



# Tenas Project

## Indigenous Consultation and Engagement Report #1

**April 2022**

VERSION 1.0

Submitted to:	BC Environmental Assessment Office
Pursuant to:	<i>Environmental Assessment Act</i> , S.B.C. 2002, c.43
Submitted by:	Telkwa Coal Limited Suite 1410 – 409 Granville Street Vancouver, BC V6C 1T2

# Tenas Project

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## ABBREVIATIONS AND ACRONYMS

<b>Abbreviation or Acronym</b>	<b>Long Form of Abbreviation or Acronym</b>
AIR	Application Information Requirements
BC	British Columbia
BC EAO	British Columbia Environmental Assessment Office
CN	Canadian National
EA	environmental assessment
EAC	Environmental Assessment Certificate
ESG	Environmental Social and Governance
OW	Office of the Wet'suwet'en
PAA	Project Assessment Agreement

## 1. INTRODUCTION

### 1.1 Project Overview

Telkwa Coal Limited (TCL) is proposing to develop the Tenas Project (Project), which is a metallurgical surface coal mine in northwestern British Columbia (BC), Canada that will recover metallurgical coal for export to the seaborne market. The Project will produce metallurgical coal at an annual production rate of between 775,000 and 825,000 metric tonnes of processed coal with a maximum daily production rate of 2,500 metric tonnes of processed coal per day. The life-of-mine is approximately 26.5 years, including the Construction, Operation, and Decommissioning and Reclamation phases.

The Project is located approximately twenty-five (25) km south of the Town of Smithers and seven (7) km southwest of the Village of Telkwa. The Project is within Wet'suwet'en traditional territory, and TCL acknowledges and respects the unceded rights, title, interests, culture, and aspirations of the Wet'suwet'en to 22,000 square kilometres (km<sup>2</sup>) of traditional territory. This is the core culture of TCL, and it guides its discussions and actions in relation to this Project. The Project is located within the Gitdumden and Laksilyu House group territories (**Figure 1-1**).

Under Part 3, Section 8 of the Reviewable Projects Regulation for the BC *Environmental Assessment Act*, SBC 2002, c 43 (Government of British Columbia [GovBC] 2002), the Project triggered an Environmental Assessment (EA), as its proposed production rate is above the 250,000 tonnes per year threshold. The Project was issued a Section 11 Order by the BC Environmental Assessment Office (EAO) on June 25, 2019. The Order outlines requirements for consultation with Indigenous Nations<sup>1</sup> in Part G, Section 12, and directs TCL to conduct activities related to the Wet'suwet'en Nation through the Office of the Wet'suwet'en (OW) Hereditary Chiefs.

### 1.2 Purpose of the Indigenous Consultation and Engagement Report

The Indigenous Consultation and Engagement Report (the Report) provides a summary TCL's consultation and engagement efforts with the OW, and other Indigenous Groups, in accordance with the approved Indigenous Consultation and Engagement Plan.

Per the Section 11 Order reporting requirements, TCL must provide the BC EAO with Indigenous Consultation and Engagement Reports, consistent with the approved Indigenous Consultation and Engagement Plan, at the following times:

- ▶ 60 days after the issuance of the Application Information Requirements (AIR);
- ▶ at the time of submission of the Environmental Assessment Certificate (EAC) Application;
- ▶ 100 days from the commencement of the Application Review stage, unless otherwise directed by the Project Assessment Lead; and
- ▶ at any other time specified by the Project Assessment Lead.

The Project AIR was issued on January 24, 2022, and the EAC Application was submitted on February 24, 2022. Given the short period of time between the issuance of the AIR and submission of the EAC

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<sup>1</sup> Indigenous Nations is the terminology used in the Section 11 Order. Where language from the Section 11 Order is being directly referenced, Indigenous Nations is used.

Application submission, the BC EAO granted TCL permission to provide one (1) Report (this document) that covers consultation and engagement activities TCL has undertaken with the Wet'suwet'en during both AIR review and development of the EAC Application.

This Report is comprised of the following sections:

- ▶ An overview of the Indigenous Consultation and Engagement Plan (Section 2);
- ▶ A summary of consultation and engagement activities undertaken with the OW and other Indigenous Groups identified on Schedule C of the Section 11 Order, including input received, and how TCL has addressed the input (Section 3);
- ▶ A summary of potential adverse effects of the Project on Wet'suwet'en Interests, and preliminary measures to avoid, mitigate, or otherwise address or accommodate those effects (Section 4); and
- ▶ Next steps for Indigenous consultation and engagement activities (Section 5).

This Report provides a record of engagement for the reporting period of December 2016 to February 24, 2022 to capture engagement activities up until submission of the EAC Application. TCL will include consultation and engagement activities after February 24, 2022 in the second Report to be submitted 100 days from the commencement of the Application Review stage.

# Tenas Project

Wet'suwet'en House Territories in which the Project is located

## Legend

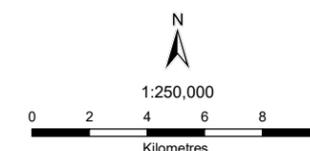
- City/Town
- +— Rail Line
- Highway
- Tenas Access Corridor
- Road
- Watercourse
- Wetland
- Waterbody
- Park or Protected Area
- First Nation Reserve
- Municipal Area
- Telkwa Coal Private Land
- Private Land
- Project Area
- Wet'suwet'en House Boundary

## Notes

1. All mapped features are approximate and should be used for discussion purposes only.
2. This map is not intended to be a "stand-alone" document, but a visual aid of the information contained within the referenced Report. It is intended to be used in conjunction with the scope of services and limitations described therein.

