



BC EAO EAC Application – Tenas Project

Section 2.0 Environmental Assessment (EA) Process

Chapter 1 Provincial and Federal EA Process

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VERSION 1.0

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Tenas Project

Section 2.0 Environmental Assessment (EA) Process Chapter 1 Provincial and Federal EA Process

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ABBREVIATIONS AND ACRONYMS

Abbreviation or Acronym	Long Form of Abbreviation or Acronym
Agency	Canadian Environmental Assessment Agency
AIR	Application Information Requirements
ALC	Agricultural Land Commission
ALR	Agricultural Land Reserve
BC	British Columbia
BC EAO	British Columbia Environmental Assessment Office
BC MAH	British Columbia Ministry of Municipal Affairs and Housing
BC MECCS	British Columbia Ministry of Environment and Climate Change Strategy
BC MEMLI	British Columbia Ministry of Energy, Mines and Low Carbon Innovation
BC MFLNRORD	British Columbia Ministry of Forests, Lands, Natural Resource Operations and Rural Development
BC MOE	British Columbia Ministry of Environment
BC OGC	BC Oil and Gas Commission
CCME	Canadian Council of Ministers of the Environment
CEAA	<i>Canadian Environmental Assessment Act</i> , SBC 2012, c 19, s 52 (Government of Canada [GovCan] 2012)
COPCs	contaminants of potential concern
EA	environmental assessment
EAA	<i>Environmental Assessment Act</i> , SBC 2002, c 43 (Government of British Columbia [GovBC] 2002)
EAC	Environmental Assessment Certificate
ECCC	Environment and Climate Change Canada
EPIC	Electronic Project Information Centre
GovBC	Government of British Columbia
GovCan	Government of Canada
IAA	<i>Impact Assessment Act</i> , SC 2019, c 28, s 1 (Government of Canada [GovCan] 2019)
IAAC	Impact Assessment Agency of Canada
OW	Office of the Wet'suwet'en
PAHs	polycyclic aromatic hydrocarbons
Project	Tenas Project
RDBN	Regional District of Bulkley-Nechako
S	Section
TCL	Telkwa Coal Limited
USEPA	United States Environmental Protection Agency
VC	Valued Component
VOCs	volatile organic compounds

Abbreviation or Acronym	Long Form of Abbreviation or Acronym
WLBM	water and load balance model
WQGs	water quality guidelines

UNITS OF MEASURE

Abbreviation	Long form of Abbreviation or Acronym
km	kilometre
kV	kilovolt
mtpa	million tonnes per annum
t/d	tonnes per day
V	volt

EXECUTIVE SUMMARY

The Tenas Project (Project) is subject to review under the British Columbia (BC) *Environmental Assessment Act*, SBC 2002, c 43 (Government of British Columbia [GovBC] 2002) (*EAA*) per the thresholds specified in the provincial Reviewable Projects Regulation, BC Reg 243/2019 (GovBC 2019). The *EAA* was repealed and replaced in 2018, however, the Project continues to be reviewed under the 2002 *EAA*. Pursuant to Section 78(6) of the 2018 *EAA*, in March 2020 TCL submitted a request to continue the environmental assessment (EA) under the former 2002 *EAA*. The Project is not subject to review under the former *Canadian Environmental Assessment Act*, SBC 2012, c 19, s 52 (Government of Canada [GovCan] 2012) (*CEAA*) or the *Impact Assessment Act*, SC 2019, c 28, s 1 (GovCan 2019) (*IAA*) since it is below the production threshold for a new coal mine. This Environmental Assessment Certificate (EAC) Application for the Project has been developed pursuant to the Application Information Requirements (AIR) approved by the British Columbia Environmental Assessment Office (BC EAO) in 2022, and it complies with relevant instructions provided in the BC EAO Section 11 Order and any other direction provided by the BC EAO.

1. INTRODUCTION

This chapter of the Environmental Assessment Certificate (EAC) Application describes the environmental assessment (EA) process for the Tenas Project (Project) and provides an overview of the provincial and federal EA process, the Telkwa Coal Limited (TCL) activities, and milestones to comply with these requirements and identifies key provincial and federal authorizations and legislation that will be required and referenced to develop the Project.

