



Tenas Project

Indigenous Consultation and Engagement Plan

August 30, 2021

Submitted to:	The BC Environmental Assessment Office 1 st Floor 836 Yates St PO Box 9426 Stn Prov Govt Victoria BC V8W 9V1
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1. INTRODUCTION

Telkwa Coal Limited (TCL) is proposing to develop the Tenas Project (the Project), a surface coal mine in northwestern British Columbia (BC), Canada about 25 kilometres (km) south of Smithers and 7 km southwest of the village of Telkwa (Telkwa) (**Figure 1**). Under Part 3, Section 8 of the Reviewable Projects Regulation for the *BC Environmental Assessment Act* (2002), the Project will trigger an EA, as its proposed production rate is above the 250,000 tonnes per year threshold.

TCL acknowledges the unceded rights of the Wet'suwet'en to 22,000 square km of traditional territory within which the Project sits. TCL have and will continue to engage with the Office of the Wet'suwet'en (OW) in respect of all Project activities.

This Indigenous Consultation and Engagement Plan (the Plan) is intended to fulfill the requirements of the [Section 11 Order](#) (the Order), issued by the BC Environmental Assessment Office (BC EAO) on June 25, 2019 under the BCEAA, 2002. The Order outlines requirements for consultation with Indigenous Nations in Part G, Section 12. Section 12.1.11 of the Order directs TCL to conduct activities related to the Wet'suwet'en Nation through the Office of the Wet'suwet'en (OW) Hereditary Chiefs.

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 (EA) 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 and will continue to seek, consider, and address feedback from the Wet'suwet'en with respect to the Project. Information on potentially affected Indigenous interests and issues will be tracked and reported.

The Plan briefly describes:

- ▶ The Project (Section 2)
- ▶ The Purpose of the Plan (Section 3)
- ▶ The underlying Principles and Objectives of TCL's Indigenous Consultation and Engagement Plan (Section 4)
- ▶ TCL's early Indigenous engagement efforts (Section 5)
- ▶ TCL's Indigenous Consultation and Engagement Plan during the Pre-Application and Application review stages (Section 5)
- ▶ The Tracking of issues, concerns, and Indigenous interests and how they will be addressed (Section 6)

2. PROJECT OVERVIEW

The Project will produce about 775,000 to 825,000 saleable tonnes per year of washed metallurgical coal, to be used in the manufacture of steel. The mine life of the Project will be approximately 25 years, including the Construction, Operation, and Decommissioning and Reclamation Phases. The Post-closure Phase will occur after the Decommissioning and Reclamation Phase is completed and will likely be approximately 25 years. The Project is located on provincial Crown Land, comprised of three freehold land parcels owned by TCL, and nine coal licences held by TCL.

TCL is proposing to apply for review of permits under the BC *Mines Act* and *Environmental Management Act*. Decisions on permits can be made after an EA Certificate is issued by the Minister of Energy, Mines and Low Carbon Innovation (EMLI), and the Minister of Environment and Climate Change Strategy (MECC).

2.1 The Proposed Project

The Project will include the development of:

- open pit;
- Coal Processing Plant (CPP);
- coal handling systems for run of mine coal, processed rock, and processed coal (including plant conveyors, storage bins, and stockpiles);
- storage piles for rock, processed rock, overburden and stockpiles for topsoil, processed coal, and processed rock;
- administration, first aid, maintenance/warehouse, mine dry, laboratory, light vehicle, mine rescue, and warehouse buildings;
- surface water management infrastructure (including ditches, sedimentation, control, management, and storage ponds);
- water supply wells, storage, and distribution network;
- fuel and lubricant storage facilities and distribution network;
- explosive magazine, storage silos, and vehicle wash and maintenance facilities;
- propane storage facilities and distribution network;
- solid waste management systems including landfill, recycling, and composting facilities;
- haul roads and service roads within the Minesite;
Tenas Access Corridor (TAC) which encompasses an 11 km newly constructed Bypass Road and improvements to approximately 5 km of an existing forestry service road;
- a 3.5 km long 25 kilovolt (kV) powerline and a 25 kV to 600 volt (V) substation adjacent to the CPP;
- rail infrastructure consisting of processed coal stockpiles, scales, dust control systems and a 2.5 km Rail Loop connected to the Canadian National Railway (CNR) track; and
- a permanent bridge over Goathorn Creek.

Figure 1 below illustrates the location of the Project components.

2.2 Proponent Information

TCL is a joint venture partnership of Allegiance Coal Limited (ACL) and the ITOCHU Corporation. ACL is a publicly listed company on the Australia stock exchange (ASX: AHQ) with headquarters in Sydney, Australia. In addition to the Project, ACL owns two other projects located in central Queensland, Australia: the Kilmain and Back Creek Projects, and one project located in Colorado, USA called the New Elk Project.

The Project is currently the company's flagship project. ACL does not own or operate other projects in BC. ITOCHU Corporation is a Japanese trading house founded in 1858. Today, ITOCHU has offices in 100 cities in 62 countries engaged in various commodities including textile, machinery, metals, minerals, energy, and communications technology. Its market capitalization is approximately 4,799.8 billion Yen. ACL currently owns 90% of the Project with ITOCHU owning the remaining 10%, with an option to increase their ownership stake to 20% and further in the future with support of the Project.

TCL has offices in both Telkwa and Vancouver, BC. The company was registered in BC on September 10, 2014 (BC1013154). The ACL website is: <http://www.allegiancecoal.com.au>. while TCL's website is <http://www.telkwacoal.com>.

