Re: Northern Confluence's Comments on the Tenas Project Description and the Draft Application Information Requirements

Following is the Northern Confluence Initiative's submission to the British Columbia Environmental Assessment Office regarding the draft Application Information Requirements (dAIR) for the proposed Tenas Project (the Project). The relevant sections are noted where applicable.

Northern Confluence is a registered project on the shared platform of MakeWay. We are a Smithers-based initiative that aims to improve land-use decisions in B.C.'s salmon watersheds. Many of northwestern B.C.'s watersheds remain healthy but salmon populations are being threatened by cumulative impacts from industrial development, climate change and other factors. We are worried about the potential impacts that the Project may have on our river and salmon.

Re: 1.3 Project Design and/or Alternative Means of Carrying out the Project

British Columbia does not have safety as the guiding principle for design, construction, operation and closure of tailings facilities. Since Mount Polley, proponents under the *Mines Act* are supposed to propose tailings storage alternatives that are evaluated based on social, environmental and economic considerations. While not mandated, the hope is that the cheapest option isn't always chosen at the risk to communities and watersheds. Under this section of the AIR, the proponent should also have to include alternatives to tailings storage and water discharge and treatment explicitly.

In particular on tailings options given failure risks, we request that alternatives for dry stack tailings, drainage and dry coverings at mine closure, back filling, and compaction of waste in storage are assessed.

There is also a need to have transparency around decisions based on alternatives assessments. A rationale should be given for why an option is chosen or rejected. Ensuring alternative designs are considered in the AIR for tailings storage, water treatment and discharge would be critical to helping manage based on risk and safety versus solely cost effectiveness.

Re: 2.1 Provincial EA Process

Given the stage that the Tenas Project is at in their Environmental Assessment (EA) process, it should not be exempt from the new *Act* because of a small procedural gesture. There are many reasons that B.C.'s *Environmental Assessment Act* was updated. The new *Act* encourages greater public participation and confidence, upholds the rights of Indigenous peoples, and examines significant adverse effects in a more robust manner. There are many residents concerned about this project who are interested in being part of a Community Advisory Committee, a provision set out in the new *Act*. The new *Act* is also more in line with the enacted *Declaration on the Rights of Indigenous Peoples Act*. Following the old EA Act adds risk that the proponent and the province will

not be fulfilling obligations under DRIPA. We recommend that the Project pursue its EA Certificate under the new (2018), as opposed to the old (2002) legislation.

Re: 3.1 Issues Scoping and Selection of Valued Components

The biggest challenges for mining companies are water and waste. When you live in a region where you can still drink directly from some creeks, it is a mistake to list water as a sub-component and not have it be at the heart of an environmental assessment. Surface Water, Groundwater, and Aquatic Resources should be considered Valued Components (VCs), not ICs, in the Project's EA.

Drinking source water quality is particularly important to residents of Telkwa and others downstream of the proposed mine effluent discharge into the Bulkley River (which is upstream of the Telkwa municipal water intake). Sampling of the Telkwa River also indicates levels of cadmium, zinc and lead that are already above BC Water Quality Guidelines (BCWQGs) and yet the Project proposes to discharge and hope for dilution. This despite the BC Ministry of the Environment and Climate Change stating that dilution alone is not an acceptable method for managing mine contact water. Adding further contaminants may cause further exceedance of BCWQGs and have deleterious effects on fish and other aquatic life. A thorough assessment of the creeks and rivers with sufficient baseline information is needed. Environmental baseline characterization is based on a robust 3 to 5 years dataset (currently, the dAIR mentions baseline datasets related to aquatic components such as surface water and aquatic resources that cover only 1 year of baseline sampling). The AIR needs to ensure 3 to 5 years of baseline data to be able to sufficiently assess potential impacts to aquatic life and water quality. Collecting that data also needs to be scientifically rigorous, with ample sampling and diverse monitoring sites.

Other questions that need to be addressed with regards to water include:
- Telkwa Coal said it will manage dust by spraying it with a combination of chemical binding agents and water at the mine site and during transportation. What is the impact of this to groundwater and rivers and aquatic ecosystems?

