copies of our Project Guide which had been dispersed the day before at the Information Open House held at Brentwood College. This information was sent to the Band offices so that they had the same information the public received at the information open house.

October 3rd, 2006 – Ross, Jack and Michelle attended a meeting at the Sencoten Alliance office located on the Tsawout First Nation the morning of October 3rd, prior to the Information Open House held at Brentwood College. This meeting resulted from the September 11th meeting with the Tsartlip First Nation Council at which time the Tsartlip, Tsawout and Pauquachin designated Mr. Eric Pelkey and the Sencoten Alliance as their central point of contact for any future communications. Those present included Eric Pelkey, Susan Anderson Behn (Sencoten Alliance representative), Tsartlip Chief Chris

Tom, Eric Olsen (Tsartlip Council), Joanne Charles (Se-Mi-Ah-Mu First Nation (the fourth First Nation that forms the Sencoten Alliance in addition to the Tsartlip, Tsawout and Pauquachin), and Lou Claxton (Tsawout). Ross and Michelle gave the Power Point presentation shown to the Cowichan Tribes and again passed around a draft of the Cultural Cost Charge. Michelle explained that we had also sent by registered mail an Open Letter to all of our First Nations Chiefs and Council members outlining the dialogue we had with them over the past year or so. Chief Tom indicated he had not received this however the following day Michelle confirmed with his office that it had been received and distributed. The Sencoten thanked us for the presentation and it was left that we would keep in touch with them.

Michael Harry attended the Information Open House as a staff member of Three Point Properties.

September 28, 2006 – Three Point Properties sent an Open Letter to the six First Nations and their Council members outlining the dialogue and communications that had been undertaken over the past year or so, since the first meeting in December 2005 regarding the marine access road authorization via DFO. The Open Letter was meant to allow all First Nations communities to make informed decisions and understand how information had been passed along over the past year.

September 28, 2006

Michelle had a long talk with Susan Behn of the Sencoten Alliance. The following background information was provided by Susan:

- the Sencoten Alliance is an amalgamation of First Nations with the same languages. It consists of 4 First Nations, 3 of which we are dealing with (the fourth is on the mainland), namely the Tsartlip, Tsawout, Pauquachin and Semiahmoo.
- Originally the Malahat and Tseycum were in there and something happened in 1957 to separate them out
- There are instances where the Tseycum and Malahat do join with the Alliance, and they are mainly to do with fisheries reasons
- The alliance is set up as 2 persons from each of the 4 First Nations. One person is always the chief. The other must be an elected council member who physically lives on the band land. There are 4 votes, usually all to the chiefs, although the chief can designate an alternate (I am guessing the council member)

Continued: In regard to Bamberton and the Alliance:

- Susan is Eric's helper of sorts. I voiced our concern that Chris wanted Eric to be our contact. She assured me this was valid but that she had blind copied all the chiefs on the correspondence she was doing to me (and copied to you both and Eric).
- She gave a very long winded explanation of some of her projects and asked my background indicating that it appeared we were leading our own First Nations communication program. I told her my background in environmental assessment act projects.
- She commented several times that she felt we were "doing the right thing" and "would not have a problem parlaying that to the Alliance".
- I indicated that we recognized that we are not triggered to mandatory consultation as defined by provincial permitting requirements but that we were voluntarily doing this at the municipal level. She concurred that this was a good thing but again suggested that in our dialogue we use the word "accommodate" and this would help the audience understand where we were coming from. For instance, "we hope to accommodate the First Nations through our proposed cultural cost charge"
- She also said the First Nations are not versed enough in the permitting process to distinguish between provincial permitting and CVRD permitting. I had to explain that we are not legally in a "permitting" process right now, but that we will submit our rezoning application at the end of October.