The regulatory and permitting contact for the Project is:

Dan Farmer, P.Eng.
Chief Operating Officer
Tel: 604 220 5703
Email: dfarmer@allegiancecoal.com.au

3. PURPOSE

3.1 Purpose of Indigenous Consultation and Engagement

The Project is located within the traditional territory of the Wet'suwet'en. TCL wishes to continue its efforts to build and establish a collaborative partnership with the Wet'suwet'en.

In the context of the BC EAO process, TCL's objective for Indigenous engagement is to effectively communicate information about the Project, so that any issues and concerns of Indigenous groups potentially affected by the Project may be addressed and for Indigenous input to be considered in the Project design and assessment. TCL is committed to creating and maintaining opportunities for constructive dialogue and relationships with Indigenous groups to develop the Project responsibly. TCL is focused on working with Indigenous groups throughout the Project life, from Project planning and development through to post-closure.

3.2 Purpose of the Indigenous Consultation and Engagement Plan

The primary purpose of the Plan is to describe the approach, methods and activities TCL is proposing to implement to continue its efforts to build and establish a collaborative partnership with the Wet'suwet'en and to fulfill the requirements of the [Section 11 Order](#), issued by the EAO.

The Plan is designed to meet the requirements of the Order.

This Indigenous Consultation and Engagement Plan is 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.
- Gather input and feedback on the Project from the OW and ensure it is considered during Project planning and assessment.

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 (Work Plan). Activities that TCL have and will continue to undertake with the Wet'suwet'en during the Project's EA process will be outlined. The Plan may be revised to append the requirements set out by the Project Assessment Agreement to be signed by the OW and TCL.

4. PRINCIPLES FOR INDIGENOUS CONSULTATION AND ENGAGEMENT

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.

The Wet'suwet'en are traditionally governed by the hereditary system. Under the *Indian Act*, there also exists band level governance. The overarching hereditary system of the Wet'suwet'en follows matrilineal descent in which members belong to one of five clans:

- ▶ Gil_seyhu (Big Frog);
- ▶ Laksilyu (Small Frog);
- ▶ Gidumden (Wolf/Bear);
- ▶ Laksamshu (Fireweed); and
- ▶ Tsayu (Beaver Clan).

Within each clan, a hereditary Chief and wing Chiefs hold responsibility for individual house territories on behalf of their kin-based *Yikhs* (or House groups), with each house holding authority over their respective geographical territories. This system of governance is continually conferred through the *baht'lat*. *Baht'lats*, or feasts, are the primary form of governance and central to Wet'suwet'en government, law, social structure, and worldview. Major governing and management decisions for Wet'suwet'en territories and resources are made during the *baht'lat*. The OW is governed by the Wet'suwet'en Hereditary Chiefs who provide the OW with management direction including those related to resource development.

Within the Wet'suwet'en traditional territory there exists five bands, and these bands were created under the *Indian Act*, which prescribes the governance operation of these groups:

- ▶ Hagwilget Village Council;
- ▶ Moricetown Band (or Witsset First Nation);

- ▶ Nee-Tahi-Buhn Band;
- ▶ Skin Tyee Band; and
- ▶ Wet'suwet'en First Nation.

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. For example, TCL provided OW with an early draft of the Project Description in 2018 prior to submission to the EAO and early drafts of baseline reports prior to submission to the working group.

TCL's Indigenous Engagement Policy and Framework is governed by the following principles.

1. Prioritizing the relationship with Indigenous peoples by engaging early and working directly with the Indigenous communities during the regulatory process through to mine closure
2. Providing meaningful opportunity for input to the Project design and assessment and continued dialogue throughout the life of the Project.

TCL's approach includes active listening, discussion and working to understand and address concerns, ensuring that the Project is developed in a responsible and respectful manner.

TCL's Project and engagement efforts are led by its Managing Director, Mark Gray, an Indigenous person of Maori descent, who has spent his legal career protecting and developing the rights of his people. Engaging early and meaningfully with the Indigenous people within whose traditional territory the Project is located is of the highest priority to Mr. Gray. The OW was therefore, the first party approached when the company commenced engagement with the community.

4.1 Consultation Responsibility

The EAO outlines its expectations of a proponent's role in consultation as follows: "Although the legal duty to consult with First Nations lies with the Crown, EAO usually delegates some procedural aspects of consultation to Proponents through a section 11 Order or other direction provided by the EAO." (BC EAO, 2013).

This Plan outlines the activities and diligence to be undertaken by TCL to satisfy both the provincial section 11 Order as well as the Wet'suwet'en Work Plan and Project Assessment Agreement. Ultimately, the EAO and the Wet'suwet'en will decide which activities to categorize as consultation and general engagement. TCL's role is to document all its efforts related to the Wet'suwet'en (see Section 6.0 for Documentation and Reporting).