2. ENVIRONMENTAL ASSESSMENT (EA) PROCESS

The Project is subject to review under the British Columbia (BC) *Environmental Assessment Act*, SBC 2002, c 43 (Government of British Columbia [GovBC] 2002) (*EAA*) per the thresholds specified in the provincial Reviewable Projects Regulation, BC Reg 243/2019 (GovBC 2019) (see **2.1** below). *EAA* was repealed and replaced in 2018, however, the Project continues to be reviewed under the 2002 *EAA*. Pursuant to Section 78(6) of the 2018 *EAA*, in March 2020 TCL submitted a request to continue the EA under the former 2002 *EAA*.

The Project is not subject to review under the former *Canadian Environmental Assessment Act*, SBC 2012, c 19, s 52 (Government of Canada [GovCan] 2012) (*CEAA*) or the current *Impact Assessment Act*, SC 2019, c 28, s 1 (GovCan 2019) (*IAA*) since it is below the production threshold for a new mine (see **2.2** below).

This EAC Application for the Project has been developed pursuant to the Application Information Requirements (AIR) approved by the British Columbia Environmental Assessment Office (BC EAO) in 2022, and it complies with relevant instructions provided in the BC EAO Section 11 Order and any other direction provided by the BC EAO.

Table 2-1 demonstrates applicable milestones, including, but not limited to, the issuance of Section 10 and Section 11 Orders by the BC EAO, Working Group meetings, public comment periods, open houses, and the issuance of the AIR, including the links to documents on the BC EAO's public website.

Table 2-1: Regulatory Milestones

Milestone	Date
Project Description accepted by BC EAO	November 2018
Issuance of Section 10 Order	November 6, 2018
Working Group meetings: #1 – Introductory meeting #2 – Introductory meeting #3 – Valued Components Scoping	November 27, 2018 January 17, 2019 January 31, 2019
Working Group – subgroup meetings: Aquatics subgroup Caribou subgroup Caribou subgroup	January 30, 2019 March 21, 2019 June 13, 2019
Issuance of Section 11 Order	June 25, 2019

Milestone	Date
Working Group – subgroup meeting: Terrestrial subgroup	July 10, 2019
EA process put on hold at the request of the Office of the Wet'suwet'en (OW)	July 2019 to April 30, 2020
Posting of draft AIR to BC EAO's Electronic Project Information Centre (EPIC)	May 4, 2020
Working Group consultation of the draft AIR: Meeting #1 Meeting #2	May 6, 2020 May 27, 2020
Public Comment Period on draft AIR	June 8, 2020 to July 23, 2020
Pre-Application Public Consultation Report	September 23, 2020
Formal Issuance of AIR to TCL by BC EAO	January 2022
Submission of Draft EAC Application to provincial authorities for review	February 2022
Public Comment Period on the Application	Q2 2022
Environmental Assessment Certificate (EAC)	Q4 2022

Notes: AIR=Application Information Requirements; BC EAO=British Columbia Environmental Assessment Office; EA=environmental assessment; EAC=Environmental Assessment Certificate; Q1=first quarter; Q4=fourth quarter

A full list of project documents is available on BC EAO's website: <https://projects.eao.gov.bc.ca/p/5b905af23965330024d5b706/project-details>.

Additional consultation and engagement activities (i.e., meetings, open houses) were undertaken by TCL outside of the regulatory process and details are provided in **Section (S) 11.0 Wet'suwet'en Rights and Interests Assessment** and **S12.0 Public Consultation** of this **EAC Application**, as well as in the pre-Application Public Consultation Report and the Indigenous Consultation and Engagement Plan which are available on the Electronic Project Information Centre (EPIC), the BC EAO's public website:

- ▶ <https://projects.eao.gov.bc.ca/p/5b905af23965330024d5b706/project-details>.

Documents related to the assessment of the Project can also be found on the BC EAO's public website.

