

Assessment Plan

FOR THE

TENAS PROJECT

PROPOSED BY

TELKWA MINING LIMITED

ISSUED BY

ENVIRONMENTAL ASSESSMENT OFFICE

FEBRUARY 23, 2026



EAO

Environmental
Assessment Office

Assessment Plan

TENAS PROJECT

1.0 INTRODUCTION

The Tenas Project (Project) is a proposed metallurgical coal mine located approximately seven kilometres southwest of Telkwa, British Columbia (B.C.) with a 25-year mine life and a production rate of up to 825,000 tonnes of metallurgical coal per year. Application Review under the *Environmental Assessment Act* (2002) (the former Act) began on May 11, 2022, and the Project transitioned to the *Environmental Assessment Act* (2018) (the Act) on December 16, 2022, with the issuance of the [Transition Order](#). The Transition Order includes:

1. Amendments to the methods and procedures of the environmental assessment (EA) process outlined in the [Section 11 Order](#) and rescinding the [Section 13 Order](#) issued under the former Act;
2. Supplemental information requirements:
 - a) Information requests (IRs) issued by the Environmental Assessment Office (EAO) to the proponent, Telkwa Coal Limited (TCL) now called Telkwa Mining Limited (TML), to address gaps in the Application identified for caribou, water, fish and fish habitat, and effects on First Nations;
 - b) Information requirements for TML to address additional required assessment matters under [Section 25](#) of the Act.

The EAO issued an [Amendment Order](#) on November 3, 2023, to list the participating Indigenous nations for the Project, to add the [Fish and Fish Habitat IR](#) as a supplemental information requirement, issued by the EAO on June 6, 2023, to the Transition Order, and to allow participating Indigenous nations the opportunity to conduct an assessment in a manner consistent with Section 19(4) of the Act 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* (Section 19(4) Assessment). The EA process for the Project will continue at the Effects Assessment and Recommendation phase under Section 28 of the Act after review and acceptance of TML's responses to the supplemental information requirements by the EAO, the Technical Advisory Committee (TAC), and participating Indigenous nations.

2.0 PURPOSE OF THE ASSESSMENT PLAN

The purpose of this Assessment Plan is to specify the following for the remaining phases of the EA:

- Additional methods and procedures for the EA¹;
- Who will be engaged in the development and review of information produced during the EA and associated timelines;
- Who will be engaged in the EA, and the means and timelines by which they will be engaged;
- Legislated timelines of each phase; and,
- The roles and responsibilities of each of the EA participants, which include:

¹ EA methods and procedures for the Project are defined in [Section 11 Order](#) issued under the former Act and in the Transition Order issued under the Act.

- Telkwa Mining Limited, previously called Telkwa Coal Limited;
- The EAO;
- Participating Indigenous nations;
- Local and regional governments;
- The Technical Advisory Committee;
- Community Advisory Committee (CAC); and
- The public and stakeholders.

The Assessment Plan includes the three remaining phases of the EA for the Project, which are:

- Transition from the former Act to the Act²;
- Effects Assessment and Recommendation; and
- Decision.

3.0 CONSULTATION WITH FIRST NATIONS

A key purpose of the EAO under the Act is to support reconciliation with First Nations peoples in B.C. Recognizing that each First Nation is unique, the EAO seeks to work with all potentially affected First Nations to understand their distinct rights, interests and relationship to their territory. Indigenous interests are Aboriginal rights recognized and affirmed under Section 35 of the [Constitution Act, 1982](#), as well as other matters of interest to a participating Indigenous nation under Section 25(1) of the Act.

If a First Nation believes that their Nation or their Section 35 rights may be affected by a proposed project and they wish to participate in the EA process as a participating Indigenous nation, the First Nation can notify the EAO of their intention to participate as a participating Indigenous nation. The following participating Indigenous nations have been identified for the purpose of the assessment of the Project in accordance with [Section 14](#) of the Act:

- Wet'suwet'en Treaty Office Society, also known as the Office of the Wet'suwet'en;
- Witset First Nation;
- Wet'suwet'en First Nation; and
- Skin Tyee First Nation.

Participating Indigenous nations are afforded specific procedural rights within the Act, including:

1. Consensus seeking with the EAO at specific procedural milestones, including on the referral package and the Chief Executive Assessment Officer's (CEAO) recommendation regarding the sustainability of the proposed project;
2. An opportunity to provide notice of consent or lack of consent at the conclusion of the EA process. This notice must be considered by Ministers when making their decision;
3. An opportunity to conduct a Section 19(4) Assessment; and
4. Access to facilitated dispute resolution: Following applicable consensus-seeking efforts, participating Indigenous nations may access a facilitated dispute resolution process regarding the content of the draft Assessment Report

² The Project is currently in transition from the Application Development and Review phase to the Effects Assessment phase of the EA. See Section 5 for more detail on the Transition phase.

and draft EAC, the decision of the Ministers on whether the project is consistent with the promotion of sustainability, or the decision of the Ministers on whether to issue an EAC.

Sections 5, 6, and 7 below include specific detail regarding how the EAO will engage and consult with participating Indigenous nations during the remainder of the EA. In addition to the consultation that the EAO will undertake, some aspects of consultation will be undertaken by TML on behalf of the EAO, as set out in the roles and responsibilities tables for each phase of the EA.