4.2 Identifying Potentially Affected Indigenous Groups

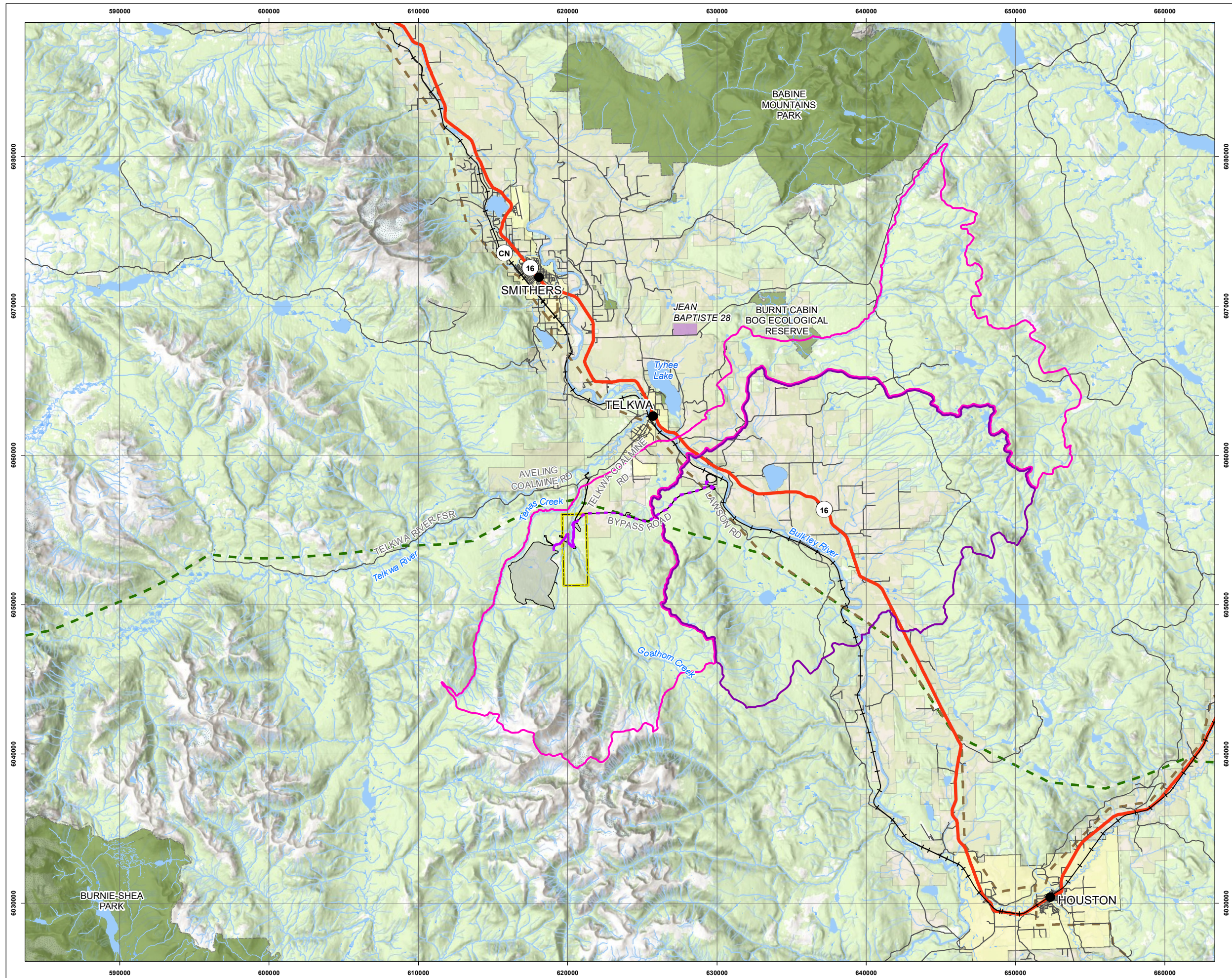
TCL acknowledges the unceded rights of the Wet'suwet'en and their 22,000 square kilometres of traditional territory within which the Project sits. The Wet'suwet'en territory includes much of the Bulkley River drainage. The OW is the central office for Wet'suwet'en hereditary governance, which focuses on the management of their lands and resources, fisheries and wildlife, human and social services, and treaty negotiations. The OW is governed by the Wet'suwet'en Hereditary Chiefs residing throughout their traditional territories.

The Project Minesite area is within the traditional territory of the Cas Yex (Grizzly House) of the Gitdumden Clan of the Wet'suwet'en (**Figure 2**). The Project rail infrastructure area is located within Kwen Bea Yex (House Beside the Fire) territory of the Laksilyu Clan of the Wet'suwet'en.

The Section 11 Order specifies in Part G, section 12.1 that the EAO will consult with the Wet'suwet'en through the OW, and Section 12.1.11. directs the Proponent to conduct certain activities. Section 12.2 of the Order specifies that the EAO will provide notification at various milestones to the Wet'suwet'en First Nation (formerly known as Broman Lake Band).

In addition to the EAO's Section 11 Order requirements, in recognition that the members of the Wet'suwet'en First Nation (WFN) and Witset First Nation (formerly known as Moricetown Band) are part of the broader Wet'suwet'en, TCL will also undertake engagement activities with these Wet'suwet'en communities.

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Tenas Project

Cas Yex and Kwen Bea Yex House Territory Boundaries

Legend

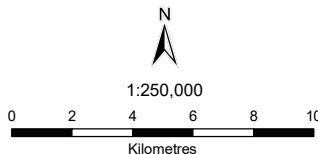
- City/Town
- +— Rail Line
- Highway
- 138 kV Transmission Line
- 500 kV Transmission Line
- Tenas Access Corridor
- Road
- Watercourse
- Wetland
- Waterbody
- Park or Protected Area
- First Nation Reserve
- Municipal Area
- Telkwa Coal Private Land
- Private Land
- Project Area
- Cas Yex House (Gitdumden Clan)
Territory Boundary
- Kwen Bea Yex House (Laksilyu Clan)
Territory 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, 2020
- Basedata: Government of British Columbia
- Basemap: World Topo Base



NAD 1983 UTM Zone 9N

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Production Date: Feb 25, 2021