2.1 Provincial Environmental Assessment (EA) Process

The provincial EA process in BC is administered by the BC EAO. Projects that are considered reviewable pursuant to the 2002 *EAA* are specified in the Reviewable Projects Regulation.

The Project will produce 775,000 to 825,000 tonnes of clean metallurgical coal per annum and exceeds the threshold of 250,000 tonnes per year as specified under Part 3, Section 8 of the Reviewable Projects Regulation, BC Reg 243/2019 (GovBC 2019) of 2002 *EAA*.

An assessment pursuant to the 2002 *EAA* supports a process for identifying and evaluating the potential adverse environmental, economic, social, heritage, and health effects that may occur during the life of a reviewable project. The Minister of the British Columbia Ministry of Environment and Climate Change Strategy (BC MECCS) will be the decision maker for the Project's EA.

The provincial decision-making will be based on the scope of the EA described in the BC EAO Section 11 Order and includes the following main facilities and components:

- ▶ open pit;
- ▶ Coal Processing Plant (CPP);
- ▶ coal handling systems for run-of-mine (ROM) coal, processed rock, and processed coal (including plant conveyors, storage bins, and stockpiles);
- ▶ storage piles for rock, processed rock, and overburden and stockpiles for growth media, 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;
- ▶ Explosives Facility and 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 access roads within the Minesite;
- ▶ Tenas Access Corridor (TAC) which encompasses the 11 kilometre (km) newly constructed Bypass Road and improvements to approximately 5.0 km of an existing Forest Service Road (FSR);
- ▶ 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 facilities and a 2.5 km Rail Loop connected to the Canadian National Railway (CNR) track; and
- ▶ a permanent bridge over Goathorn Creek.

2.1.1 List of Reviewing Agencies

The following government agencies, Indigenous groups and the public have had the opportunity to review and comment on the scope of the EAC Application through their participation on the Technical Working Group and review of the AIR. The EAC Application will also be reviewed by these agencies and the Technical Working Group during the Application review phase:

Provincial Agencies:

- ▶ BC EAO;
- ▶ Agriculture Land Commission (ALC);
- ▶ British Columbia Ministry of Agriculture;
- ▶ British Columbia Ministry of Energy, Mines and Low Carbon Innovation (BC MEMLI);
- ▶ British Columbia Ministry of Environment (BC MOE);
- ▶ BC MECCS;
- ▶ British Columbia Ministry of Forests, Lands, Natural Resource Operations and Rural Development (BC MFLNRORD);
- ▶ British Columbia Ministry of Jobs, Economic Recovery and Innovation; and

- ▶ British Columbia Ministry of Municipal Affairs and Housing (BC MAH).

Federal Agencies:

- ▶ Environment and Climate Change Canada (ECCC).

Regional Agency:

- ▶ Bulkley Valley Community Resources Board;
- ▶ Northern Health; and
- ▶ Regional District of Bulkley-Nechako (RDBN).

Local Government:

- ▶ Village of Telkwa; and
- ▶ Town of Smithers.

Indigenous Groups:

- ▶ Office of the Wet'suwet'en (OW).

Table 2.2-1 below summarizes the key issues raised by each agency and the status of issue resolution. For more details on issues and issue resolution, please refer to **Appendix 2.0-A Tenas Project Valued Components Working Group Comment Tracker** and the **Appendix 2.0-B Draft Application Information Requirements – Working Group Issues Tracking Table**. Both tracking tables are also available on BC EAO's public website, EPIC.

