



Tenas Project

Indigenous Consultation and Engagement Report #2

August 2022

VERSION 1.0

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

Tenas Project

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ABBREVIATIONS AND ACRONYMS

Abbreviation or Acronym	Long Form of Abbreviation or Acronym
Application Review	formal 180-day Application Review Stage
BC	British Columbia
EAO	Environmental Assessment Office
CNR	Canadian National Railway
EA	environmental assessment
EAA	Environmental Assessment Act, SBC 2002, c 43 (Government of British Columbia [GovBC] 2002)
EAC	Environmental Assessment Certificate
EAO	Environmental Assessment Office
km	kilometres
km ²	square kilometres
LOM	life-of-mine
OW	Office of the Wet'suwet'en
PAA	Project Assessment Agreement
Plan	Indigenous Consultation and Engagement Plan
Project	Tenas Project
Report	Indigenous Consultation and Engagement Report
TCL	Telkwa Coal Limited
WFN	Wet'suwet'en First Nation

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 (LOM) is approximately 26.5 years, including the Construction, Operation, and Decommissioning and Reclamation phases.

The Project is located approximately twenty-five (25) kilometres (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 (km²) 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 Cas'Yex and Kwen Bea Yex House Group territories (**Figure 1**).

1.2 Provincial Environmental Assessment

The Project is subject to an Environmental Assessment (EA) under the BC *Environmental Assessment Act*, SBC 2002, c 43 (Government of British Columbia [GovBC] 2002) (*EAA*). 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 Nations¹ 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. In April 2022, the BC EAO issued an Order under Section 13 of the *EAA*, regarding the proposed Project. The Section 13 Order amends the Section 11 Order, to add Witset First Nation to Schedule C of the Section 11 Order and the BC EAO will now notify Witset First Nation of key milestones in the Project Environmental Assessment.

On February 24, 2022, TCL submitted the Environmental Assessment Certificate (EAC) Application for screening, and on April 27, 2022, the BC EAO accepted a revised version of the EAC Application that included edits made by TCL in response to screening comments. The formal 180-day Application Review Stage (Application Review) started on May 11, 2022.

1.3 Purpose of the Indigenous Consultation and Engagement Report

TCL wishes to work with the Wet'suwet'en, to seek their free, prior, and informed consent for the Project in a manner consistent with the spirit and intent of United Nations Declaration on the Rights of Indigenous Peoples and within the context of the Canadian Constitution, existing laws and jurisprudence on Indigenous protected rights and interests.

This Indigenous Consultation and Engagement Report (Report) has been prepared pursuant to the Indigenous Consultation and Engagement Plan (Plan) (see Section 2). It includes engagement activities through screening and the first portion of Application Review. This Report is intended to fulfill the Section 11

¹ 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.

Order requirement for TCL to submit an Indigenous Consultation and Engagement Report 100 days from the commencement of Application Review. Because the first Indigenous Consultation and Engagement Report (dated April 2022) covered a reporting period of December 2016 to February 24, 2022 (submission of EAC Application for screening), this Report covers the period of February 25, 2022, to August 4, 2022.

The Report does not present engagement made between day 85 of the Application Review (i.e., August 4, 2022) and issuance of this report.

Information presented in this Report is in addition to TCL's pre-Application Indigenous Consultation and Engagement Report #1 (dated April 2022) and does not replicate information presented in that report https://projects.eao.gov.bc.ca/api/public/document/626862dd3d4df50022968e0b/download/Tenas%20-%20Indigenous%20Consultation%20and%20Engagement%20Rpt_AppEval.pdf. In accordance with TCL's approach to Indigenous consultation and engagement, this report was shared with the OW in advance of formal submission to the BC EAO. Where received, feedback from the OW has been incorporated into this report.

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, and the Section 13 Order, including input received, and how TCL has addressed the input (Section 3); and
- ▶ Next steps for Indigenous consultation and engagement activities (Section 4).

Tenas Project

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

Legend

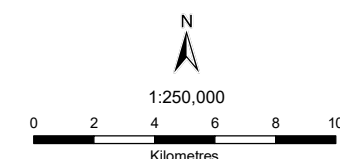
- City/Town
- +— Rail Line
- Highway
- Tenas Access Corridor
- Road
- Watercourse
- Wetland
- Waterbody
- Park or Protected Area
- First Nation Reserve
- Municipal Area
- Telkwa Coal Private Land
- Private Land
- Project Area
- Wet'suwet'en House Boundary

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



NAD 1983 UTM Zone 9N
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0403488-0334 Production Date: May 19, 2021 Figure 1



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2. INDIGENOUS CONSULTATION AND ENGAGEMENT PLAN

The Indigenous Consultation and Engagement 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 Indigenous Consultation and Engagement 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.

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 (WFN) 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. In April 2022, the BC EAO added Witsset First Nation to Schedule C of the Section 11 Order.