Figure 2



5. PROPOSED STAGES OF CONSULTATION AND ENGAGEMENT WITH INDIGENOUS GROUPS

TCL is proposing the following staged approach to engagement with the Wet'suwet'en, through the OW, to share Project information, gather input and feedback on an ongoing basis and ensure it is considered during Project planning and assessment, foster strong, collaborative, and long-term partnerships with the Wet'suwet'en, and work to resolve issues and concerns raised by the Wet'suwet'en. The following stages of engagement are proposed based on the Project development phases and the regulatory process:

- ▶ **Early Engagement Phase:** includes activities undertaken up to the issuance of a [Section 10 Order](#) of the *BC Environmental Assessment Act* on November 6, 2018. A Section 10 Order is a legally binding order issued once a project is deemed “reviewable” and requiring the project to undergo an environmental assessment.
- ▶ **Pre-Application Phase:** occurs following issuance of the Section 10 Order by the BC EAO and includes engagement undertaken up to the submission of the Environmental Assessment Certificate (EAC) Application.
- ▶ **Application Review Phase:** once the Application for Environmental Assessment Certificate (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 30-day public comment period.

5.1 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 British Columbia. The following subsections describe the early engagement meetings and information sharing with the OW.

5.1.1 Early Engagement Activities – Meetings

A description of meetings with the OW during the early engagement phase is detailed in **Table 1**. It should be noted that this table only accounts for in-person meetings, and doesn't include general engagement via email, phone, and so forth. A consolidated Wet'suwet'en Consultation and Engagement Tracker will be submitted as part of the Project's EA Application (refer to Section 6.0). This tabular method of documentation is to satisfy the requirements of the provincial government process. The Wet'suwet'en may provide advice regarding an alternative method of documenting activities.

Table 1: Early Engagement Meetings with the OW

Meeting Date	Discussion Topics
2016	
December 1	• Introduction to the Project and Managing Director.
2017	
February 14	• Advancing Communication and Engagement Agreement. • Review of pre-feasibility results and baseline consultant teams.
April 10, 11	• Introduction to Project Management Team. • Communications and Engagement Agreement status, stakeholder/community engagement. • Outline of baseline studies program, review of exploration program (<i>Mines Act</i> Notice of Work) and Goathorn Creek bridge. • Approval of baseline consultant teams. • Helicopter site tour.
September 27	• Exploration program and temporary bridge at Goathorn Creek. • Review of pre-feasibility results and Project components.
November 6	• Upcoming Baseline Data Workshop #1.
November 9	• Baseline Data Workshop #1– all-day meeting to review baseline programs.
2018	
February 6	• Mine planning progress and wider Wet'suwet'en engagement.
May 8	• Regulatory and mine permitting processes.
July 26	• Baseline Data Workshop #2– all-day meeting to review baseline program results.
August 7	• Baseline report results, process for the review of the Project description draft and wider Wet'suwet'en community engagement.
September 18	• Project description draft, water quality and fish baseline, regulatory process.

Further details of the topics discussed are provided in the following paragraphs. At each meeting, the OW were represented by one or more of the following individuals:

- ▶ Natural Resources Manager
- ▶ Environmental Assessment Coordinator
- ▶ Resource Referral Coordinator
- ▶ Mineral Liaison

December 2016 Meeting with the OW

At the initial meeting in December 2016, the OW explained its three-step agreement process for resource development proposals:

Communications and Engagement Agreement, which facilitates exploration and allows the parties to get to know each other; the OW is provided with exploration results

Project Assessment Agreement, in which the OW participates in the EA process, including undertaking its own effects assessment

Assuming the Project has the OW's approval, a Socio-economic Agreement.

At the same meeting, the OW acknowledged that the Project is advanced in terms of historical exploration data, and communicated that the Wet'suwet'en are not opposed to development of natural resources, provided the development protects:

1. Wildlife
2. Salmon and aquatic habitat
3. Water quality
4. Archaeological and culturally important sites
5. February 2017 Meeting with the OW

TCL presented environmental baseline and exploration programs in February 2017, for OW comment and input. 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, including of benzene, toluene, ethylbenzene, and xylene (BTEX).

April 2017 Meeting with the OW

In April 2017, TCL signed a Communications and Engagement Agreement as an initial, formal step in its commitment to the OW. In the same month, 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. No specific concerns were raised concerning the Project and the exploration program. In general, the OW expects any development to consider the protection of wildlife, salmon, water quality and culturally important sites. 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. 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.

September 2017 Meeting with the OW

TCL presented updated mine plans based on the pre-feasibility studies to the OW in September 2017, and accompanied by the OW, presented the same mine plan to officials at Ministry of Energy, Mines and Low Carbon Innovation (EMLI).

November 2017 and July 2018 Meetings with the OW

In November 2017 and July 2018, TCL held baseline study workshops with its environmental and socio-cultural consultants and the OW. The OW asked questions to clarify information presented on the mine plan and the environmental programs including the water quality data collection sites. 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. The OW emphasized the importance of data management, especially in consideration of assessing the potential for cumulative effects. The regulatory process was discussed. The OW stated that the face-to-face interactions were valuable and enjoyable, and that there would be much more to discuss with TCL.

February and May 2018 Meetings with the OW

The February 2018 and May 2018 meetings focused on understanding the regulatory process and discussing both Wet'suwet'en community engagement and the wider community engagement. In June 2018, TCL informed the OW that, because most of the community preferred not using the Telkwa Coalmine Road for hauling and they understood the EA process, the company changed the production plan to include building the dedicated haul road, and that it will enter the EA process rather than just the *Mines Act* and *Environmental Management Act* processes.