Table 2.1-1: Summary of Key Issues Raised and Status of Issue Resolution

Agency/Local Government/ Indigenous Group	Subject	Issue/Concern Identified	Telkwa Coal Limited (TCL) Response/Proposed Action	Relevant Section of the Environmental Assessment Certificate (EAC) Application
Office of the Wet'suwet'en (OW)	Valued Components (VC) and Intermediate Components (IC)	Concerns that some components we consider important VCs have been identified as ICs instead.	The Application Information Requirements (AIR) has been revised to use only VC to clearly reflect the importance of all components considered in the AIR.	Section (S) 3.0 Assessment Methodology
British Columbia Ministry of Environment and Climate Change Strategy (BC MECCS)	Surface water	Concerns about including treatment options in the EAC Application and <i>Environmental Management Act</i> , SBC 2003, c 53 (Government of British Columbia [GovBC] 2003) (EMA) applications.	Section 4.3.4 of the AIR was revised to include to clarify when site performance objectives and/or specific contingency measures will be proposed in the Application.	S4.0-Chapter (C) 3 Surface Water VC
British Columbia Ministry of Energy, Mines and Low Carbon Innovation (BC MEMLI)	Surface water	BC MEMLI expects that the site-wide water balance and water quality models incorporate the results of the groundwater numerical flow model(s) in order to delineate surface water-groundwater interactions and potential effects to both surface water quantity and surface water quality.	A site-wide water balance and water quality model which incorporates the results of the groundwater numerical flow model to delineate surface water-groundwater interactions and potential effects to both surface water quantity and surface water quality will be included in the EAC Application. An additional sentence was included in the AIR to make this clear.	S4.0-C3 Surface Water VC; S4.0-C4 Groundwater VC
BC MECCS	Groundwater	Concerns related to potential effects to groundwater. This section should clarify how the numerical groundwater flow model will be used to assess the mine water load into the receiving environment. Will this be completed within the groundwater model (e.g., solute transport model) or will the load be estimated under a different	The water and load balance model (WLBm) is currently planned to ultimately assess mine water load into the receiving environment. Load transported via groundwater will be accounted for by utilizing the numerical groundwater flow model results with an appropriate source term applied. Solute transport modelling is not considered valuable at this time. Section 4.4.3 of the AIR was updated to clarify how potential groundwater quantity effects will be assessed.	S4.0-C4 Groundwater VC

Agency/Local Government/ Indigenous Group	Subject	Issue/Concern Identified	Telkwa Coal Limited (TCL) Response/Proposed Action	Relevant Section of the Environmental Assessment Certificate (EAC) Application
		modelling effort (e.g., mass balance model).		
British Columbia Ministry of Forests, Lands, Natural Resource Operations and Rural Development (BC MFLNRORD) and Environment and Climate Change Canada (ECCC)	Caribou	Concerns related to which Regional Study Areas (RSA) will be used for the effects assessment and the cumulative effects assessment.	All three (3) RSAs will be used in the project effects assessment and the cumulative effects assessment (CEA): the 2014 BC MECCS critical habitat and the two (2) Regional Study Areas (RSAs) based on the 2019 provincial Core (and Matrix habitat). The Wildlife study area map was separated from the Caribou RSA map in the AIR for clarity.	S4.0-C8 Wildlife VC
ECCC	Wildlife	Concerns that the Project may impact wildlife health due to releases of suspended sediment, mine contact water, blast residues, flow alterations, and potential groundwater seepage from tailings and other mine waste disposal facilities (particularly due to the potential risk of selenium toxicity). As such, a wildlife health assessment should be conducted to evaluate potential adverse effects to terrestrial wildlife, birds, and aquatic-feeding wildlife (e.g., amphibians and water birds) due to changes in air, soil, water, and sediment quality.	The wildlife and avian chapters of the environmental assessment (EA) will include an evaluation of whether contaminants of potential concern (COPCs) may be present at concentrations that could result in adverse effects or impacts on wildlife or avian species/populations. To establish the latter, we will screen against applicable Wildlife, Livestock and Freshwater Aquatic Life water quality guidelines (WQGs) (e.g., BC MECCS, Canadian Council of Ministers of the Environment [CCME], United States Environmental Protection Agency USEPA). If there are exceedances of the WQGs based on this screening exercise, a wildlife health assessment will be conducted.	S4.0-C8 Avian Species VC; S4.0-C9 Wildlife VC
BC FLNRORD	Recreation and trails	Concern that recreation mapping layers not shown on maps in the draft AIR.	TCL confirmed the requested recreation mapping layers (polygons and linear features) would be added to the applicable maps for the Visual Resources	S6.0-C2 Visual Resources VC; S6.0-C4 Land and Resource Use VC