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. **Table 1** shows the phases of engagement that are based on the Project development phases and the regulatory process:

Table 1: Phases of Engagement

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>
Application Review Phase	Includes activities undertaken during the 180-day Application Review.	Q2 2022 – Q4 2022 <i>Ongoing</i>

TCL is committed to creating and maintaining opportunities for constructive dialogue and relationships with the OW to develop the Project responsibly. As part of Indigenous Consultation and Engagement, TCL has and will continue to:

- ▶ 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 with 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

This Report includes engagement activities through submission of the EAC Application for screening (February 24, 2022) through the first portion of Application Review (August 4, 2022 [day 85 of the 180 Application Review]). In addition to TCL-led activities, the BC EAO organized Working Group meetings and comments regarding the EAC Application.

The purpose of the Application Review is to provide the OW, and other Indigenous groups, with the opportunity to review and comment on the 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.

Table 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 2: Summary of Engagement Activities during the Application Review Engagement Phase

Engagement Activity	Description	Status
Provide copies of the draft EAC Application	TCL provided copies of the EAC Application directly to the OW as mandated by the BC EAO for review and comment. Copies were also provided directly to Witset First Nation and WFN.	Complete
Notification of public comment period	The OW, Witset First Nation and WFN were notified about the public comment period.	Complete
Ongoing engagement meetings	TCL has participated in a meeting with the OW to discuss potential effects of the proposed Project on Indigenous interests. Additional meetings will be held in the future to further the discussion with the House Groups.	Ongoing

Engagement Activity	Description	Status
Open houses	TCL participated in the in-person open house and the Virtual Information Session led by the BC EAO as part of the Application Review process. TCL provided information (i.e., posters and PowerPoint presentation) and sought feedback on the EAC Application.	Complete
BC EAO Working Group meetings	TCL has attended Working Group meetings organized by the BC EAO to provide information related to the EAC Application and respond to questions on the EAC Application. Additional Working Groups meetings are anticipated to occur during the remainder of the Application Review.	Ongoing
Review and consider OW comments	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. As needed, TCL will make revisions and or amendments to the EAC Application based on input from the OW, and other Indigenous Groups.	Ongoing
Indigenous Consultation and Engagement Report review	TCL has prepared the Indigenous Consultation and Engagement Report #2 (this document). TCL will provide a draft of the Indigenous Consultation and Engagement Report #2 (this document) to the OW, as mandated by the BC EAO for review and discussion and will incorporate feedback received from into the final Indigenous Consultation and Engagement Report.	Complete
Information sharing	TCL continues to maintain 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"> ▪ Project website ▪ Information handouts, posters, etc. ▪ Project newsletters 	Ongoing

3.1 Office of the Wet'suwet'en

TCL and the OW meet regularly to discuss Project updates, the Environmental Assessment process, permitting, and other areas of concern. A detailed chronology of TCL's key engagement activities with the OW during the reporting period are provided in **Table 3** below.

Table 3: Chronology of key engagement activities with the Office of the Wet'suwet'en (OW) during the reporting period

Date	Method of Engagement	Description of Discussion
March 4, 2022	Meeting (virtual)	Regularly scheduled meeting between TCL and OW representative. Discussed drilling programs, moose browse surveys, EAC Application screening, and permitting.
March 9, 2022	Information sharing (email)	At the request of the OW, TCL sent a copy of a historical letter from the Broman Lake Band to Manalta.
March 17, 2022	Information sharing (email)	TCL shared a draft copy of Indigenous Consultation and Engagement Report #1 for review and comment.