September 27, 2006 – Representatives from Three Point Properties attended a Council Meeting at the Cowichan Tribes office in Duncan. Ross, Jack, Tricia and Michelle attended the meeting. The Chief was not present, but several members of Council and Dianne Hinkley were present. Ross and Michelle gave a Power Point presentation identical to the presentation given to local community groups (i.e. Rotary Clubs) over the month of September. We also handed out a DRAFT of the Cultural Cost Charge idea document. There were several questions from the floor. Ms. Philomena Alphonse asked specifically what studies had been undertaken. Michelle explained the studies as part of the presentation. Wes Modeste (??) the acting Chair of the meeting thanked Three Point for coming and stated that he thought TPP was taking the right approach and that they would like to consider the concept of the Cultural Cost Charge at a later meeting. Michelle offered that we could come back at a later time to answer more questions.

September 13th 2006 – Michelle called the Malahat Band office (9:30 am) and spoke to Randy Daniels. Randy had received our letter via Michael (David) Harry. Randy wanted to speak directly with Michael and was hoping to do so some time later today. Michelle indicated that we recognized Michael had struggled with reaching out to the elders and Chiefs due to a generational gap, which Randy also recognized. Michelle reiterated that we hoped Randy would be able to fulfill that role for us.

September 12th – Michelle calls Danny Henry at the Coast Salish Employment & Training Society (CSETS) to set up a meeting in person with him. Danny was unable to take the call so Michelle left a voice message at 8:40 am. Followed up with an email at 10:08 am to Danny Henry also asking for an in-person meeting. Michelle called Eric Pelkey at the Sencot'en Alliance and was informed that he is away all week (week of September 11th). Michelle left a voice message indicating a request to meet personally and followed with an email as well. Michelle sent an email to Dianne Hinkley following a conversation on September 11th where she requested an email to confirm our request for a community meeting. Dianne and Michelle conversed via email and phone to decide on a date of September 26. Michelle called Malahat and left a message for Randy Daniels to return a call regarding the offer of employment we had made through Michael Harry last week. The Band office did not have Randy's cel phone number to give to Michelle.

September 11, 2006 – Ross, Jack Jusleth, Tricia Julseth and Michelle attend a meeting at the Tsartlip Band office. In attendance are Chief Tom, Wendy Edwards (Lands Manager), Don Tom (Council), Remi Paul (Council), Vernon (Charlie) Tom (Council), Simon Smith Sr. (Tsartlip), Danny Henry (Coast Salish Employment & Training Society), Andrea Morris (Tsartlip secretary), Jerome Smith (Council), Eric Pelkey (Sencoten Alliance), Susan Anderson Behn (Sencoten Alliance), Elder John Elliot (Uncle to Councilor Paul), Rex Grant (Tsartlip Administrator).

Ross gave an update on our site remediation, indicated that we are doing our site studies and undertaking some land use planning. Ross summarized that we have involved First Nations on site with KMC, wood cutting, as employees on the equipment company and as Michael Harry on staff. Ross indicated that we had employed First Nations updating our archaeological assessment work. Ross introduced the cultural cost charge concept and passed around a draft for discussion

Some comments received during conversation were:

- Chief Tom – indicated appears to be something to consider, could not comment that night
- Council Remi Paul – wanted to know why they had not been consulted until the 11th hour (Ross indicated that we had been inviting First Nations to attend on an ongoing basis). Also had concerns over blasting and what we were doing over here
- Chief Tom – indicated that when he came to the site (in July) he was by himself and was not representing others in his community (note: Michelle had left the invitation open and Chief Tom was more than welcome to bring whomever he wanted)
- Simon Smith – indicated cultural significance of the Malahat Mtn., was somewhat open to the concept of the cultural cost charge. Concerned blasting would effect fish run and wanted to make sure blasting would be done by November when the fish come into the Arm to make their way to Goldstream.
- Many comments on lack of communication to which Ross and Jack both replied that we had been trying but that we seemed to continually struggle to know who to contact

