

Postal Address:

205 Beaver Road, Suite #1
Smithers, BC V0J 2N1

Telephone: (250) 847-3630



www.wetsuweten.com

Location Address:

3873 – 1st Avenue
Smithers, BC

Facsimile: (250) 847-5381

October 20, 2022

SENT VIA E-MAIL: Matthew.Rodgers@gov.bc.ca; dfarmer@allegiancecoal.com.au

British Columbia Environmental Assessment Office
PO Box 9426 Stn Prov Govt
Victoria, British Columbia V8W 9V1

Attention: Matt Rodgers, Acting Assessment Director

Telkwa Coal Limited
Suite D 409 1415 Hankin Ave
Telkwa, BC V0J 2X0

Attention: Dan Farmer, Director and Chief Operating Officer

RE: Transition of British Columbia Environmental Assessment Office ("BC EAO") review of Telkwa Coal Limited's ("TCL") proposed Tenas Project ("Project") under the Environmental Assessment Act, SBC 2018, c 51 (the "New Act")

Office of the Wet'suwet'en (the "OW") writes to you each in follow-up to our recent correspondence to the BC EAO and TCL detailing the shortcomings of the BC EAO review of the Project to-date under the outdated Environmental Assessment Act, SBC 2002, c 43 (the "Old Act") and addressing the gaps within the Tenas Application.

As set out in our recent correspondence, the BC EAO review of the Project under the Old Act is seriously flawed, particularly with the information (or lack thereof) underlying Part C of the TCL application, due to critical gaps in reliable, ground-truthed baseline information related to Wet'suwet'en socio-cultural values, cumulative effects and the economic component of Wet'suwet'en title lands. These flaws must be addressed through direct engagement and collection of data with Cas Yex and Kwen Bea Yex house members.

Given these flaws and the impossibility of remedying them under the Old Act in a timely and sufficient manner, the OW agrees to the TCL proposal to transition the BC EAO review of the Project to the review process provided for under the New Act rather than suspending the EA review due to inadequacies under the Old Act as a temporary stop gap measure. BC EAO shares Wet'suwet'en interest in ensuring there is sufficient information to conduct an assessment of impacts on House Group's rights and title.



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A transparent and consensus-based approach is required to determine how the ongoing BC EAO review of the Project under the Old Act is to be transitioned under the New Act. We have serious concerns on the transition, including determinations on the appropriate procedural stage to continue the review of the Project under the New Act. Given the past failures in engagement with Cas Yex and Kwen Bea Yex house members and the resulting gaps in baseline information which have stalled progress in both Wet'suwet'en and BC review and decision-making processes for the Project, we must be directly involved in determining how the review of the Project under the New Act will take place.

We are currently developing work plans with associated budgets, and we are committed to sharing these with BC EAO and TCL at the earliest possible opportunity to ensure that the transition of BC EAO's review of the Project under the New Act addresses the existing critical baseline information gaps and is aligned with the requirements of the consent-based assessment and decision-making processes of the Cas Yex and Kwen Bea Yex house groups. However, the time-intensive and prolonged review of the Project and the transition to a new process under the New Act will place significant new burdens and demands on the OW and Cas Yex and Kwen Bea Yex house members. Additional financial and independent technical assistance will be required to ensure Wet'suwet'en title, jurisdiction and decision-making rights may be meaningfully exercised and enjoyed in relation to the Project.

Until the provision of sufficient funds to support the effective and efficient implementation of our work plans and associated budgets, the OW will not be in a position to meaningfully engage with the BC EAO and TCL in relation the Project and the transition of its review from the Old Act to the New Act.

Please contact me directly should either the BC EAO or TCL have any questions with respect to the OW's support for TCL's proposal to transition the review of the Project under the New Act and our requirements for moving forward in a manner that upholds Wet'suwet'en title and our human rights to free, prior and informed consent.

Sincerely,



David de Wit

Natural Resources Manager

OFFICE OF THE WET'SUWET'EN

cc: Dinī ze' Woos (Frank Alec), Cas Yex, Gitumden (frankjalec@gmail.com)

Dinī ze' Hagwilnegh (Ron Mitchell), Kwen Bea Yex, Laksilyu (reynold7755@hotmail.com)



Debbie Pierre, Executive Director, Office of the Wet'suwet'en (dpierre@wetsuweten.com)

Bruce Ralston, Minister, Energy, Mines and Low Carbon Innovation (EMPR.Minister@gov.bc.ca)

Fazil Mihar, Deputy Minister, Energy, Mines and Low Carbon Innovation
(Fazil.Mihar@gov.bc.ca)

Murray Rankin, Minister, Indigenous Relations and Reconciliation (IRR.Minister@gov.bc.ca)

Doug Caul, Deputy Minister, Indigenous Relations and Reconciliation (Doug.Caul@gov.bc.ca)

Mike Ridsdale, Environmental Assessment Coordinator, Office of the Wet'suwet'en
(mike.ridsdale@wetsuweten.com)

Mark Gray, Chairman and Managing Director, Telkwa Coal Limited
(mgray@allegiancecoal.com.au)

Ashleigh Ballevena, Environmental Assessment Specialist, Telkwa Coal Limited
(aballevena@allegiancecoal.com.au)