Date	Method of Engagement	Description of Discussion
March 31, 2022	Information sharing (email)	TCL provided answers to questions from the OW regarding proposed exploration program amendment and provided a summary of exploration activities for 2021.
April 1, 2022	Meeting (virtual)	Regularly scheduled meeting between TCL and OW representative. Discussed screening comments, engagement during public comment period, and draft Indigenous Consultation and Engagement Report.
April 11, 2022	Information sharing (email)	At the request of the OW, TCL shared copies of the Site Performance Objective documents used in the EAC Application.
April 13, 2022	Email correspondence	OW inquired about a seeing poster online for a “decision making” meeting on the Project that the OW had not been aware of. TCL informed the OW that we were not aware of the poster, and were not involved, invited, nor did we participate in the meeting.
April 19, 2022	Meeting (virtual)	Regularly scheduled meeting between TCL and OW representative. Discussed poster noted above, EAC Application screening comments, House Groups review of the draft Indigenous Consultation and Engagement Report, and proposed May 15 th meeting of the OW with the House Groups.
May 11, 2022	Meeting (in person)	TCL delivered hardcopies of the EAC Application to the OW Office.
May 18, 2022	Meeting (virtual)	Regularly scheduled meeting between TCL and OW representative. Discussed the May 15 th meeting with the House Groups, upcoming May 31 st meeting with TCL and the House Groups, upcoming Working Group meetings in June, and TCL provided an update on correspondence with Witset.
May 31, 2022	Meeting (in person and virtual)	Meeting with the OW and Cas'Yex and Kwen Bea Yex House Groups. TCL presented a Project overview and benefits (mitigation measures from Part C of EAC App) and questions were asked throughout the meeting.
June 22, 2022	Telephone	Discussed Clan Runner changes, and the request from one of the Clan Runners to have a summary and presentation on Part C of the EAC Application.
July 8, 2022	Meeting (virtual)	Regularly scheduled meeting between TCL and OW representative. Discussed upcoming all Clans meeting, the May 31 st meeting with the House Groups, arranging a meeting with Chief Woos, current and future field work, OW Working Group comments that were provided via email prior to the meeting, OW consultant technical reports and House Groups permission to share those reports more widely, and a request for all wildlife camera photos.
July 12, 2022	Letter	OW requested a meeting with TCL and the BC EAO to discuss Wet'suwet'en Rights and Title Assessment report and the Telkwa Coal Cultural Program.
July 18, 2022	Meeting (virtual)	TCL met with the OW and the BC EAO to discuss the Cultural Program and the need for further engagement with the House Groups.

Date	Method of Engagement	Description of Discussion
July 26, 2022	Meeting (virtual)	TCL and the OW meet to discuss a plan for obtaining cultural information directly from the House Groups to inform Part C of the EAC Application. TCL followed up in writing with a proposed task list and timeline for the OW to review with the House Groups.

Key areas of interest identified by the OW as well as measures that TCL has taken to respond to areas of interest and concern are summarized in **Table 4**.

Table 4: Areas of interest or concern identified by the Office of the Wet'suwet'en (OW), and Cas'Yex and Kwen Bea Yex House Groups

Area of Interest or Concern	Comment	Source	TCL Response
Traditional land use	Concern that Part C of the assessment did not include House Group specific information and relied upon publicly available information.	Meeting	TCL is committed to working with the House Groups obtain information directly from the House Groups to inform Part C.
Elk	Kwen Bea Yex commented that elk is their number one protein source as a result of declines in Moose and Salmon.	Meeting	Elk was considered in the wildlife baseline study but was not included as a subcomponent to the Wildlife Valued Component in the effects assessment. Collar data and historical sightings suggest elk have limited distribution in the Wildlife Regional Study Area during winter months but are likely found throughout the valley floor to mountain tops during growing season. Limited elk sign was observed during baseline surveys. TCL will provide Kwen Bea Yex with information from the Wildlife Baseline Report.
Project expansion	Concern regarding future development of the North Pit.	Meeting	TCL has no plans to develop the North Pit. TCL commits to completing a full provincial Environmental Assessment if there are any increases to production or changes to the Project Area greater than the values stated in the 2022 Tenas Environmental Assessment Certificate Application.
Train traffic	Questions raised regarding changes to train traffic.	Meeting	The Tenas Project will add one train per day to the existing 20-25 trains that run along the Canadian National Railway (CNR) line. No additional rail line is need for the Project.

Area of Interest or Concern	Comment	Source	TCL Response
Fish	Concern over changes to fish habitat, particularly spawning habitat and questions around habitat offsetting.	Meeting	Fish habitat assessment was conducted as part of the EAC Application. Changes in fish habitat are expected from the diversion of water currently conveyed in tributaries to Tenas and Four Creeks. Bulkley River flows will not change. A fish habitat offsetting plan has been preliminarily drafted, and TCL will seek input from the House Groups on the plan.
Methane	Cas'Yex and Kwen Bea Yex raised concerns about potential release of coal bed methane.	Meeting	Large volumes of coal bed methane in the area is very deep (400 m) and the coal being recovered by the Project is very shallow such that the Project will not result in a release of substantial methane volumes. TCL guarantees that the Project will not result in the release of methane from the deep coal seams. Fugitive emissions of methane will still occur from the excavation of coal from shallow surface coal seams and is accounted for in the Atmospheric Environment Valued Component assessment provided in the EAC Application.

As a member of the Tenas Working Group, OW participated in three Working Group meetings during the reporting period (May 30, June 20 and June 22, 2022). OW comments related to EAC Application have been provided to TCL and TCL is currently working on responses to those comments. TCL understands that the comments and responses will be posted on BC EAO's EPIC website at a later date. TCL will continue to work with the OW to understand and address these areas of concern throughout Application Review.

3.2 Witset First Nation

During the reporting period TCL continued to reach out to Witset First Nation to share information and look for opportunities to engage with the community. **Table 5** below summarize TCL's key engagement activities with Witset First Nation during the reporting period.