August 2018 Meeting with the OW

Several items were discussed in the August 2018 meeting seeking clarification of details regarding water quality, particularly in Goathorn Creek and fish baseline data. The process for the OW review of the project description was discussed. It was agreed that TCL would provide a draft to the OW two weeks prior to TCL lodging officially submitting the project description officially to the BC EAO. As discussed in the next section, the draft project description was provided to the OW on September 11, 2018.

September 2018 Meeting with the OW

There were five agenda items for the September 2018 meeting, the project description, the regulatory process, baseline water quality for Goathorn Creek, the fish studies, and maps. The OW requested a more detailed map of the mine site and additional upstream water quality sampling sites on Goathorn Creek tributaries. TCL agreed to these requests. The process for fish toxicity testing was discussed and it was agreed that TCL's fish consultant would provide a technical memo to explain the process. The OW provided comments on the project description, mainly with respect to the regulatory process and typographical errors. These were corrected in the final version of the project description.

5.1.2 Early Engagement Activities – Project Information Sharing

To date, TCL has shared an array of Project information during the early engagement process, including but not limited to, technical reports including the pre-feasibility studies, baseline data report, project shape files, Notice of Work applications, temporary stream crossing applications related to the exploration programs, maps and plans for review and comments. A draft version of the project description was provided to the OW for review and comment prior to submission to the BC EAO and Canadian Environmental Assessment Agency (now Impact Assessment Agency of Canada).

Table 2 outlines a detailed list of Project information that has been shared with the OW during the early engagement phase. It should be noted that this table only accounts for direct information sharing of documents, files, or other materials, and does not include general engagement via email, phone, and so forth. A consolidated Wet'suwet'en Consultation and Engagement Tracker will be submitted as part of the Project's EA Application.

Table 2: Early Engagement Project Information Sharing

Date Document Provided	Method	Document Name
2016		
December 1, 17	Email Email	- OW shares Draft Communication and Engagement Agreement. - TCL shares updated Draft Communication and Engagement Agreement, 2017 Program Works, final Execution Plan, high level Project Schedule.
2017		

Date Document Provided	Method	Document Name
March 27	Email	TCL shares Draft Notice of Work Application, Chance Find Procedure, Emergency Response Plan, Caribou Mitigation and Management Plan.
2017		
April 7, 11, 16	Email	TCL shares shapefiles for Tenas, Goathorn and North Pit areas.
	In person	TCL shares Notice of Work.
	Email	TCL shares 10 shapefiles containing Notice of Work hole locations, trails, and proposed bridge design for Goathorn Creek crossing.
June 20	Email	TCL shares letter sent to the Back Country Horsemen.
July 3, 11	Email	TCL shares press release on Staged Production Pre-Feasibility Study and Joint Ore Reserves Committee table.
	Email	TCL shares free registration information for the BC Technical Research Committee on Reclamation - First Nations.
September 14	Email	TCL shares Snow Crossing Application Form and Environmental Management Plan.
October 3, 4, 10, 13, 17, 25	Email	TCL shares Project Assessment Process PowerPoint, link to Joint Application Requirements for a Mines Act and Environmental Management Act Permit, Table of Contents and a list of relevant legislation, regulations & policies.
	Email	TCL shares Project shapefiles.
	Email	TCL shares Pre-Feasibility Study and Appendices.
	Email	TCL shares the Baseline Data Workshop #1 Draft Agenda.
	Email	OW shares revised Baseline Data Workshop #1 Draft Agenda.
	Email	TCL shares revised Baseline Data Workshop #1 Agenda.
2018		
January 16	Email	TCL shares PowerPoint, sampling map and Terrestrial, Cultural, Aquatic and Groundwater resources from Baseline Data Workshop #1.
February 6, 22	Email	OW shares Wet'suwet'en Territory boundaries shapefiles.
	Email	TCL shares maps containing the Project and TCL tenures.
March 8, 20, 28	Email	TCL shares coal/steelmaking brochures.
	Email	TCL shares draft Project fact sheet.
	Email	TCL shares Back Country temporary obstacle course drawings.
April 5, 6, 11	Email	TCL shares coal and health brochures.
	Email	TCL shares environmental monitoring map and PowerPoint deck to be distributed to the clans.
	In person	TCL shares Project information brochures.
May 31	Email	TCL shares 15 display posters created for upcoming Open House.
June 8, 26	Email	TCL shares Project footprint map, bulletins, brochures, and EMS data.
	Email	TCL shares water quality data.
July 9, 16	Email	TCL shares draft Baseline Reports.
	Email	TCL shares draft field schedule.

Date Document Provided	Method	Document Name
August 7, 15	Email	TCL shares historical data index information.
	Email	TCL shares four figures from the draft Project Description.
2018		
September 11, 12, 13, 17, 18	Email	TCL shares the draft Project Description.
	Email	TCL shares fish toxicology response and updated field schedule.
	Email	TCL shares a link to the draft Project Description.
	Email	TCL shares a draft regulatory timeline.
	Email	OW shares cultural trails shapefile.
October 11, 16, 18, 24	Email	TCL shares January 2019 exploration program shapefiles and map.
	Email	TCL shares final field schedule.
	Email	TCL shares fish toxicology memo.
	Email	TCL shares a Project map with cultural trails.

5.1.3 Early Engagement Activities – Field Participation

In 2017 and 2018, the Office of the Wet'suwet'en arranged for three OW technicians on 14 occasions to participate in the water quality, hydrology, meteorology, noise, dust, and groundwater baseline programs for the Project.

