

IN THE MATTER OF
THE *ENVIRONMENTAL ASSESSMENT* ACT, S.B.C. 2002, c. 43 (FORMER ACT)
AND THE *ENVIRONMENTAL ASSESSMENT* ACT, S.B.C. 2018, c. 51
(ACT)

AND
TELKWA COAL LIMITED (PROPONENT)

AND
AN ENVIRONMENTAL ASSESSMENT OF THE PROPOSED
TENAS PROJECT (PROJECT)

ORDER AMENDING SECTION 11 ORDER UNDER THE FORMER ACT AND SECTION 78(7)
ORDER UNDER THE ACT

WHEREAS:

- A. On November 6, 2018, the Environmental Assessment Office (EAO) issued an Order under Section 10(1)(c) of the Former Act, stating that the Project requires an environmental assessment certificate, and that the Proponent may not proceed with the Project without an assessment;
- B. On June 25, 2019, the EAO issued an Order under Section 11 of the Former Act, modified on April 27, 2022, under Section 13 of the Former Act, determining the scope of the required assessment and the procedures and methods for conducting the assessment of the Project (the Section 11 Order);
- C. On December 16, 2019, the Act came into force;
- D. Section 78(7) of the Act provides that assessments not completed under the Former Act by December 16, 2022, be completed under the Act;
- E. On December 16, 2022, the EAO issued an Order under Section 78(7) of the Act, transitioning the Project to Section 28 of the Act (the Transition Order);
- F. On October 26, 2022, Witset First Nation confirmed their interest in being a participating Indigenous nation;
- G. On November 2, 2022, the Wet'suwet'en Houses through the Office of the Wet'suwet'en Hereditary Chiefs confirmed their interest in being a participating Indigenous nation;

H. On January 9, 2023, Wet'suwet'en First Nation confirmed their interest in being a participating Indigenous nation; and,

I. On March 1, 2023, Skin Tyee First Nation confirmed their interest in being a participating Indigenous nation.

NOW THEREFORE:

I order that:

1. The following is added to Section 12 of the Section 11 Order:

12.5 The EAO will work with any participating Indigenous nation interested in conducting an assessment with respect to the potential effects of the Project on the participating Indigenous nation and its rights recognized and affirmed by Section 35 of the *Constitution Act, 1982*, to determine the scope and timelines for any such assessment.

2. The following is added to Section A of Schedule A of the Transition Order:

5. Any participating Indigenous nation may conduct an assessment with respect to the potential effects of the Project on the participating Indigenous nation and its rights recognized and affirmed by Section 35 of the *Constitution Act, 1982*, in a manner consistent with Section 19(4) of the Act.

3. The following is added to Section D of Schedule A of the Transition Order:

6. Information Requests: Fish and Fish Habitat, issued by the EAO on June 6, 2023.

4. The following is added to Schedule A of the Transition Order:

E. The participating Indigenous nations for the Tenas Project are: the Wet'suwet'en Houses through the Office of the Wet'suwet'en Hereditary Chiefs; Wet'suwet'en First Nation; Witset First Nation; and Skin Tyee First Nation.



Elenore Arend
Chief Executive Assessment Officer
Environmental Assessment Office

Dated November 3, 2023