Table 5: Chronology of key engagement activities with the Witset First Nation during the reporting period

Date	Method of Engagement	Description of Discussion/ Outcome
March 23, 2022	Email (information sharing)	TCL provided an update on the status of EA process and upcoming Open House during the public comment period. TCL asked if Witset would like to participate by attending the Open House in Telkwa, or if they would like an event in their community.

Date	Method of Engagement	Description of Discussion/ Outcome
May 3, 2022	Meeting (in-person)	TCL met with Witset First Nation consultants that have been hired to develop Witset's referral department. Opportunities to create engagement were discussed, and TCL noted that they would like the opportunity to meet with the community in Witset and inquired about the week of May 30. Discussed Section 13 Order and TCL's EAC Application submission date.
May 13, 2022	Email (information sharing)	TCL notified Witset that the hardcopy of the EAC Application was ready for delivery to the band office as had previously been discussed with the Executive Director. Witset later declined receiving the hard copies and requested a digital copy. TCL provided a thumb drive in early June.
June 8, 2022	Conversation (in-person)	TCL had an informal discussion with Chief Nikal about the Project. TCL expressed their interest in working with Witset and the leadership staff to engage with the community about the Project. TCL followed up with an email summary of the discussion.
June 22, 2022	Email	TCL followed up to the email send June 8 th to reiterate that TCL would appreciate the opportunity to plan engagement with the community.
July 7, 2022	Email	TCL sent an email asking for a face-to-face meeting in late July.
July 13, 2022	Email	TCL received an email from Witset's referrals consultants along with a letter from Chief Nikal dated July 4, 2022, requesting to meet and discuss terms of engagement for Witset First Nation in TCL's Indigenous consultation and engagement work.
August 3, 2022	Email	TCL responded via email to a concern raised by Witset First Nation regarding a comment made by a TCL consultant around the level of engagement with Witset. TCL provided clarification and noted that TCL is committed to engaging with Witset First Nation and looks forward to future discussions.
August 4, 2022	Email	TCL responded to an email from Witset First Nation regarding their concern that their Working Group comments may be given lower priority. TCL noted that all Working Group comments are being responded to, and that no one Working Group member is priority over another.
August 4, 2022	Email	TCL sent a letter response via email to Chief Nikal indicating that TCL would be happy to meet with him and representatives of Witset First Nation at their earliest convenience to discuss the matters outlined in their letter dated July 4, 2022.

As a member of the Tenas Working Group, Witset First Nation participated in three Working Group meetings during the reporting period (May 30, June 20 and June 22, 2022). Witset First Nation comments related to the EAC Application have been provided to TCL and TCL is currently working on responses to those comments. TCL understands that the comments and responses will be posted BC EAO's EPIC website at a later date. TCL will continue to work with the Witset First Nation to understand and address these areas of concern throughout Application Review.

3.3 Wet'suwet'en First Nation

TCL has also engaged with Wet'suwet'en First Nation during the reporting period. **Table 6** below summarize TCL's key engagement activities with Wet'suwet'en First Nation. While engagement activities have occurred regarding capacity funding/impact benefit agreements, these activities have not been captured in the table below.

Table 6: Chronology of key engagement activities with the Wet'suwet'en First Nation during the reporting period

Date	Method of Engagement	Description of Discussion/ Outcome
March 4, 2022	Email (information sharing)	TCL updated WFN on the status of the EAC Application and inquired as to the format and number of copies they'd like for the community.
March 4, 2022	Email (information sharing)	TCL and WFN discussed the site visit, which was cancelled due to weather and COVID, and discuss rescheduling for sometime this summer.
April 1, 2022	Email (information sharing)	TCL provided a copy of the annual exploration report for 2021.
April 13, 2022	Email	TCL informed WFN that the TCL team would be in the area in June and would WFN be available for the site visit. TCL also discussed the BC EAO open house, and if WFN would be interested in attending.
June 3, 2022	Information sharing	TCL delivered a hardcopy and electronic copy of the EAC Application to the WFN office.
June 23, 2022	Meeting (in-person)	TCL met with WFN representatives in Vancouver. Site visit, community meeting in Burns Lake, and community well-being, map of traditional territory, reclamation planning, and employment opportunities were discussed.
July 18, 2022	Email	TCL again inquired about when WFN would to do a site tour, and suggested September for a tour and meeting with TCL. WFN responded with some dates, and TCL suggested some dates in late September.
July 21, 2022	Email (information sharing)	TCL shared a training video from Anglo American Mine Peace River Coal about the North East Aboriginal Skills and Training Program.

As a member of the Tenas Working Group, WFN comments related to the EAC Application have been provided to TCL and TCL is currently working on responses to those comments. TCL understands that the comments and responses will be posted to BC EAO's EPIC website at a later date. TCL will continue to work with the WFN to understand and address these areas of concern throughout Application Review

4. 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 WFN 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.