5.2 Pre-Application Phase

The purpose of TCL's consultation and engagement with the Wet'suwet'en during the Pre-Application Phase is to share Project information and identify the potential concerns of the Wet'suwet'en in EAO Working Group meetings, in-person or virtual meetings, or information sharing via email, phone, or letters.

Additional opportunities for engagement and information sharing will be through TCL's baseline studies, specifically the Cultural Use Study, and baseline study workshops. An overview of the proposed Pre-Application Phase engagement activities to be undertaken is provided in **Table 3** below.

Throughout all engagement phases, TCL will Identify, compile, track, and, where possible, address issues raised the Wet'suwet'en during engagement activities.

Table 3: Proposed Pre-Application Engagement Activities

Proposed Activity	Description	Anticipated Timing
Information sharing	TCL has developed and maintained communications tools and materials to share project related information that the OW, and other Indigenous groups, can access publicly, including: - Project website - Information handouts, posters, etc. - Project newsletters	Ongoing
EAO Working Group meetings	TCL will continue to attend Working Group meetings as directed by the regulatory authorities, as set out in the Section 11 Order.	Ongoing – at the direction of the EAO

Proposed Activity	Description	Anticipated Timing
Traditional Knowledge (TK) / Traditional Use (TU)	Conduct, review and/or support TK/TU studies, as appropriate with the OW, and other Indigenous groups, as mandated by the BC EAO; within the time limits set by the BC EAO.	2021
Participation in baseline field studies	TCL has worked with the OW to identify opportunities for Indigenous participation in field studies.	Fall 2017 – Winter 2019
Baseline study workshop	TCL has held workshops to provide an opportunity for the OW to ask questions to clarify information presented on the mine plan and the environmental programs.	ongoing
Review Valued Components (VC) scoping document	TCL sought input from the OW on the scoping of Valued Components.	January 2018 to September 2019
Review of draft Application Information Requirements	TCL has sought input from the OW on the draft AIR. TCL will provide written responses to comments received from the OW within the timeframe specified by the BC EAO. TCL will incorporate input and comments received from the OW, and other Indigenous groups, as mandated by the BC EAO into the draft AIR. Once all comments have been addressed, TCL will then finalize the AIR for submission to the EAO.	September 2019 ongoing
Indigenous Engagement Plan Review	TCL has provided a draft of the Indigenous Consultation and Engagement Plan to the OW, as mandated by the BC EAO, for review and discussion, and incorporate feedback into the final Indigenous Engagement Plan. TCL will consider other means of engagement brought forward by the OW, if applicable.	February 2021
Sharing historical project information	TCL has shared historical project information with the OW.	Ongoing
Ongoing engagement meetings	TCL will participate in meetings with the OW, as needed. By mutual agreement, hold discussions 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.

Proposed Activity	Description	Anticipated Timing
Indigenous Engagement Report Review	TCL will prepare the Indigenous Engagement Reports that summarize engagement to date with the OW, including feedback and information received from Indigenous groups; identification of potential adverse impacts of the proposed Project on Indigenous interests and proposals to avoid, mitigate, or otherwise address the impacts as appropriate; and discussion of next steps/future engagement activities if different from those outlined in the Plan. TCL will provide a draft of all Indigenous Engagement Reports to the OW, as mandated by the BC EAO, for review and discussion, and incorporate feedback received from the Wet'suwet'en into all final Indigenous Engagement Reports to be distributed to the Wet'suwet'en and BC EAO.	Within time limits set by the BC EAO in the Section 11 Order
Preparation of the draft Application for an Environmental Assessment Certificate	Consider and provide written responses to comments received from the Wet'suwet'en within the timeframe specified by the BC EAO, including comments on the Application screening responses.	2021

5.2.1 Pre-Application Activities – from Issuance of Section 10 Order to Issuance of Section 11 Order

The following subsections provide details on Pre-Application Phase activities from the issuance of the Section 10 Order in November 2018 to the issuance of the Section 11 Order in June 2019. These activities, along with the Early Engagement activities described above, were used in the design of the Plan. Details on Pre-Application activities that occurred after June 2019 will be provided in the Indigenous Consultation and Engagement Report.

5.2.1.1 Working Group Meetings

Following the issuance of the Section 10 order, the BC EAO established a Working Group for the Project. The OW, provincial government agency representatives, local governments, and a Bulkley Valley community is part of this Working Group. The Working Group is the main forum to discuss the Project and gather input. TCL has, and will continue to engage with Working Group members on an individual basis, and collectively through the Working Group when requested by the BC EAO. The purpose of TCL participation in Working Group meetings is to:

- Provide information on the Project, including:
 - Project components and activities during construction and operations and decommissioning and reclamation phases.
 - Overview of Valued Components (VC) scoping document and draft Application Information Requirements (AIR)
 - Results of environmental and socio-economic baseline studies, and discuss proposed mitigation measures
- Seek comments and feedback from Working group members on Project information shared
- Respond to comments from Working Group members

From November 2018 to June 2019, TCL has presented in three Working Group meetings, and two sub-working group meetings. The OW has actively contributed in all of these meetings (**Table 3**). EAO has invited WFN to the Working Group meetings. WFN have not attended meetings to date.

Table 4 provides an overview of the Working Group meetings with Wet'suwet'en participation from the issuance of the Section 10 Order to the issuance of the Section 11 Order in June 2019.