## Sources

- Project Area: Allegiance Coal, 2021
- Basedata: Government of British Columbia
- Basemap: World Topo Base

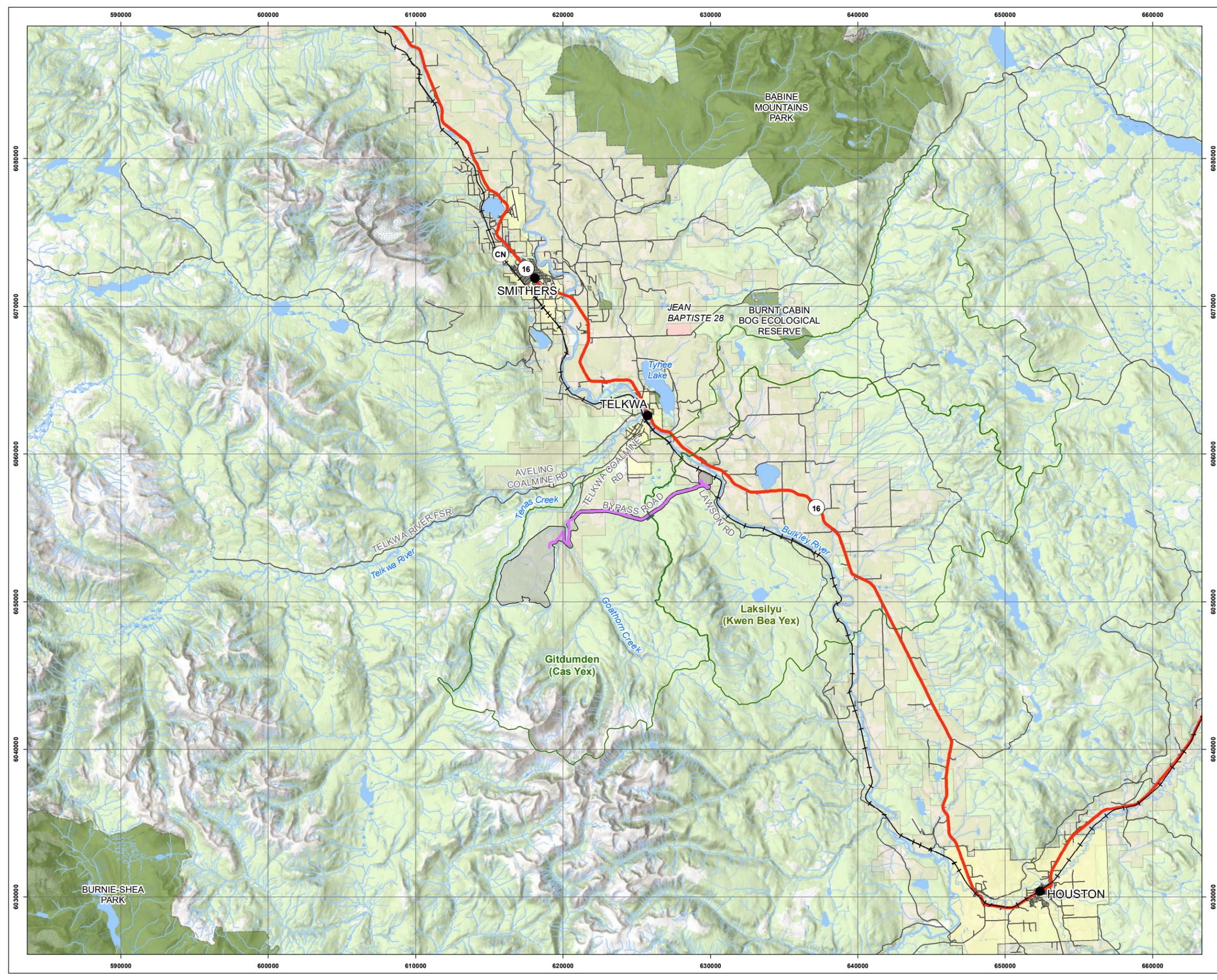


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## 2. INDIGENOUS CONSULTATION AND ENGAGEMENT PLAN

The Indigenous Consultation and Engagement Plan (the Plan) was developed as part of TCL's commitment to provide meaningful opportunities for Indigenous groups to participate in Project planning and design, and to raise concerns and issues. The Plan met the requirements of the Section 11 Order and was approved by the BC EAO in August 2021 and is available on the BC EAO's EPIC site at: <https://projects.eao.gov.bc.ca/p/5b905af23965330024d5b706/documents>.

The Plan is in line with the expectations set out in the Communication and Engagement Agreement between the OW and TCL, signed in April 2017. The Plan is also inclusive of the requirements of the Wet'suwet'en expectations for phases of engagement, as outlined in the Wet'suwet'en Work Plan delivered to TCL by the OW on July 16, 2020, and the Project Assessment Agreement (PAA) between TCL and the OW, signed in December 2021.

### 2.1 Overview

As noted above, the Section 11 Order directs TCL to conduct activities related to the Wet'suwet'en Nation through the OW Hereditary Chiefs. TCL is steadfast in its commitment to adhering to the Wet'suwet'en traditional governance structure. TCL has been and will continue to be guided by the OW in how to engage with the Hereditary Chiefs, the Clans, and Houses, and the broader Wet'suwet'en community on the Project.

In recognition that the members of the Wet'suwet'en First Nation and Witsset First Nation are part of the broader Wet'suwet'en, TCL has and will continue to engage with these Wet'suwet'en communities.

The Plan describes TCL's early Indigenous engagement efforts and planned consultation and engagement activities through the phases of the BC EAO's environmental assessment process. Consultation and engagement activities include working group meetings, and information distribution and sharing in various forms such as through meetings, written reports, workshops, and site tours. TCL has an inclusive and transparent engagement approach with the Wet'suwet'en and is committed to upholding this approach throughout the regulatory process. This approach is founded upon frequent communication and ensuring the Wet'suwet'en the opportunity to review and provide input to important documents before finalization. The general practice is to provide to the OW key documents prior to distribution to or finalization with key government agencies.