- Michelle indicated that she had heard Michael Harry on the phone numerous times trying to get meetings with the various First Nations. Chief Tom replied that they did not know who he was and that he should have come in person (note: when Michelle had arranged previous site meetings with the various First Nations it was by telephone or email and there was no indication that personal contact was required to set up a meeting)
- Chief Tom suggested that Eric Pelkey be the contact for the group present
- Michelle confirmed that Eric is the contact for Tsawout, Tsartlip and Pauquachin and not Malahat, Cowichan Tribes or Tseycum.
- Eric Pelkey replied that Tseycum speak for themselves. Malahat were not involved with the Alliance and Cowichan Tribes had no business in the area
- Eric Pelkey expressed concern over knowing that TPP had acknowledged the presence of culturally significant sites on our land
- Jack and Ross assured the group that we had and we were open to sharing that information. It was further indicated that representatives from the Tseycum and Tsawout had helped in those assessments
- Jack indicated that we hoped to go to the community with our plan in early October and that if the First Nations wanted meetings before then we are available to meet
- After much dialogue it was decided that Michelle would arrange a presentation to the group through Eric

September 8, 2006 – Michael Harry meeting with Ross and Michelle. Michael informs Ross and Michelle that he cannot continue his working relationship with TPP due to personal reasons. He is moving back up to live with his wife in Duncan and to return to high school to get his grade 12 english course equivalent. Ross offers that he take a leave of absence for the month of September only and that we reconvene in early October to see if he can manage any sort of relationship with TPP at that time. Ross confirms that Michael is leaving for personal reasons and not because he disagrees with the project. Michael confirms that his reason for leaving has to do with personal/family matters.

August 28, 2006 – Michael Harry received a call at the Malahat Band Office on Friday August 25th from the News Group. The News Group contact who was calling indicated that he heard that the Tsartlip First Nation was opposed to the Bamberton Development and what did the Malahat community or Council feel about this? Michael asked that he call back on the 28th or 29th. On the morning the 28th, Michael and Michelle called the Tsartlip First Nation, Chief Tom and asked directly if the Tsartlip had made any recent comments to the News Group. Chief Tom assured Michelle and Michael that he was not aware of any comments other than their general feeling that the Tsartlip are neither for or against at this time. Michelle and Michael arranged for a meeting with the Tsartlip on Monday September 11th to discuss the concept of the cultural cost charge with the Tsartlip Council. The meeting date will be confirmed September 7th. Chief Vincent Harry is supposed to stop by the site office today to speak to Michael and Michelle regarding the media inquiry.

August 28, 2006 – KMC – KMC disbanded the pipeline and flagging arms of their company. It is supposed to be effective September 15th however this morning the site was short one flagger. Moved from four to two flaggers this morning as we are no longer hauling outside of our main site gates.

Week of August 14th – Ross and Michael Harry met with Randy Daniels to discuss Randy's potential input to our site work and proposed development plans. This meeting was the result of the July 17th meeting Randy had with Ross, Michelle and Michael. The outcome of this meeting with Randy was that Three Point was interested in retaining Randy on a contractual basis as needed to move towards our rezoning and planning work. It was still somewhat unclear as to whether Randy wanted a flat fee or fee for service. Three Point preference was a fee for service based on a signed contract with Randy.

July 4th to 24th – Michael Harry contacted the First Nations first by e-mail at the beginning of July and then followed with several telephone calls. Cathy Webster at the Tsawout said they had a Council meeting and could not attend on the 25th. Left several messages with Vern Jacks (Tseycum) but was unable to get a return call or get his direct response. Ed Mitchell (Pauquachin) was not available. Left messages for Wendy Edwards/Christ Tom, still waiting a reply from them at the Tsartlip.

Monday July 17th – The Malahat had discussions with BC Ferries during a community meeting to indicate their support for the ferry terminal moving to the Bamberton site.

