

Tenas Project - Application Review Working Group Meeting

May 30, 2022, from 1:00 pm – 2:00 pm PT

[Click here to join the meeting](#)

Or call in (audio only): [+1 778-401-6289](tel:+17784016289), Conference ID: 165 801 829#

Meeting Objectives:

- For the EAO to provide participants an overview of the environmental assessment (EA) process for Application Review;
- For the proponent to provide introductory information on the Application; and
- For Working Group (WG) members to ask initial questions regarding Application review.

Proposed Agenda:

Item	Description	Item Lead	Time	Duration
1	Welcome/territorial acknowledgment, agenda overview, introductions	EAO	1:00 - 1:05 pm	5 mins
2	Overview from the EAO on EA process	EAO	1:05 -1:25	20 mins
3	Overview from Proponent on the Application	TCL	1:25-1:45	20 mins
4	Q & A on Application Review Process Phase	All	1:45-1:55	10 mins
5	Closing & Next steps	EAO	1:55 – 2:00 pm	5 mins

Attendees:

Office of the Wet'suwet'en (OW): Mike Ridsdale

Witset First Nation: Anthony Noonan

Environmental Assessment Office (EAO): Heather Noble, Jillian Zavediuk, Matt Rodgers, Jasmin Jackson

Telkwa Coal Ltd (TCL): Ashleigh Ballevona, Dan Farmer

Ministry of Energy, Mines, Low Carbon Innovation (EMLI): Morgan Dyas, Alexis McPherson, Teresa Morris, Melanie St-Arnault

Ministry of Environment and Climate Change Strategy (ENV): Todd Adamsson, Sheldon Reddekopp, Trina Orchard, Anna Akkerman, Rusto Martinka

Ministry of Agriculture, Food and Fisheries (AFF): John Stevenson

Ministry of Transportation and Infrastructure (TRAN): Daena Bilodeau Cooper

Ministry of Forests, Lands and Natural Resource Operations (FLNR): Ron Donnelly, Sean Staplin, Brandy Hughes, Jacques Marc (VRM Services)

Environment Climate Change Canada (ECCC): Michael Rybansky, Kathryn Marshall

Northern Health (NH): Paula Tait, Denaige McDonnell

Town of Smithers: Gladys Atrill

Bulkey Valley Community Resources Board: Ted Vander Wart

Village of Telkwa: Frank Wray

Regional District of Bulkley-Nechako (RDBN): Jason Llewellyn

Other attendees: Bruce Mattson, Lois Boxill

Notes:

- The EAO asks for members to identify themselves when asking a question or are speaking
- First Working Group meeting for App Review – purpose is for orientation of Working Group
- EA Process slide illustrate that Tenas is at Application Review stage
- Project began with a Section 10 Order (determination project is reviewable), followed by Section 11 Order to determine scope and process, specific requirements for EA process, identify the valued components (VCs) that need to be assessed.
- TCL then developed the Application Information Requirements (AIR) in January, submitted the Application to the EAO for Application evaluation, which finished on April 27.
- The EAO accepted the Application for review on May 11, starting the 180-day Application Review phase.
- Purpose of the Application Review is to fully understand the issues with goal of minimizing or avoiding adverse effects

Next Steps:

- Currently in Round 1: to review of adequacy of assessment of potential affects – comments from the working group go to TCL to respond
- Round 2: Thorough review of TCL's responses to WG comments on the Application, clarification of questions and issues resolution.
- Round 3: Thorough review of TCL's responses to WG comments on the Application, clarification of questions and issue resolution
- A public comment period (PCP) started on May 19, going until July 3
- At the end of the Application Review phase, the EAO will make recommendations to the Ministers in their Assessment Report: approve, not approve, or request additional information.
- Development of the EAO's Referral Package, including the Assessment Report and Table of Conditions that go to Ministers for decision.
- The working group and Indigenous nations will play a key role in reviewing the EAO's Referral Package.

Question from the Town of Smithers: What efforts have been made to notify public of this proposal, given its occurrence during Covid, the length of public comment period seems insufficient, what efforts are being made to engage with BC residents?

EAO Answer: Contained in the process: once app is accepted, there is a 45-day PCP to gather public feedback, all comments must be address by proponent. The PCP includes an open house in Telkwa planned for June 1st and a virtual information session planned for June 8th. Normally this is a 30-day period, extending it to 45 days for Tenas due to public interest. Covid demonstrated that there is value in virtual information sessions, which provide an opportunity to ask questions and understand the EA process. The upcoming open house will have iPads to input comment and notepads to capture written comments.