TCL's staged approach to engagement with the Wet'suwet'en, through the OW, involves sharing Project information, gathering input and feedback on an ongoing basis, and ensuring it is considered during Project planning and assessment, fostering strong, collaborative, and long-term partnerships with the Wet'suwet'en, and working to resolve issues and concerns raised by the Wet'suwet'en. The following are the stages of engagement that are based on the Project development phases and the regulatory process:

Phase	Description	Timing / Status
Early Engagement Phase	Includes activities undertaken up to the issuance of a Section 10 Order of the <i>Environmental Assessment Act</i> on November 6, 2018.	December 2016 – November 2018 <i>Complete</i>
Pre-Application Phase	Following issuance of the Section 10 Order by the BC EAO and includes engagement undertaken up to the submission of the EAC Application.	November 2018 – February 2022 <i>Complete</i>

Phase	Description	Timing / Status
Application Review Phase	Once the EAC Application is accepted for formal review, the 180-day review will be initiated which will include a comment period for the Working Group as determined by the BC EAO. The BC EAO will also establish a public comment period of at least 30-days.	Q2 2022 – Q4 2022 <i>Future stage</i>

## 2.2 Objectives

TCL is committed to creating and maintaining opportunities for constructive dialogue and relationships with the OW to develop the Project responsibly. TCL is focused on working with the OW throughout the Project life, from Project planning and development through the Post-closure Phase. The Plan was designed to achieve the following:

- ▶ Engage in early, frequent, and open communication to build strong relationship with the OW;
- ▶ Communicate information in a timely, consistent manner to the OW throughout the Project planning phase to build awareness of the Project, including potential effects and proposed mitigation measures;
- ▶ Identify and understand Project issues and concerns, as well as ensuring responsive engagement regarding the OW interests;
- ▶ Create and facilitate opportunities for the OW to provide meaningful input and feedback on the Project;
- ▶ Respond to comments received on the Project using tracking tables and other documentation methods;
- ▶ Foster strong, collaborative, and long-term partnerships the OW; and
- ▶ Gather input and feedback on the Project from the OW and ensure it is considered during Project planning and assessment.

## 3. SUMMARY OF INDIGENOUS CONSULTATION AND ENGAGEMENT

For this reporting period, TCL has undertaken activities for the Early Engagement Phase (December 2016 – November 2018) and the Pre-Application Phase (November 2018 – February 2022). TCL has achieved several key milestones with active participation of, and input from, the OW.

### 3.1 Early Engagement Phase

Initial engagement with the OW regarding the proposed Project focused on relationship building and sharing preliminary Project information and discussing Project matters. TCL has engaged with the OW Environmental Assessment Coordinator, Mineral Liaison, and Lands and Natural Resources Manager in-person, via telephone and email on various aspects of the Project.

In December of 2106, TCL initiated frequent and ongoing communication and engagement with the OW to discuss Project matters and share Project information. Access to the territory was granted through the Communication and Engagement Agreement signed in April 2017. On September 11, 2018, TCL sent the

OW the Project Description for their review, and comments were received back at the September 27, 2018, meeting.

TCL also made efforts to engage House and Clan members through regular Clan business meetings. However, this has not been able to take place due to a variety of extenuating circumstances, such as: Wet'suwet'en priority business with a pipeline project, the COVID-19 Pandemic, and the Wet'suwet'en Rights and Title process. These events are occurring simultaneously and have impeded Wet'suwet'en ability to engage more intensely with this project given the current limited capacities in Indigenous communities in BC.

**Table 3-1** below provides a summary of TCL's key engagement activities with the OW during the Early Engagement Phase from December 2016 through to November 2018 when the Section 10 Order was issued.

**Table 3-1: Summary of Early Engagement Phase Activities (December 2016-November 2018)**

Engagement Activity	Description	Status
Introductory meetings	TCL initiated contact with the OW and introduced the Project and Managing Director.	Complete
Communication and Engagement Agreement	TCL signed a Communications and Engagement Agreement as an initial, formal step in its commitment to the OW.	Complete
Information sharing	<ul style="list-style-type: none"> <li>▪ TCL shares various Project information throughout the Early Engagement Phase, including but not limited to: <ul style="list-style-type: none"> <li>○ 2017 program works;</li> <li>○ final execution plan;</li> <li>○ high level project schedule;</li> <li>○ draft Notice of Work Application;</li> <li>○ Chance Find Procedure;</li> <li>○ Emergency Response Plan;</li> <li>○ Caribou Mitigation and Management Plan;</li> <li>○ Archaeology Overview Assessment; and</li> <li>○ spatial data.</li> </ul> </li> <li>▪ For a complete list please refer to the Indigenous Consultation and Engagement Plan.</li> </ul>	Complete
Site tour	TCL and the OW had a helicopter tour of the property. TCL presented the exploration program and conceptual mine plan both during the site tour as well as at the meeting which followed.	Complete
Baseline date workshops	In November 2017 and July 2018, TCL held baseline study workshops with its environmental and socio-cultural consultants and the OW. The agendas for the workshop were developed with input from the OW.	Complete
Provide advance copy of Project Description	TCL provided a draft of the Project Description to the OW two (2) weeks prior to TCL submitting the Project Description to the BC EAO	Complete
Field participation	In 2017 and 2018, the OW arranged for three (3) OW technicians on 14 occasions to participate in the water quality, hydrology, meteorology, noise, dust, and groundwater baseline programs for the Project	Complete

**Notes:** TCL=Telkwa Coal Limited; OW=Office of the Wet'suwet'en; Project=Tenas Project

Comments, interests, and concerns raised during early engagement, as well as TCL's response are captured in **Table 3-2** below. Most concerns raised to date have been addressed or are part of an ongoing discussion with the OW.