Monday July 17th – Randy Daniels of the Malahat FN came to the site to meet with Ross, Michelle and Michael. He began discussions indicating that he had been opposed to the previous development based on his Grandmother's wishes. He gave TPP a one page written summary of his previous thoughts on the development and his opposition to it. An hour long discussion took place in which Randy said he had members of his community asking about this development. He indicated he could either speak for or against or not at all in regards to the development and that he thought if he could come on board as Michael's assistant that would help. Michael indicated that Randy already works full time at the Malahat office. Following the meeting with Randy, Michael thought it was best that he have a conversation with Randy outside of the TPP office.

July 1 to July 21 – Michael Harry sent another email out to the same group of six First Nations inviting them to a site tour July 25th. Michael continued to try to follow up with phone calls to the six First Nations to see if anyone was interested in a site tour on Tuesday the 25th of July.

Tuesday June 27th – Chris Tom came to the site. He was the only one to come to the site for a site visit after we had invited all of the six groups on our list. Ross, Michael and Michelle met with Chris. We gave him an update on the site remediation. We also brought forward the concept of the cultural cost charge. Ross showed Chris a draft letter of the concept. Chris mentioned possibly getting in touch with Coast Salish Employment and Trading group. They administer funding to 19 south island FN communities for

employment training. We had a site tour following the meeting. Chris did not mention any concerns during the meeting.

Friday June 23rd – Michael did further follow up with First Nations to see if any were interested in attending a site tour Tuesday June 27th. To date Michelle had not received any correspondence by email from any of the First Nations.

Thursday June 22nd – Michael Harry attended his first planning session with Three Point/ City Spaces to discuss plans and meet the consultants involved in the process. Michael Harry also started to follow up with the First Nations regarding a site tour Tuesday June 27th.

Wednesday June 21st – Michael Harry started work at the site. Michelle did site tour and orientation and reiterated the agreement that information provided during the planning sessions was meant to be high level and confidential at this point but that we were also looking for input from Michael in this regard. Also, it was agreed that we may not get 100% consensus on all items but that there would be some give and take.

Tuesday June 20th – Michelle sent another email to the First Nations contact list inviting them to attend a site visit/tour on Tuesday June 27th.

Tuesday June 13th – Ross and Michelle met with Michael Harry regarding hiring Michael for site work. Meeting was at the Serious Coffee. Meeting went well. Ross offered Michael a part time position helping Three Point in the areas of the cultural cost charge, assessing site constraints, working toward updating the archaeological impact assessment report and liaising with the First Nations.

Monday June 12th – Meeting set for 1:30 was cancelled at 11:00 am by Wendy Edwards. She said they would look at their schedules and book a new date/time. Michelle asked about having a First Nations monitor on site as well to proceed with work on the south access road area. She said she would speak to Simon Smith and get back to me.

Wednesday June 7th, 2006 – Spoke to Wendy and indicated that TPP was not prepared to retain someone on site just to watch the site work and see what was happening. We would only retain someone that filled a need on the site where there was a lack of skill sets and/or where we could provide some educational training. Wendy had no comment either way however we did arrange a meeting for Monday June 12th at the Tsartlip office to discuss this further and to discuss the cultural cost charge aspect.

Tuesday June 6th, 2006 – Called and left message with Wendy (3pm) to respond to her request for site monitoring.

Monday June 5th – Michelle called Wendy Edwards to try and talk directly to her. We caught up late in the morning and had a long conversation. Michelle updated her again on site work. Wendy indicated more than once that she was pleased at the degree of open

communication that was happening for our site work. Michelle indicated that TPP would like to set up a meeting with the Tsartlip as a first contact trying to discuss the concept of a cultural cost charge. A date of Friday June 16th was tentatively set. Wendy asked about TPP hiring a member from the Tsartlip full time for site work indicating that she felt it was needed to build trust on the site work. Michelle indicated that a full time monitor was not necessary and that even SEACOR only comes twice a week at this point to monitor site remediation. TPP is not undertaking any other work on the site at present. Further, Bjorn will be contacting the First Nations to do a walk about the central landfill and update the archaeological work.