Agency/Local Government/ Indigenous Group	Subject	Issue/Concern Identified	Telkwa Coal Limited (TCL) Response/Proposed Action	Relevant Section of the Environmental Assessment Certificate (EAC) Application
			and Land and Resource Use VC assessments in the EAC Application.	
BC FLNRORD	Public recreation	Concerns regarding potential effects recreation sites and trails from potential Project-related effects access, noise, visuals and economic.	Potential project-related effects to recreation sites and trails will be considered in the Land and Resource Use VC chapter in the EAC Application. The Atmospheric Environment VC (which includes Air Quality and Noise subcomponents) considers sensitive receptors which were selected in accordance with standard practice, the BC Air Quality Dispersion Modelling Guidelines (British Columbia Ministry of the Environment [BC MOE] , and the BC Noise Control Best Practices Guideline (BC Oil and Gas Commission [BC OGC]). The Economic Development VC-chapter will consider potential change in local or regional tourism as a result of the Project.	S4.0-C1 Atmospheric Environment VC; S5.0-C2 Economic Development VC; S6.0-C4 Land and Resource Use VC
Agricultural Land Commissions (ALC)	Permitting	Non-farm use in the ALR requires an application to the ALC and is not guaranteed to be approved.	TCL submitted an Agricultural Land Reserve (ALR) Non-Farm Use Application in November 2020. Consideration of land use, including ALR, is included in the assessment.	S1.0-4 Applicable Authorizations; S6.0-C4 Land and Resource Use VC
Northern Health	Air quality	Concerns regarding how parameters (i.e., metals, PAHs and VOCs) will be assessed.	Metals, polycyclic aromatic hydrocarbons (PAHs) and volatile organic compounds (VOCs) will be included in the air dispersion modelling and results will be used in the Human Health VC assessment.	S4.0-C1 Atmospheric Environment VC
Regional District of Bulkley-Nechako (RDBN)	Mitigation measures	Specific mitigation actions need to be developed, evaluated, and discussed during the EAC Application review process. The development of mitigation plans	Specific social and economic mitigations will be developed and discussed in the EAC Application.	S5.0 Economic Effects Assessment; S6.0 Social Effects Assessment

Agency/Local Government/ Indigenous Group	Subject	Issue/Concern Identified	Telkwa Coal Limited (TCL) Response/Proposed Action	Relevant Section of the Environmental Assessment Certificate (EAC) Application
		and strategies should not be deferred to the Socio-Economic and Environment Management Planning process.		
Town of Smithers	Noise	Concerns regarding noise and blasting and the potential effects to health and wildlife needs to be clearly presented.	The Noise Modelling Report (Appendix 4.1-A of S4.0-C1 Atmospheric Environment of the EAC Application) includes monitoring data from existing conditions, which is considered in the Noise Model, which predicts the noise disturbance resulting from two (2) Project scenarios: operations and blasting. Noise is accounted for as a sensory disturbance when assessing changes for Wildlife, Avian Species, and Human Health VCs.	S4.0-C1 Atmospheric Environment VC; S4.0-C8 Avian Species VC; S4.0-C9 Wildlife VC; S8.0-C1 Human Health VC

2.1.2 Public Participation

Public consultation for this Project is conducted in accordance with the approved Public Consultation Plan. As noted above, consultation and engagement activities (i.e., meetings, open houses) were undertaken by TCL outside of the regulatory process and details are provided in **S11.0 Wet'suwet'en Rights and Interests Assessment** and **S12.0 Public Consultation** of this **EAC Application**, as well as in the pre-Application Public Consultation Report and the Indigenous Consultation and Engagement Plan.

The BC EAO-led two (2) virtual open houses on June 17 and 23, 2020. The virtual open houses included a brief presentation from the BC EAO on the EA process and the draft AIR comment period. This was followed by a detailed presentation by TCL that included an update on the mine plan, a project overview video, and review of the draft AIR, which specifically outlined the Valued Components (VC) that would be assessed in the EAC Application. BC EAO and TCL's presentations collectively lasted about an hour, and then there was an hour-long question and answer period.