**Table 3-2: Summary of Comment, Interest or Concerns and Responses during Early Engagement, December 2016 – November 2018**

Topic	Comment, Interest, or Concern	Source	TCL's Response / Action to Address	Status of Issue Resolution
Project introduction	OW is not opposed to development of natural resources provided water quality, fish habitat, wildlife, archaeological and cultural sites are protected.	Introductory meeting between TCL and the OW	A subsequent meeting was planned and at this meeting TCL presented environmental baseline and exploration programs in for OW comment and input.	Complete
Cultural sites and wildlife use of the area	On the helicopter tour, the OW noted sites of cultural significance, direct and indirect signs of wildlife use (specifically moose and grizzly in the vicinity of the Tenas and Goathorn deposits), areas of wild onion harvest and mineral licks and game trails near the Telkwa North deposit.	Comments during site tour	TCL will continue to work with the OW to obtain a detailed understanding of the Wet'suwet'en use of the Project area. A cultural use baseline study has been drafted.	Ongoing: TCL to continue to engage with the OW during the EAC Application review.
Environmental baseline and exploration programs	The OW reviewed and provided input to the proposed list of largely local consultants. The OW reviewed the freshet surface water quality program and requested additional testing parameters.	Meeting	TCL agreed to the OW requests.	Completed
Baseline studies	The OW encouraged the use and sharing of historical data reports and committed to facilitating information exchange with third-parties holding relevant documents. The OW noted the limitations of reports older than 1990s being in largely paper form only.	Baseline study workshops	TCL developing a process to sort, store, and digitize index information related to the documentation that was moved to storage in Telkwa. TCL has shared copies of the requested historical data reports with the OW.	Completed
Project Description	Timing of upcoming Project Description release.	Meeting	TCL agreed provide a draft to the OW two weeks prior to submitting the Project description to the BC EAO. OW's comments on the Project Description were incorporated into the final version of the Project Description.	Completed

Topic	Comment, Interest, or Concern	Source	TCL's Response / Action to Address	Status of Issue Resolution
Baseline water quality	OW requested a more detailed map of the mine site, additional upstream water quality sampling sites on Goathorn Creek tributaries, and additional information regarding fish toxicity testing.	Meeting	TCL agreed to the OW requests and provided maps and a technical memo regarding fish toxicity testing. Additional water quality sites requested by the OW were added to the program.	Completed

**Notes:** TCL=Telkwa Coal Limited; OW=Office of the Wet'suwet'en; Project=Tenas Project

TCL also engaged with the Wet'suwet'en First Nation during the early engagement phase. This included information sharing of the Notice of Work Application in January 2018 and correspondence regarding scheduling an introductory meeting.

### 3.2 Pre-Application Phase

The purpose of TCL's consultation and engagement with the OW during the Pre-Application Phase was to share Project information and identify the potential concerns of the OW in BC EAO Working Group meetings, in-person or virtual meetings, or information sharing via email, phone, or letters. Additional opportunities for engagement and information sharing were through baseline study workshops.

**Table 3-2** summarizes the key engagement activities for the Pre-Application Phase, as proposed in the Indigenous Consultation and Engagement Plan, and their corresponding completion status.

**Table 3-3: Summary of Engagement Activities with the Office of the Wet'suwet'en (OW) during the Pre-Application Engagement Phase**

Engagement Activity	Description	Status
Information sharing	TCL developed and maintained communications tools and materials to share project related information that the OW, and other Indigenous groups, can access publicly, including: <ul style="list-style-type: none"> <li>▪ Project website</li> <li>▪ Information handouts, posters, etc.</li> <li>▪ Project newsletters</li> </ul>	Complete
BC EAO Working Group meetings	TCL attended Working Group meetings as directed by the regulatory authorities, as set out in the Section 11 Order.	Complete
Participation in baseline field studies	TCL worked with the OW to identify opportunities for Indigenous participation in field studies.	Complete
Baseline study workshop	TCL held workshops to provide an opportunity for the OW to ask questions to clarify information presented on the mine plan and the environmental programs.	Complete
Review Valued Components (VC) scoping document	TCL sought input from the OW on the scoping of VCs.	Complete
Review of draft AIR	TCL sought input from the OW on the draft AIR. TCL provided written responses to comments received from the OW within the timeframe specified by the BC EAO. TCL incorporated input and comments received from the OW into the draft AIR.	Complete

Engagement Activity	Description	Status
Indigenous Engagement Plan Review	TCL provided drafts of the Indigenous Consultation and Engagement Plan to the OW for review and discussion, and incorporated feedback into the final Plan.	Complete
Sharing historical project information	TCL shared historical project information with the OW.	Complete
Sharing of Project documents/reports	TCL shared copies of draft documents for OW review and comment prior to submission to the BC EAO.	Complete
Ongoing engagement meetings	TCL continued to participate in meetings with the OW.	Complete

**Notes:** AIR=Application Information Requirements; BC EAO=British Columbia Environmental Assessment Office; TCL=Telkwa Coal Limited; OW=Office of the Wet'suwet'en; Project=Tenas Project; VC=Value Component

A detailed chronology of TCL's key engagement activities with the OW during the Pre-Application Phase are provided in **Table 3-3** below. While engagement activities have occurred regarding capacity funding, these activities have not been captured in the table below due to this discussion being brought up several times as part of other engagement activities.

**Table 3-4: Chronology of Key Engagement Activities with the Office of the Wet'suwet'en (OW) during the Pre-Application Phase**