The EAO will be holding another PCP on the draft referral package, an additional 30 days for public comments on the draft package – needs to fit within the legislated time of 180 days, difficult to extend or offer additional opportunities during this time, it's not possible to make the PCP longer and complete the Assessment report.

Follow up question: Specifically what methods, efforts are being made to notify that a PCP is being made? What are the strategies to notify the public?

TCL Answer: Radio ads running 3 x daily on local stations since May 19, published newspaper ads, social media posts made on TCL's channels that link to EPIC, also EAO's Twitter account has tweeted about the PCP and open house

EAO:

- Review of Key EA Milestones
- Roles and Responsibilities
 - Working Group – technical experts;
 - Indigenous Nations;
 - Proponent - does not sit on WG but is asked to attend WG meetings to gather comments and feedback

Considerations for providing comments to the EAO:

- Accuracy and adequacy in identification / predication of adverse effects
- Big picture issues in mind
- Please alert the EAO asap if discover something significant
- Be specific
- Be clear, use plain language
- Note that all WG submissions and summaries of WG meetings are made publicly available
- TCL will prepare a comment tracking table to address each comment

Question from OW: with regards to harmful alteration, disruption or destruction of fish habitat ("HADD" under the federal Fisheries Act "no person shall carry on any work that results in harmful alteration, disruption or destruction of fish habitat") does BC have this program – is it provincial or federal?

Answer from the EAO: the Fisheries Act is federal and BC's fish expert is not on the line.

Follow up question from OW: Appendix 4.6D – offsetting in Federal jurisdiction – can anyone speak to the HADD or offsetting options? Is there is a Department of Fisheries and Oceans (DFO) requirement for the project?

Answer from the EAO: We reached out to DFO to be a part of the Tenas Project's WG, but DFO declined. If it's not a federal assessment, they usually don't attend. There are offsetting options that will be considered by DFO when TCL applies for a Fisheries Act authorization closer to the end of the EA process.

TCL response: has created model for conceptual offsetting plans with monitoring during production – assume the flows will be reduced; it's a conservative proposal

OW: It would be helpful to have a federal representative present to address these questions and the offsetting projects in BC, proposes talking to feds

TCL: advised that TCL will be seeking a DFO Fisheries Act authorization, which is a separate process from the BC EA. TCL hopes that this flags that DFO will be joining the table – will be submitting this week to DFO portal.

OW: believes it is a process issue, and shouldn't fall to the proponent, CN people should also be present because additional rail cars will be required and they should be part of the discussion – the WG is short of representation, need to align the proper people for the effectiveness of the EA process

EAO: As with DFO, the EAO urged CN Rail to join the Tenas Project's WG, but CN declined.

ACTION: EAO to follow up with DFO and CN Rail to request WG participation once more

TCL:

- Notes the Tenas Application is very lengthy and detailed with 16 binders and using meeting to benefit the WG's ease of navigation: how to find information, where to find it, how to navigate EPIC
- Recommends starting with downloading the table of contents from EPIC; report is broken down to A – F – each part parts, sections and chapters – screen shot of EPIC and where to find the various pieces of the application. Download the Table of Contents and list of appendixes to find the info you want
- Quick overview of table of contents for specific report also one for the Appendixes – identifying the management plans, look for the chapters cross reference the table of contents and list of appendixes – help to navigate the vast amount of information
- Flagging that the appendices may be split into parts, will be clearly named
- Request a thumb drive, or if cannot find something please reach out to TCL

EAO:

- Reminder: WG comments are due June 10 – Working Group meeting scheduled in a couple weeks. Looking for comments to develop agenda

Question from TRAN: Are there hyperlinks in the table of contents?

TCL answer: Not in the standalone application table of contents because it is a PDF, once you download the specific chapter, that Table of Contents should have hyperlinks

Question from FLNR: When will TCL be applying for permitting?

TCL answer: No confirmed permits until later this year

RDBN: Rail facility requires a bylaw amendment and an agricultural land reserve (ALR) application. The ALR process is taking a long time and unsure of current status.

EAO: There is an Agricultural Land Commission representative on the WG but they are not at this meeting. Recommend connecting with TCL on this for updates. Permitting comes after the issuance of the EA Certificate – permits cannot be issued until the EA Certificate has been issued.

End of meeting at 2:00pm.