Approximately 150 people attended the two (2) BC EAO-led open houses, with a total of 125 questions submitted and 61 answered during the open houses. Key themes posed by the community during the virtual open houses include:

- ▶ EA process and public input/format of meetings;
- ▶ engagement with the Wet'suwet'en;
- ▶ water and fish;
- ▶ climate change;
- ▶ mine design;
- ▶ air quality and dust;
- ▶ steelmaking coal; and
- ▶ socio-economics.

Per the requirements detailed in the Section 11 Order, the BC EAO provided a public comment period of 45 days on the draft AIR document. The BC EAO extended the public comment period from 30 to 45 days due to the COVID-19 pandemic and physical distancing guidelines. The public comment period for the Project's draft AIR document was June 8 to July 23, 2020.

At the end of the public comment period, TCL prepared a pre-Application Public Consultation Report (PCR) (TCL 2020) to document TCL's consultation efforts from early 2017 to July 23, 2020. The PCR is available on EPIC:

- ▶ https://projects.eao.gov.bc.ca/api/public/document/6079ade55cbabe00229f593e/download/210415_TenasMine_PublicConsultationReport_Final_WithAppendixB.pdf.

S12.0 Public Consultation of this EAC Application reports on the results of pre-Application consultation activities and forms the basis of the above-mentioned pre-Application PCR.

Public comments on the draft AIR covered multiple subjects, with the most prevalent being water, fish and fish habitat, socio-economics, climate change, atmospherics, wildlife and caribou, geochemistry, engineering, and land use. **S12.0 Public Consultation** of this EAC Application summarizes the key public comments and concerns at a high level, including a brief response from TCL. **Appendix 12.0-B in Part D-S12.0 Public Consultation** includes all public comments submitted on the draft AIR as well as detailed responses from TCL.

2.2 Federal Environmental Assessment (EA) Process

Regulations Designating Physical Activities, S.O.R 2012-147 (GovCan 2012) under the former *CEAA*, identifies the physical activities and thresholds that constitute designated projects that may require an EA by the Canadian Environmental Assessment Agency (Agency). The Project's daily production rate of 2,050 tonnes per day (t/d) is below the threshold for a new coal mine under the former 2012 *CEAA* (3,000 t/d or more) and for a new coal mine under the current *IAA* (5,000 t/d or more). The Agency confirmed on December 12, 2018, that the Project is not reviewable under 2012 *CEAA* as the physical works associated with the Project are not described in the Regulations.

On August 28, 2019, the *IAA* came into force. The *IAA* creates the new Impact Assessment Agency of Canada (IAAC) and repeals the 2012 *CEAA*. In May 2020, the IAAC confirmed that the Project would not be a designated project under the Regulations Designating Physical Activities, S.O.R 2012-147 (GovCan 2012) (IAAC 2020a).

In a letter dated May 13, 2020, TCL via Allegiance Coal Limited clarified to IAAC that the amended production rate of the Project was now anticipated to be 775,000 million tonnes per annum (mtpa) to 825,000 mtpa average with an annual maximum of approximately 900,000 mtpa, rather than the 750,000 mtpa production rate originally stated in the 2018 Project Description. The IAAC confirmed that based on the 2018 Project Description, and the amended production rate, that the Project would not be a designated project under the Regulations Designating Physical Activities, S.O.R 2012-147 (GovCan 2012) (IAAC 2020b).

The IAAC (and the former Agency) noted that for physical activities not described in the Regulations Designating Physical Activities, S.O.R 2012-147 (GovCan 2012), there is the possibility that the Minister of Environment and Climate Change Canada, on request, or on their own initiative, could designate a project for an impact assessment under section 9 (1) of the *CEAA* if the Minister is of the opinion that the carrying out of the Project may cause adverse effects within federal jurisdiction or adverse direct or incidental effects, or if public concern related to those effects warrants that designation (Agency 2018, IAAC 2020a, and IAAC 2020b).

3. REFERENCES

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