Date	Method of Engagement	Description
November 14, 26, and 28, 2018	Information sharing (email)	<ul style="list-style-type: none"> <li>▪ TCL shared draft field schedule;</li> <li>▪ TCL shared revised draft field schedule; and</li> <li>▪ OW shared coordinates of an OW employee's cabin.</li> </ul>
November 18, 2018	Working Group meeting	<ul style="list-style-type: none"> <li>▪ EA process and concurrent permitting; and</li> <li>▪ Project overview, baseline studies and candidate VC's and Intermediate Components .</li> </ul>
December 7, 10, 20, 27, 2018	Information sharing (email)	<ul style="list-style-type: none"> <li>▪ TCL shared draft May 2018 baseline report and appendices, list of appendices, list of trip reports and the April - November 2018 trip reports;</li> <li>▪ TCL shared revised draft field schedule; and</li> <li>▪ TCL shared draft VC document.</li> </ul>
January 7, 2019	Information sharing (email)	<ul style="list-style-type: none"> <li>▪ TCL shared revised draft field schedule.</li> </ul>
January 14, 2019	Working Group meeting	<ul style="list-style-type: none"> <li>▪ Review of EA process and concurrent permitting; and</li> <li>▪ Project overview, baseline studies and candidate VC's and Intermediate Components.</li> </ul>
January 30, 2019	Working Group meeting	<ul style="list-style-type: none"> <li>▪ Project geology, geochemistry, hydrogeology, hydrology, surface water, fisheries, and aquatics;</li> <li>▪ Management Plans (water management, metal leaching and acid rock drainage management plan and mine materials management plan); and</li> <li>▪ Fish and fish habitat baseline.</li> </ul>
January 31, 2019	Working Group meeting	<ul style="list-style-type: none"> <li>▪ EA and mine permitting processes; and</li> <li>▪ Overview of VC's (groundwater, surface water, aquatic, terrain and soil, wildlife, atmospheric, culture, socio-economic, human health).</li> </ul>

Date	Method of Engagement	Description
February 20, 2019	Information sharing (email)	<ul style="list-style-type: none"> <li>▪ TCL shared a high-level file directory containing historical Project data.</li> </ul>
March 21, 2019	Working Group meeting	<ul style="list-style-type: none"> <li>▪ Overview of caribou baseline;</li> <li>▪ Caribou study areas for the EA (local population unit, critical habitat area); and</li> <li>▪ Partnership Agreement between West Moberly and Saulteau First Nations and BC Government.</li> </ul>
May 1, 2019	Information sharing (in-person)	<ul style="list-style-type: none"> <li>▪ TCL shares Project brochure.</li> </ul>
July 11, 2019	Site visit for Working Group	<ul style="list-style-type: none"> <li>▪ Site tour providing a high-level overview of key project components. OW representatives were not able to attend but facilitated the participation of a Wet'suwet'en community member to attend.</li> </ul>
August 27, 2019	Letter	<ul style="list-style-type: none"> <li>▪ Letter to the OW in response to the July 2019 letter from the Cas'Yex house membership, and <i>Dini'ze</i> and <i>Ts'ah'e'ze</i>, requesting TCL to put the BC EAO review of the Tenas Project on hold until the Wet'suwet'en and the Province of British Columbia concluded their Title discussions. TCL agreed to pause the EA process until April 2020.</li> </ul>
September 4, 6, and 10, 2019	Information sharing (email)	<ul style="list-style-type: none"> <li>▪ TCL shared a high-level file directory containing historical Project data.</li> <li>▪ TCL shared the Tenas Public Consultation Plan.</li> <li>▪ TCL shared TEM data and shapefiles, ecosystem area summary and a soils management use summary</li> </ul>
November 6 and 7, 2019	Informal meetings	<ul style="list-style-type: none"> <li>▪ Wet'suwet'en community members identified themselves during the Open House/Public Meeting and had informal conversations with TCL and technical consultant team.</li> </ul>
May 6, 2020	Working Group meeting	<ul style="list-style-type: none"> <li>▪ The Restart Working Group meeting occurred following the requested EA pause by the OW. The meeting EA process, timelines, and the draft AIR were discussed, and Working Group questions were answered.</li> <li>▪ The OW discussed the following topics during the meeting: <ul style="list-style-type: none"> <li>○ Acknowledgement of TCL's EA pause</li> <li>○ Lack of long-term capacity and Title agreements</li> <li>○ 2019 Murdered and Missing Indigenous Women and Girls report recommendations</li> <li>○ CN Rail participation in the Working Group, and the rail considerations.</li> </ul> </li> </ul>
May 27, 2020	Working Group meeting	<ul style="list-style-type: none"> <li>▪ Working Group meeting focused on review of the draft AIR and answering Working Group questions. The OW discussed the following topics during the meeting: <ul style="list-style-type: none"> <li>○ Fish and Fish Habitat and Aquatic Resources</li> <li>○ Moose hunting data</li> <li>○ Caribou wildlife habitat area and other protections</li> <li>○ Rail</li> </ul> </li> </ul>
July 14, 2020	Information sharing (email)	<ul style="list-style-type: none"> <li>▪ Ahead of the site tour, TCL shared two (2) Project videos shown at previous Open Houses for context.</li> </ul>