- The containment pond for potentially acid-generating rock means that monitoring may be needed in perpetuity. What are the plans for how to treat this for 500 years (as per precedent in the Yukon)?

- With transport mostly by rail, there should also be an assessment of coal derailments and potential impacts in the Skeena watershed. A recent coal train derailment near Hazelton decimated the salmon population being rebuilt in Mission Creek. What are potential impacts, clean-up and emergency response plans?

Caribou:
The proposed project overlaps with the Telkwa caribou herd recovery area. This endangered species was at 32 caribou when last counted in the Fall. The blasting and impacts from mine operations could add to the stress and cumulative effects on this herd. In order to better assess those impacts, caribou need to be elevated to a Value Component in the AIR. There also needs to be cumulative effects assessment with regards to the herd.

Re: 4.1 Atmospheric Environment Intermediate Component and 10.0 Effects of the Environment on the Project.

The project needs a more robust climate impacts study. The BC Government's legislated climate commitments must be evaluated and full cost accounting of the mines impact taken into account in relation to both provincial and federal GHG reduction targets. Climate impacts also need to be integrated into all aspects of the project assessment – droughts, floods, wildfires, erosion, warming river temperatures – how will all of these impact the mine operations and how will the mine respond?

Other additions to AIR

Add care and maintenance plans, and ensure comprehensive reclamation and post-closure planning

Mines in British Columbia do not generally go from operations to closure. Due to commodity price fluctuations in particular, most mines experience times under care and maintenance. It is important to design a mine with allowance for care and maintenance periods and to have a detailed care and maintenance plan that is distinct from the closure and reclamation plan.

Many risks associated with mining also come after the mine closes. To ensure that long-term social and environmental safety is properly safeguarded, we request that the Project's impacts be thoroughly assessed for the full post-closure period. This will require a commitment in the AIR to include comprehensive reclamation and post-closure plans on which impact assessments are based. The Province should be managing towards zero failures after mine closure and thus planning up-front is needed.

In addition, due to the potential for acid-generating rock that would need to be monitored in perpetuity, there's both a need for a plan for hundreds of years out. A recent mine proposal in the Yukon was required to provide a 500-years plan which should become the norm for British Columbia mines that might require monitoring and treatment forever. Tenas is also a junior company with no track record, it's important for them to highlight an ability to pay full reclamation and monitoring securities for that post-closure period as well.

Assessing potential impacts of accidents and risks

The Mount Polley expert report estimated that there would be a risk of tailings failures twice every decade if the current inventory of tailings dams wasn't reduced by half and Best Available Technologies and Practices wasn't mandated. Neither of these have happened and a catastrophic event like Mount Polley would be devastating to the Telkwa and Bulkley River systems, as well as impact the Skeena Watershed beyond. We need emergency preparedness and appropriate responses outlined to also be able to evaluate the risks.

The Project comes with additional risks of over topping and failures given high precipitation and the floodplain. The Bulkley Valley has also experienced an average temperature change of 1.6 degrees of warming and significant fluctuations in predictable weather patterns. A comprehensive assessment of these hazards needs to be conducted along with identifying and planning for potential risks to the surrounding environment.

An addition into the AIR also needs to be worst-case scenarios and modelling. How would a 100-years flood impact the mine, communities and environment? What would a catastrophic tailings failure look like in the area? How is the mine planning to address that and cover the costs?

Indigenous rights and title need to be upheld to the highest level
The dAIR outlines that it is working with the Office of the Wet'suwet'en and the Wet'suwet'en First Nation. It's unclear if that means it is following the protocols of engaging with the House group and Hereditary Chief who manages the territory where the Project is located. That should be made clear.

In addition, if this Project remains in the old EA process, the Province of BC must still fulfill its commitment to implementing the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). B.C. also has an Agreement with the Wet'suwet'en and the Federal Government to move toward clear governance of the territory. As such, the Project should only receive EA approval from the Province if the Wet'suwet'en agree that free, prior, and informed consent has been achieved and agrees with the Project being developed.

Thank you for the opportunity to comment.

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