Table 4: Working Group Meeting Overview Working Group Meeting Overview from Issuance of Section 10 Order to Issuance of Section 11 Order

Date	Meeting Topic	Description of Discussion
2018		
November 27	Introductory	- EA process and concurrent permitting - Project overview, baseline studies and candidate VC's and Intermediate Components (IC's)
2019		
January 17	Introductory	- Review of EA process and concurrent permitting - Project overview, baseline studies and candidate VC's and IC's
January 30	Water	- Project geology, geochemistry, hydrogeology, hydrology, surface water, fisheries, and aquatics. - Management Plans (water management, metal leaching and acid rock drainage management plan and mine materials management plan) - Fish and fish habitat baseline
January 31	VC's	- EA and mine permitting processes - Overview of VC's (groundwater, surface water, aquatic, terrain and soil, wildlife, atmospheric, culture, socio-economic, human health)
March 21	Caribou	- Overview of caribou baseline - Caribou study areas for the EA (local population unit, critical habitat area) - Partnership Agreement between West Moberly and Sauteau First Nations and BC Government

The following sections outline Wet'suwet'en specific concerns and topics raised during the Working Group meetings noted in **Table 4** above.

November 27, 2018 Introductory Working Group Meeting

The purpose of the first Working Group meeting was to introduce Working Group members, outline the EA process and regulatory continuum, provide a general Project overview and answer Working Group questions.

The OW discussed the following topics during the meeting:

- The implementation of United Nations Declaration of Rights Indigenous Peoples (UNDRIP)
- The EA Assessment Report written by the BC EAO
- Data
 - The adequacy of data included in the EA
 - Data management efforts
 - The grade of data in the hydrometric program
- Lack of DFO participation in the EA process

The OW communicated the importance of their engagement throughout the EA process.

It should be noted that during the period of submission of the Project Description and the first Working Group meeting, TCL decided to change the location of its rail infrastructure to avoid an archaeology site in the original location. Although additional time and costs were incurred to make this change, in consideration of the Wet'suwet'en cultural site, TCL was of the view that this project design change was appropriate.

January 17, 2019 Secondary Introductory Working Group Meeting

The second Introductory meeting was designed for Working Group members that were unable to attend the first meeting. The second meeting followed the same agenda as the first, focused on the introductions, the EA process and regulatory continuum, providing a general Project overview and answering questions.

The OW discussed the following topics during the meeting:

- Wet'suwet'en House and Clan discussions for 2019
- Dam
 - Height
 - Term length
 - Effects of fracturing to the environment
- Water quality
 - Effects of the dam on water quality
 - Effects of metal leaching on fish
 - Dilution factors
 - Water quality monitoring
 - Management plans
- Fish toxicology
- Rail and road traffic effects on wildlife
- Lack of Department of Fisheries and Ocean (DFO) participation in the EA process

January 30, 2019 Water Working Group Meeting

The Water Sub-Working Group meeting included the review of water related Project information such as geochemistry, groundwater, surface water and aquatics. The Project's mine plan and geology of the area were outlined for context and Working Group questions were answered.

The OW discussed the following topics during the meeting:

- Hydrometric data
 - Surface water and groundwater well sampling locations
 - Grade of data
 - Water quality parameters
 - Dilution factors
- ARD and mine effluent
 - Duration of humidity cell tests
 - Neutralization potential for non-PAG and PAG material
 - Depth of PAG management cells
- Fish and Fish Habitat
 - Receipt of fish and fish habitat baseline data
 - Bioaccumulation in larger fish species
- EA process
 - Draft Application Information Requirements
 - Concurrent permitting
 - Lack of DFO participation

January 31, 2019 VC Working Group Meeting

The focus of the Valued Component (VC) Working Group meeting was reviewing TCL's suggested VC and IC list and the associated local and regional study boundaries. A VC baseline summary was provided and questions from the Working Group were answered.

The OW discussed the following topics during the meeting:

- Atmospherics
 - Monitoring
 - Train noise (uncoupling cars, whistles)
- Groundwater
 - Flow rates
 - Fault locations
- Wild Salmon Policy
 - Potential VC indicators for Aquatic Resources and Fish and Fish Habitat
- Grizzly Bear hair snagging program
- Wet'suwet'en access to hunting and fishing
- Inclusion of Witset in the Socio-Economic local study area
- Confirmation of the Cultural Use Study area
- Information Sharing with the OW
 - TCL to share baseline data
 - The OW to share traditionally significant vegetation and ecosystems
- DFO and CN Rail participation in the Working Group

March 21, 2019 Caribou Sub-Working Group Meeting

The Caribou Sub-Working Group meeting focused on reviewing the caribou baseline, identifying potential interactions and cumulative effects, gathering Working Group input, and answering Working Group questions.

The OW representative discussed the following topics during the meeting:

- Caribou populations
 - Wildlife management decisions
- Partnership Agreement
 - Financial compensation
 - Impacts to forestry industry

The OW representative requested further information on caribou, to which TCL offered to facilitate a detailed caribou baseline presentation for the OW.

5.2.1.2 General Engagement Activities

Table 5 below details in-person or virtual meetings with the Wet'suwet'en during the Pre-Application Phase, from the issuance of the Section 10 Order to the issuance of the Section 11 Order.

Table 5: Pre-Application Meetings from Issuance of Section 10 Order to Issuance of Section 11 Order

Meeting Date	Discussion Topics
<i>Wet'suwet'en Community</i>	
2018	
November 28	Two Wet'suwet'en community members identified themselves during the Open House / Public Meeting and had an informal conversation with TCL regarding culture, EA process, and Project concerns.

The following sections outline discussions and concerns raised by the Wet'suwet'en during general engagement activities.