Date	Method of Engagement	Description
July 16, 2020	Site tour	<ul style="list-style-type: none"> <li>▪ TCL facilitated a site tour with Wet'suwet'en community members at the request of a Wet'suwet'en community member. Laksilyu and Gitdumden Clan members participated. Key topics discussed:               <ul style="list-style-type: none"> <li>○ The Wet'suwet'en experiences with other proponents.</li> <li>○ Concerns about water quality and quantity, caribou, invasive vegetation species and dust.</li> <li>○ Potential flooding around the Rail Infrastructure area.</li> <li>○ Interest is receiving more technical information about the Project.</li> </ul> </li> </ul>
September 23, 2020	Information sharing (email)	<ul style="list-style-type: none"> <li>▪ TCL shared a copy of the Public Consultation Report that was sent to the BC EAO.</li> </ul>
October 20, 2020	Telephone	<ul style="list-style-type: none"> <li>▪ TCL Chief Executive Officer introduces himself and the Project to Chief Woos (Head Chief of Cas'Yex). Agree to arrange a virtual meeting to start a direct dialogue.</li> </ul>
January 5, 2021	Information sharing (email)	<ul style="list-style-type: none"> <li>▪ TCL shared information and spatial data related to proposed geotechnical program that is scheduled for late January 2021, including updated version (2019) of Wildlife Management Plan and 2019 version of the Chance Find Procedure.</li> </ul>
February 26, 2021	Information sharing (email)	<ul style="list-style-type: none"> <li>▪ TCL shared the draft Indigenous Consultation and Engagement Plan for the OW's review.</li> </ul>
March 3, 2021	Site tour	<ul style="list-style-type: none"> <li>▪ OW representatives participated in a three-(3) hour site tour at TCL's 2021 exploration site. TCL and the OW representatives visited the bridge site, water pump system, drill site and a reclaimed drill site. TCL made a few adjustments onsite based on OW inspection of the exploration site. OW representatives inquired about the possibility of a moose habitat survey and mentioned a wildlife survey for predators. The OW indicated that they would prefer TCL to not pursue concurrent permitting.</li> </ul>
March 8, 2021	Meeting (telephone)	<ul style="list-style-type: none"> <li>▪ TCL and OW representative discuss TCL's EA Application and OW comments on the draft AIR.</li> </ul>
March 18, 2021	Meeting (telephone)	<ul style="list-style-type: none"> <li>▪ TCL and OW representative discuss status of the Project Assessment Agreement, Gitdumden and Laksilyu Clan engagement to date, What Matters in Our Valley and the OW's review of the draft AIR.</li> </ul>
March 18, 2021	Meeting (telephone)	<ul style="list-style-type: none"> <li>▪ TCL and OW representative review Part C of the draft AIR and discuss other EA related items.</li> </ul>
April 22, 2021	Meeting (virtual)	<ul style="list-style-type: none"> <li>▪ Regularly scheduled meeting between TCL and OW representative.</li> </ul>
June 11, 2021	Information sharing (email)	<ul style="list-style-type: none"> <li>▪ TCL shared information about 2021 exploration program.</li> </ul>
June 17, 2021	Information sharing (email)	<ul style="list-style-type: none"> <li>▪ TCL shared requested baseline data, and historical data.</li> </ul>
July 6, 2021	Information sharing (email)	<ul style="list-style-type: none"> <li>▪ TCL shared requested historical data and files with the OW.</li> </ul>
July 15, 2021	Meeting (virtual)	<ul style="list-style-type: none"> <li>▪ Regularly scheduled meeting between TCL and OW representative.</li> </ul>
July 30, 2021	Information sharing (in person)	<ul style="list-style-type: none"> <li>▪ TCL shared requested historical data and files with the OW.</li> </ul>

Date	Method of Engagement	Description
August 4, 2021	Meeting (virtual)	<ul style="list-style-type: none"> <li>Regularly scheduled meeting between TCL and OW representative.</li> </ul>
August 23, 2021	Information sharing (in person)	<ul style="list-style-type: none"> <li>TCL shared requested historical data and files with the OW.</li> </ul>
August 30, 2021	Information sharing (email)	<ul style="list-style-type: none"> <li>TCL shared the revised draft Indigenous Consultation and Engagement Plan for the OW's review.</li> </ul>
October 10, 2021	Information sharing (email)	<ul style="list-style-type: none"> <li>TCL shared the most recent draft AIR, including recent edits to Part C, for OW's review.</li> </ul>
October 12, 2021	Information sharing (email)	<ul style="list-style-type: none"> <li>TCL received comments from the OW on the Indigenous Consultation and Engagement Plan. TCL answered OW's comments via email and no additional changes were required to the Indigenous Consultation and Engagement Plan.</li> </ul>
October 18, 2021	Information sharing (email)	<ul style="list-style-type: none"> <li>TCL shared requested historical data and files with the OW.</li> </ul>
October 20, 2021	Meeting (virtual)	<ul style="list-style-type: none"> <li>Regularly scheduled meeting between TCL and OW representative.</li> <li>TCL provided requested information regarding 2022 exploration program, and locations of monitoring stations after meeting.</li> </ul>
October 27, 2021	Information sharing (in person)	<ul style="list-style-type: none"> <li>TCL shared requested historical data and files with the OW.</li> </ul>
November 30, 2021	Information sharing (email)	<ul style="list-style-type: none"> <li>TCL shared draft Heritage Chance Find Procedure for the OW's review.</li> </ul>
January 11, 2022	Meeting (virtual)	<ul style="list-style-type: none"> <li>TCL introductory meeting for the Wet'suwet'en Clan Runners. TCL provided information on the Project, including project components, and baseline studies.</li> </ul>
January 11, 2022	Letter	<ul style="list-style-type: none"> <li>TCL provided a letter to the OW confirming that TCL is not pursuing concurrent permitting.</li> </ul>
January 17, 2022	Letter	<ul style="list-style-type: none"> <li>Letter from TCL responding questions asked by the House Groups regarding the Part C - Wet'suwet'en Rights and Interests section within the draft Application Information Requirements.</li> </ul>
January 25, 2022	Information sharing (email)	<ul style="list-style-type: none"> <li>TCL shared a draft of the Table of Concordance (TOC) that will accompany the EAC Application.</li> </ul>
February 1, 2022	Email	<ul style="list-style-type: none"> <li>At the request of the OW, TCL provided in writing, the reasons for choosing to remain under the 2002 <i>Environmental Assessment Act</i>.</li> </ul>
February 8, 2022	Information sharing (email)	<ul style="list-style-type: none"> <li>TCL shared draft Part C - Wet'suwet'en Rights and Interests of the EAC Application for OW's review.</li> <li>TCL shared Project shapefiles.</li> </ul>
February 8, 2022	Meeting (virtual)	<ul style="list-style-type: none"> <li>Regularly scheduled meeting between TCL and OW representative.</li> </ul>

**Notes:** AIR=Application Information Requirements; BC EAO=British Columbia Environmental Assessment Office; EA=environmental assessment; TCL=Telkwa Coal Limited; OW=Office of the Wet'suwet'en; Project=Tenas Project; TEM=Terrestrial Ecosystem Mapping; VC=Valued Component

As a member of the Tenas Working Group, OW comments, including concerns and issues, related to Valued Components (VCs) and the draft AIR can be found on the BC EAO's EPIC website in:

- ▶ the [VC Working Group Comment Tracker](#); and

- ▶ the [AIR Working Group's Issues Tracking Table](#).

Working Group meeting minutes are also available on the BC EAO's EPIC [website](#).