Friday June 2nd – Delivered a dumptruck of wood to the Tseycum and Tsartlip First Nation Longhouses. Michelle sent an email to all First Nations on our contact list updating them on the site activities and inviting them to a site meeting Tuesday June 27th at 9:30. Copy of email in folder.

Thursday June 1st – Four dump trucks of firewood were delivered to the Malahat First Nation. Wood is being cut by two Malahat First Nations members.

May 31st to ongoing to 2007 – Three Point Equipment hired two Malahat First Nations to cut wood on site.

Malahat First Nation – Lynda Barecca, business manager retained by the Malahat First Nation met with Ross on May 23rd about Malahat's interest in having the BC Ferry terminal relocated as well as their interest in purchasing/leasing/renting a portion of the 70 acre subdivided portion of Block 176 in order to generate awareness of their possible future development site.

Michelle Mahovlich met with Lynda on Wednesday May 24th over lunch. It was decided that two Malahat First Nations members could apply for work at the Bamberton site. Dale Malloch (TPP) set up a wood cutting operation whereby the Malahat are paid to cut wood. The wood will be delivered to each of the six First Nations as promised by Jack at the meeting March 24th, 2006 at the Bamberton site.

Harold Joe – Harold Joe was hired by Three Point Equipment on April 10, 2006. He is employed as an equipment operator and has been employed full time for the remediation efforts undertaking compaction of the contaminated soil inside the soil storage facility. Prior to operating the compactor he was flagging, hydro-seeding and operating the water truck during the soil storage facility pre-construction.

KMC – Ross Tennant met with Terry Bootsman (KMC GM) and Ted Williams (KMC BD Mgr) at the offices of West Shore Environmental on Wednesday, March 29th. TPP has retained KMC to run a flagging crew on site for the duration of the soil remediation efforts. Four employees of KMC started work on Thursday May 4th, 2006. Work for the KMC flaggers continued to Friday September 15th. On Friday September 15th KMC disbanded their flagging arm of the company. Three Point Equipment retained two flaggers on our staff as needed to continue flagging.

Tuesday May 30th, 2006 – Michelle Mahovlich sent an email to Wendy Edwards and Chief Tom giving them an update on site activities and seeing if they felt it would be a good idea to invite everyone back onto the site to show them our remedial efforts. This followed with a phone call June 1st to Wendy Edwards leaving a voicemail with her asking the same question.

Friday May 26th, 2006 – Ross Tennant, Michelle Mahovlich, John Parker and Dale Malloch met with Terry Bootsman (KMC Group Manager) and Ted Williams (Business Development Manager) to discuss a memorandum of agreement with KMC for work on the Bamberton site. Ross presented a list of concerns to KMC regarding their 23-page MOU. There did not appear to be a significant concern between KMC and TPP's aspects. TPP requested that KMC get all of the other First Nations to agree to the MOU as well.

Tuesday April 25th, 2006 – Hiked for 4 hours in the south forested area of the site with Wendy Edwards, Vern Jacks Jr., Simon Smith Jr., Bjorn Simonsen, Ross, Becky Julseth, Dale and Michelle. The purpose of the hike was to review the flagged areas of a proposed road to the south. The First Nations pointed out some areas where bathing pools may have been used.

Friday March 24, 2006 – Ross Tennant and Jack Julseth met at the Bamberton site with Chief Tom, Simon Smith Sr. and ????. They walked the site and had frank discussions about First Nations involvement. Jack promised to have wood delivered to each of the six First Nations and also some carving poles to those that wanted it. In general it was agreed to move forward as best possible towards a constructive relationship.

Thursday March 23, 2006 – Meeting at the Tseycum longhouse with Jack Julseth, Ross Tennant, Michelle Mahovlich, Rob Waters (habitat biologist involved in marine access road work) and First Nations representatives: Chief Jacks and Vern Jacks Jr. (Tseycum), Chief Tom and Wendy Edwards (Tsartlip), Randy Daniels (Malahat), Chief Mitchell (Pauquachin), Simon Smith Sr. and Simon Smith Jr. (Tsawout), Eric Polkey and from the MLAs office: Terry Harrison and Anne Bomford. The idea of a cultural cost charge was raised by TPP and unanimously opposed by those present in the group setting of the Longhouse.

