



File: 30200-20/TENCO-05-06

Reference: 389351

April 27, 2022

SENT VIA EMAIL

Dan Farmer
Chief Operating Officer
Telkwa Coal Limited
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Dear Dan Farmer:

I'm writing today regarding the Environmental Assessment (EA) for the Tenas Project. On February 24, 2022, the Environmental Assessment Office (EAO) received an Application for an Environmental Assessment Certificate (Application) for the proposed Tenas Project from Telkwa Coal Limited (TCL). The Tenas Project is subject to an EA under the provincial *Environmental Assessment Act* (2002).

Application Evaluation Decision

In accordance with the procedures specified in the Section 11 Order (Order) issued on June, 25, 2019, the EAO evaluated the Application to determine whether it contains the information described in the Tenas Project Application Information Requirements (AIR) issued on November 15, 2021. As part of this evaluation, the EAO considered advice from Working Group members, including Office of the Wet'suwet'en on behalf of Wet'suwet'en Nation. As you know, the EAO added 26 days to the 30-day Application Evaluation (Screening) period to allow for additional time for the EAO to engage with Office of the Wet'suwet'en.

I have concluded that the Application adequately reflects the requirements in the AIR and have decided to accept the Application for detailed review. In making this decision, I have reviewed TCL's responses to the screening-level comments provided by the EAO and noted the changes that TCL has made and has committed to making to the Application to reflect those comments.

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I should note that Screening is a scan of the Application for the purposes of determining whether the requirements set out in the AIR have been met, and this evaluation does not constitute an in-depth review to determine whether issues have been resolved to the satisfaction of the EAO. Such determinations are made during the detailed Application Review phase of the EA.

Updating the Application and Commencement of Application Review

TCL is responsible for supplying the EAO with copies of the updated Application (in the required formats previously discussed) which integrate the agreed-to revisions described above. I will advise TCL in writing of the start date of the formal 180-day Application Review Stage (Application Review) once the Application has been submitted. The EAO understands TCL is currently intending to submit the Application on or around May 9, 2022.

Please review those sections of the Order that pertain to the Application Review Stage, including Sections 7, 10, 12, 13, 15, 16, 17 and 18. Please carefully review the Indigenous and public engagement and consultation activities that TCL has committed to undertake during the Application Review Stage.

As per the Order, during the Application Review phase TCL will be required to respond to issues identified in comments submitted to the EAO from government agencies, Indigenous nations and the public. If requested by me, as the Project Lead, TCL may be required to supplement the information provided in the Application, as outlined in Section 18 of the Order.

EAO's Evaluation of Indigenous Consultation Activities

As set out in the Order, I have assessed TCL's past and proposed consultation and engagement activities with Indigenous nations as described in the Application and TCL's Indigenous Consultation Plan. I have concluded that TCL has, or is in progress to meet, the consultation requirements of the Order including the Indigenous Consultation Plan. The EAO is also generally satisfied with the Indigenous consultation and engagement measures proposed by TCL's for the Application Review phase, provided that implementation of these measures continues to be consistent with the Order.

The EAO may instruct TCL to undertake further measures to ensure adequate engagement and consultation takes place, consistent with the Order. The EAO will notify TCL of any concerns identified by Wet'suwet'en Nation about TCL's consultation and engagement approach. The EAO will also continue to consult and engage with Wet'suwet'en Nation during Application Review.

The EAO's Evaluation of Public Consultation Activities

As set out in the Order, I have assessed TCL's past and proposed public consultation activities identified in the Application in accordance with the Tenas Public Consultation Plan.

I have concluded that TCL has met the public consultation requirements of the Order. I am satisfied with the measures proposed by TCL for Application Review; however, the EAO may instruct TCL to undertake further measures to ensure adequate engagement and consultation takes place, consistent with the Order and any revisions/updates required to the Public Consultation Plan.

Public Notice

Please review the public consultation and notification requirements specified in Part I of the Order. The EAO will require a public comment period of at least 30-days and virtual and/or in-person open house(s) on the Application. TCL must obtain approval from the EAO for: the publication schedule for the public comment period and virtual open house advertisements; the means or methods of these advertisements; the date and time of the open houses; and the venues in which the Application will be made available for review by the public.

Upon completion of the Application Review public comment period, the EAO will require TCL to respond to comments received from the public. Where requested by the EAO, TCL may be required to supplement the information provided in the Application. Before or at the close of the public comment period the EAO will advise TCL on the deadline for submitting its Public Consultation Report, which must include a comment and response tracking table. Please note that the EAO will also be holding a public comment period on the EAO's draft referral package prior to a referral to Ministers for a decision on whether to issue an Environmental Assessment Certificate.

If you have any comments or questions, please do not hesitate to contact me at Heather.Noble@gov.bc.ca or at 778 698-9334.

Yours truly,



Heather Noble
Acting Executive Project Director

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