TCL will continue to work with the OW to work through the comments, address concerns and have continued dialogue on all aspects of the Project.

TCL has also engaged with the Witset First Nation and the Wet'suwet'en First Nation during the Pre-Application Phase. **Table 3-5** and **Table 3-6** below summarize TCL's key engagement activities with Witset First Nation and Wet'suwet'en First Nation, respectively. While engagement activities have occurred regarding capacity funding/impact benefit agreements, these activities have not been captured in the table below.

**Table 3-5: Chronology of Key Engagement Activities with the Witset First Nation during the Pre-Application Phase**

Date	Method of Engagement	Description of Discussion/ Outcome
June 17, 2020	Information sharing (email)	TCL shared a Project overview and website information.
July 16, 2020	Information sharing (email)	TCL shared proposed Engagement Plan and draft Socio-economic Baseline Report table of contents.
August 23, 2020	Telephone	TCL reached out to discuss TC's socio-economic interviews and wider community engagement in Witset.
September 17, 2020	Meeting (in person)	TCL met with Witset Executive Director at the Band Office discusses need for wider community engagement.
December 9, 2020	Meeting (virtual)	TCL virtually attended a Witset Council meeting to provide an introduction to the company and TC's engagement with the community to date.
November 3, 2021	Information sharing (email)	TCL shared the Indigenous Consultation and Engagement Plan with Witset Referrals Coordinator.
November 15, 2021	Information sharing (email)	TCL shared information about upcoming information session for the community of Witset with Referral Coordinator, and link to BC EAO's website for publicly available Project-related documents.
November 16, 2021	Meeting (virtual)	TCL held a virtual information session for the community of Witset. TCL provided information on the Project, including project components, and baseline studies.

**Table 3-6: Chronology of Key Engagement Activities with the Wet'suwet'en First Nation during the Pre-Application Phase**

Date	Method of Engagement	Description of Discussion/ Outcome
October 24, 2019	Information sharing (email)	TCL shared the 2019 Exploration Annual Report
December 12, 2019	Information sharing (email)	TCL shared that the 2020 exploration is postponed until 2021.

Date	Method of Engagement	Description of Discussion/ Outcome
September 1, 2020	Information sharing (email)	TCL shared that no exploration will be conducted on the TCL property in 2021, and that TCL will provide future updates on the status of exploration programs for 2022.
October 28, 2020	Meeting (presentation)	TCL introductory presentation that provides information on the Project, including project components, valued components, and schedule.
January 5, 2021	Information sharing (email)	TCL shared information about the winter 2021 exploration program.
November 8, 2021	Information sharing (email)	TCL shared that no exploration work is planned for 2022.
December 14, 2021	Email	TCL invites Wet'suwet'en First Nation for dinner followed by a helicopter site tour the following day in mid-January 2022. The dinner and site tour were postponed until June 2022 due to COVID-19.

**Note:** TCL=Telkwa Coal Limited

### 3.2.1 Application Review Phase

The purpose of the Application Review Phase is to provide the OW, and other Indigenous groups, with the opportunity to review and comment on the draft Application for an EAC, as well as to work with the OW, and other Indigenous groups, to seek to resolve any outstanding issues and concerns in respect to Indigenous interests related to the Project. As with the other engagement phases, TCL will identify, compile, track, and, where possible, address issues raised by the OW, and other Indigenous Groups during engagement activities.

An overview of the planned Application Review Phase engagement activities to be undertaken is provided in **Table 3-7** below. TCL anticipates these activities will be further defined through ongoing engagement with the OW, and other Indigenous groups, and will consider other means of engagement brought forward by the OW, if applicable. In addition, TCL will undertake further engagement with Indigenous groups as directed by the BC EAO.

**Table 3-7: Planned Application Review Phase Engagement Activities**

Activity	Description	Anticipated Timing
Provide copies of the draft Application	TCL will provide copies of the draft Application for an EAC directly to the OW as mandated by the BC EAO for review and comment.	Q1 2022
Notification of public comment period	Within the time limits set by the BC EAO, notify the OW, as mandated by the BC EAO about the public comment period.	Q2 2022
Ongoing engagement meetings	TCL will participate in meetings with the OW to discuss potential effects of the proposed Project on Indigenous interests and proposals to avoid, mitigate, or otherwise address the effects as appropriate.	As agreed with the OW
Open houses	TCL will participate in public open house(s) led by the BC EAO as part of the EA review process. TCL will provide information and seek feedback on the Application.	At the direction of the BC EAO

Activity	Description	Anticipated Timing
BC EAO Working Group meetings	TCL will attend Working Group meetings organized by the BC EAO to provide information related to the Application and respond to questions on the Application.	At the direction of the BC EAO
Review and consider OW comments	<ul style="list-style-type: none"> <li>▪ As needed, TCL will revise and finalize the Application based on input from the OW, and other Indigenous Groups.</li> <li>▪ TCL will provide written responses to comments received from the OW, and other Indigenous groups, on the Application within the timeframe specified by the BC EAO.</li> </ul>	2022
Indigenous Consultation and Engagement Report review	<ul style="list-style-type: none"> <li>▪ TCL will prepare the Indigenous Consultation and Engagement Report summarizing engagement to date with the OW including feedback and information received from the Wet'suwet'en; and discuss next steps/future engagement activities if different from those outlined in the Plan.</li> <li>▪ TCL will provide a draft of the Indigenous Consultation and Engagement Report to the OW, as mandated by the BC EAO for review and discussion, and incorporate feedback received from into the final Indigenous Consultation and Engagement Report.</li> </ul>	Within time limits set by the BC EAO in the Section 11 Order
Information sharing	<p>TCL will develop and maintain communications tools and materials to share project related information that the OW, can access publicly, including:</p> <ul style="list-style-type: none"> <li>▪ Project website</li> <li>▪ Information handouts, posters, etc.</li> <li>▪ Project newsletters</li> </ul>	Ongoing