November 28, 2018 informal conversation with Wet'suwet'en community members

Two Wet'suwet'en community members identified themselves during the Open House / Public Meeting and had an informal conversation with TCL CEO. regarding:

- Their respective cultures and shared values of lands and natural resources within their territories for future generations.
- EA process and the input Indigenous groups and communities have.
- Communications and Engagement Agreement
- The elders potentially hosting a cultural immersion seminar for TCL team and consultants
- Concerns about water, fish, and wildlife habitat.

These topics echo and reinforce the topics discussed in meetings with the OW.

5.2.1.3 Project Information Sharing

Table 6 outlines Project information that has been shared with the OW during the pre-application phase from the issuance of the Section 10 Order to the issuance of the Section 11 Order in June 2019.

Table 6: Pre-Application Project Information Sharing

Date Document Provided	Method	Document Name
<i>Office of the Wet'suwet'en</i>		
2018		
November 14, 26, 28	Email	TCL shares draft field schedule.
	Email	TCL shares revised draft field schedule.
	Email	OW shares coordinates of an OW employee's cabin.
December 7, 10, 20, 27	Email	TCL shares draft May 2018 baseline report and appendices, list of appendices, list of trip reports and the April - November 2018 trip reports.
	Email	TCL shares revised draft field schedule.
	Email	TCL shares draft VC document.

Date Document Provided	Method	Document Name
<i>Office of the Wet'suwet'en</i>		
2019	Email	TCL shares revised draft field schedule.
January 7	Email	TCL shares revised draft field schedule.
February 20	Email	TCL shares a high-level file directory containing historical Project data.
May 1	In person	TCL shares Project brochure.

5.3 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 the Wet'suwet'en during all engagement activities.

An overview of the proposed Application review phase engagement activities to be undertaken is provided in **Table 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 by Indigenous groups as directed by the BC EAO.

Table 7: Proposed Application Review Phase Engagement Activities

Proposed 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.	Late 2021
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.	Early 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 EAO
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 EAO

Proposed Activity	Description	Anticipated Timing
Review and consider OW comments	As needed, TCL will revise and finalize the Application based on input from the OW, and other Indigenous Groups. 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.	2022
Indigenous Engagement Report review	TCL will prepare an Indigenous Engagement Report that summarizes 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. TCL will provide drafts of the Indigenous Engagement Reports to the OW, as mandated by the BC EAO for review and discussion, and incorporate feedback received from into the final Indigenous Engagement Reports.	Within time limits set by the BC EAO in the Section 11 Order
Information sharing	TCL will develop and maintain communications tools and materials to share project related information that the OW, can access publicly, including: • Project website • Information handouts, posters, etc. • Project newsletters	Ongoing

6. DOCUMENTATION AND REPORTING

6.1 Documentation

TCL will maintain a log of all relevant communications with Indigenous groups throughout the course of the Project, for example, through the following media:

- ▶ Phone calls;
- ▶ Emails;
- ▶ Letters;
- ▶ Meetings; and
- ▶ Open Houses.
- ▶ Information will be provided to the BC EAO as part of the Indigenous Consultation and Engagement Reports, or at any time if requested.

6.2 Tracking Issues and Concerns

A key part of TCL's engagement effort is identifying and understanding Project concerns from Indigenous groups. In this spirit, TCL is committed to continuing to create and facilitate opportunities for Indigenous groups to provide meaningful input and feedback on the Project. TCL will manage and maintain a tracking document for issues brought forward by the Indigenous groups during consultation and engagement

activities (**Table 8**), and this information will be included in the Indigenous Consultation and Engagement Report. This approach allows TCL to gather input and feedback on the Project to ensure it is considered during Project planning. It is TCL's intention that this method of engagement will foster strong, collaborative, and long-term partnerships with Indigenous groups, regulators, community groups, and other stakeholders.

Table 8: Proposed Issues and Concerns Tracking Table

Date	Communication	Affiliation	Attendees / Contact	TCL Attendees / Contact	Key Discussion Points	Issues	Actions	Status

6.3 Reporting

TCL will prepare an Indigenous Consultation and Engagement Report per the requirements of the Section 11 Order and will:

- ▶ Summarize the efforts undertaken by the TCL to consult with the OW in accordance with the approved Indigenous Engagement Plan (this document), and summarize the efforts undertaken by the TCL to engage with any other Indigenous groups, if directed to do so by the Project Assessment Lead pursuant to Section 12.4 of the Section 11 Order;
- ▶ Identify the feedback and information received during consultation;
- ▶ Identify the potential adverse impacts of the proposed Project on Aboriginal Interests
- ▶ Identify how the potential adverse impacts of the proposed Project on Aboriginal Interests will be avoided, mitigated, addressed, or otherwise accommodated, as appropriate; and
- ▶ Outline next steps or future consultation activities, other than those outlined in the approved Indigenous Consultation and Engagement Plan.

Pursuant to the Section 11 Order, TCL will provide the EAO Project Assessment Lead with Indigenous Consultation and Engagement Reports, consistent with this Plan, at the following times:

- ▶ 60 days after the issuance of the Application Information Requirements;
- ▶ At the time of submission of the 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

TCL will provide draft copies of the Consultation and Engagement Reports for review and comments by the OW prior to submission of the reports to the EAO.

7. REFERENCES

BC EAO. 2103. Guide to Involving Proponents when Consulting First Nations in the Environmental Assessment Process. Available: https://www2.gov.bc.ca/assets/gov/environment/natural-resource-stewardship/consulting-with-first-nations/first-nations/proponents_guide_fn_consultation_environmental_assessment_process_dec2013.pdf