March 16th, April 3rd, April 18th and May 12th, 2006 – Ross met with Lorne Underwood regarding him acting as a First Nation's consultant to Bamberton. Nothing came of the meetings. Following the last meeting it was decided by Lorne that there was no real fit to his involvement on the site right now.

March 6th to March 17th, 2006 – Michelle continued to have dialogue with the First Nations, primarily Wendy Edwards to try and come to some sort of consensus on issues. Wendy Edwards was able to arrange for a meeting in the Tseycum Longhouse on June 23rd.

Friday March 3rd, 2006 – Michelle Mahovlich of SEACOR sent an email to all of the First Nations represented at previous meetings at the Bamberton site. The e-mail indicated that there is no development plan in place, that the response Ross gave to the media was taken out of context and that TPP was not in any way hiding any development plans from anyone.

Tuesday February 28th, 2006 – The First Nations held a press conference voicing strong concern and opposition to any proposed development at the Bamberton site. They also indicated that they had not been consulted on the project.

Wednesday February 8th, 2006 – Three Point Properties held a press conference at the site to invite the press to see the demolition that had occurred at the facility since TPP took over the site. When pressed to answer the question from reporters regarding what TPP was proposing for the site, Ross Tennant indicated “less than half what the prior developer had proposed”. This comment was taken literally and the front page of the Times Colonist on Thursday February 9th, 2006 indicated a proposed development of 3,000 homes at the Bamberton site.

Tuesday February 7th, 2006 – A third meeting regarding the marine access road was held at the Bamberton site office. The Tsawout First Nation (Ms. Cathy Webster) sent a letter of response regarding the proposed marine access road. One of the key items from their letter was a reference to their opinion that the “Malahat First Nation and Tsartlip First Nation would be the most impacted by any land and/or marine development and, therefore, we would support their concerns”.

January 18, 2006 – Environment Canada sent a response to the DFO pertaining to the marine access road. This is indirectly related to First Nations aspects.

Thursday January 5th, 2006 – A second meeting regarding the access road was held at the Bamberton site office. A further review of the proposed marine access road was undertaken. Meeting minutes were taken at this meeting.

Friday, December 16th, 2005 – TPP and SEACOR hosted a gathering of six First Nations representatives at the Bamberton site office. A meeting attendance sheet was passed out for all to sign. Also in attendance was Rob Waters of Castor Consultants and Rob Russell of the DFO. An initial overview of the current site works was undertaken. The proposed marine access road was presented for review. No meeting minutes were taken, however Chief Jacks stood up and indicated that he felt he had been invited to the site at the 11th-hour and further indicated his opposition to any development at the site.

December 14th, 2005 – the meeting agenda for December 16th was circulated to the First Nations.

December 9th, 2005 – SEACOR couriered hard copies of the DFO application document to the six First Nations invited to the December 16th meeting.

December 8th, 2005 – The DFO sent a “Memorandum” to Environment Canada, Transport Canada, Cowichan Tribes, Malahat First Nation, Pauquachin First Nation, Tsarlip First Nation, Tsawout First Nation and the Tseycum First Nation advising of the “Proposed construction of an access road on intertidal foreshore to permit site remediation at Bamberton Lands, B.C.”.

December 8th, 2005 – SEACOR sent written invitations to six First Nations groups to attend a meeting on Friday December 16th at the Bamberton site office.

December 2nd, 2005 – SEACOR Environmental Inc. (SEACOR) filed an application under the Federal Fisheries Act to obtain a Section 35 (2) authorization for instream works. Part of the application process is mandatory consultation with First Nations. SEACOR contacted six First Nations identified as interested stakeholders from previous work proposed at Bamberton and agreed upon by Mr. Rob Russell of the DFO.