**Notes:** BC EAO=British Columbia Environmental Assessment Office; TCL=Telkwa Coal Limited; OW=Office of the Wet'suwet'en; Project=Tenas Project

## 4. SUMMARY OF POTENTIAL ADVERSE EFFECTS ON WET'SUWET'EN INTERESTS

Pursuant to Section 13.3 of the Section 11 Order, the Report is required to:

*13.3.3 identify the potential adverse impacts of the proposed Project on Aboriginal Interests; and*

*13.3.4 identify how the potential adverse impacts of the proposed Project on Aboriginal Interests will be avoided, mitigated, addressed or otherwise accommodated, as appropriate."*

**Table 4-1** provides a list of the Wet'suwet'en interests and potential effects that were presented in Part C of the EAC Application. While TCL is engaged directly with Wet'suwet'en through the terms of the Communication and Engagement Agreement and the PAA, the Wet'suwet'en interests and potential effects presented in Part C of the EAC Application were prepared from existing publicly available desk-based references, and at the time of EAC Application submission, did not yet include direct input from Wet'suwet'en.

The EAC Application will be reviewed by the OW through the Application Review Phase, and TCL will continue to engage with the OW, and other Indigenous groups, throughout the EA process and, if needed, work to develop mutually acceptable mitigation measures that will avoid or reduce residual Project effects on the Wet'suwet'en Interests and Rights. TCL will record comments and track how feedback and concerns provided are addressed. It is anticipated that further engagement will be reported in Indigenous Consultation and Engagement Report to be submitted 100 days after the EAC Application is filed.

**Table 4-1: Summary of Potential Effects on Wet'suwet'en Rights and Interests and Mitigation Measures**

Components Representing Wet'suwet'en Rights and Interests	Potential Effect on Wet'suwet'en Interests and Rights	Proposed Mitigation Measures/Opportunities for Alignment of Interests
Wet'suwet'en system of governance, <i>Anuk Nu'at'en</i> , and Aboriginal right of title	Change in ability to fulfill fiduciary obligations to the <i>Yintah</i> and to future generations of Wet'suwet'en	<ul style="list-style-type: none"> <li>▪ Collaborative Governance</li> <li>▪ Intergenerational Trust Fund</li> <li>▪ Equity Ownership</li> <li>▪ Application of Environmental, Social and Governance (ESG) framework</li> <li>▪ Wet'suwet'en involvement in Tenas Project (Project) mitigation design and implementation</li> <li>▪ Wet'suwet'en involvement in Project monitoring design and implement</li> <li>▪ Wet'suwet'en involvement in Project Access Committee.</li> </ul>
	Change in integrity of Section 35, Aboriginal right of title	
Current Land Use and Resource Harvesting	Change in abundance or quality of wildlife, fish, and plant/vegetation resources	<ul style="list-style-type: none"> <li>▪ Collaborative Governance</li> <li>▪ Intergenerational Trust Fund</li> <li>▪ Equity Ownership</li> <li>▪ Application of ESG framework</li> <li>▪ Wet'suwet'en involvement in Project mitigation design and implementation</li> <li>▪ Wet'suwet'en involvement in Project monitoring design and implementation</li> </ul>
	Change in the utility of lands and waters for Wet'suwet'en land use and resource harvesting	

Components Representing Wet'suwet'en Rights and Interests	Potential Effect on Wet'suwet'en Interests and Rights	Proposed Mitigation Measures/Opportunities for Alignment of Interests
	Change in Wet'suwet'en access to territory for land use and resource harvesting	<ul style="list-style-type: none"> <li>▪ Wet'suwet'en involvement in Project Access Committee</li> </ul>
Cultural Heritage – Intangible and Physical aspects	Change in sense of place and connection to land	<ul style="list-style-type: none"> <li>▪ Collaborative Governance</li> <li>▪ Intergenerational Trust Fund</li> <li>▪ Equity Ownership</li> <li>▪ Application of ESG framework</li> <li>▪ Wet'suwet'en involvement in Project mitigation design and implementation</li> <li>▪ Wet'suwet'en involvement in Project monitoring design and implementation</li> <li>▪ Wet'suwet'en involvement in Project Access Committee</li> </ul>
	Change in Wet'suwet'en knowledge and cultural transmission	
	Change to physical cultural heritage features	
Community Well-being	Change in food and economic security	<ul style="list-style-type: none"> <li>▪ Collaborative Governance</li> <li>▪ Intergenerational Trust Fund</li> <li>▪ Equity Ownership</li> <li>▪ Application of ESG framework</li> <li>▪ Wet'suwet'en involvement in Project mitigation design and implementation</li> <li>▪ Wet'suwet'en involvement in Project monitoring design and implementation</li> <li>▪ Wet'suwet'en involvement in Project Access Committee</li> </ul>
	Change in community cohesion	
	Change in physical security, mental and emotional health	
Wet'suwet'en Health	Change in quality of air, water, and traditional foods	<ul style="list-style-type: none"> <li>▪ Collaborative Governance</li> <li>▪ Intergenerational Trust Fund</li> <li>▪ Equity Ownership</li> <li>▪ Application of ESG framework</li> <li>▪ Wet'suwet'en involvement in Project mitigation design and implementation</li> <li>▪ Wet'suwet'en involvement in Project monitoring design and implementation</li> <li>▪ Wet'suwet'en involvement in Project Access Committee</li> </ul>

## 5. NEXT STEPS

TCL will continue to engage with the Wet'suwet'en, in accordance with the approved Plan. TCL appreciates the input received from the OW to date and looks forward to continuing to work with the OW, Witset First Nation and the Wet'suwet'en First Nation throughout the EA process and developing long-term positive relationships.

As an immediate next step, TCL will seek feedback from the OW on this Report and incorporate any feedback and information received from the OW's review.

## 6. REFERENCES

Government of British Columbia (GovBC). 2002. *Environmental Assessment Act*, SBC 2002, c. 43.  
Available at: <https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/18051>. Accessed November 2021.