4.0 PUBLIC ENGAGEMENT

Public participation in the EA process helps ensure that community values and public goals are considered in project planning and decision-making. As the Project entered the EA process under the former Act, public engagement requirements for the Pre-Application and Application Review phases of the Project were included in the [Section 11 Order](#), issued by the EAO under the former Act on June 25, 2019. The [Public Consultation Plan](#), prepared by TCL and submitted on September 12, 2019, outlined past and anticipated future engagement activities between TCL and the local community and stakeholders. Previous EAO-led public engagement on the Project has included:

- A public comment period on the draft Application Information Requirements held from June 8 to July 23, 2020, which included two virtual³ open houses for the draft Application Information Requirements held on June 17, 2020, and June 23, 2020; and
- A public comment period on the Application held from May 19, 2022, to July 3, 2022, which included an in-person open house on the Application held on June 1, 2022, in Telkwa, B.C., and a virtual information session on the Application held on June 8, 2022.

In accordance with the Section 11 Order, TCL was required to provide Public Consultation Reports summarizing engagement activities with the public 60 days after the close of a public comment period and at the time of submission of the Application. The three Public Consultation Reports that have been submitted to date are available on the Project [webpage](#).

The EAO determined that formation of a CAC is warranted for the Effects Assessment and Recommendation phase of the EA process so that the EAO can better understand potential effects of the Project on the community.

The EAO will be holding a public comment period on the draft Referral Package during the Effects Assessment and Recommendation phase of the EA.

5.0 TRANSITION

The Project entered the Transition phase with the EAO's issuance of the [Transition Order](#) on December 16, 2022. In the Transition phase, TML works with participating Indigenous nations, the EAO, and the TAC to develop and finalize responses to the supplemental information requirements.

5.1. Public Engagement

Although there are no formal public engagement requirements during the Transition phase, TML is encouraged to conduct community engagement on their responses to the supplemental information requirements. This will help to ensure there is public awareness and understanding of the key outstanding issues and how TML proposes to address them.

³ EAO-led open houses were held virtually due to the COVID-19 pandemic.

5.2. Participating Indigenous Nation Engagement

During the Transition phase, participating Indigenous nations who are conducting a Section 19(4) Assessment will work with the EAO to scope their assessment. The scope of Witset First Nation’s Section 19(4) assessment is laid out in Appendix A of this Assessment Plan. TML was provided the opportunity to review the Section 19(4) Assessment scoping document before it was finalized. This scoping document outlines the information which will be considered in the 19(4) Assessment such as TML’s Application and TML’s responses to supplemental information requirements.

The EAO will seek consensus with participating Indigenous nations on the adequacy of TML’s responses to the supplemental information requirements. This will inform the EAO’s decision as to whether the Project is ready to proceed to the Effects Assessment and Recommendation phase.

The Office of the Wet’suwet’en plans to conduct a Wet’suwet’en Assessment and Decision-making process that will begin during the Transition phase. See Appendix B for details regarding Office of the Wet’suwet’en Assessment and Decision-making process.

5.3. Deliverables

- 1. TML’s responses to the supplemental information requirements⁴; and
- 2. An updated issues tracking table for the Project, provided by TML.

5.4. Timeline

The timeline for this phase is at the discretion of TML. The EA will not proceed to the Effects Assessment and Recommendation phase until supplemental information requirements identified in the [Transition Order](#) and relevant amendment orders (for example, the [Amendment Order](#) on November 3, 2023) are provided by TML in a form and content acceptable to the EAO.

5.5. Roles and Responsibilities

Table 1 is a list of roles and responsibilities of the EA participants during the Transition phase of the Project.

Table 1. Roles and Responsibilities of EA Participants During the Transition Phase

Participant	Roles and Responsibilities
TML	• Develop responses to supplemental information requirements. • Conduct studies and/or modeling to provide required information for responses to supplemental information requirements. • Conduct studies and/or modelling to provide information to support the assessment of effects on participating Indigenous nations. • Discuss data collection methods and results with the EAO, participating Indigenous nations, and appropriate TAC members, as needed. • Engage with the EAO, participating Indigenous nations and members of the TAC to provide input on development of responses to the supplemental information requirements, track feedback provided, and address issues raised during development of responses. • Participate in meetings with the EAO, participating Indigenous nations, and the TAC. • Revise responses to supplemental information requirements based on input provided by the EAO, the TAC, and participating Indigenous nations.

⁴ These are: 1. Information requests to address gaps in TML’s Application identified for caribou, water, fish and fish habitat, and effects on First Nations; and, 2. required assessment matters under Section 25 of the Act.

Participant	Roles and Responsibilities
EAO	- Engage as necessary and upon request to provide TML feedback during the development of TML's responses to supplemental information requirements. - Engage as necessary to help resolve issues identified in TML's engagement during the development of their responses to supplemental information requirements and any issues identified by participating Indigenous nations. - Provide updates to members of the TAC and members of the public regarding the progress and timing of the development of TML's responses to supplemental information requirements and next steps in the EA. - Coordinate TAC meetings and subcommittee meetings as needed. - Provide TML's responses to supplemental information requirements to participating Indigenous nations and the TAC and post responses on the EAO's Project Information Centre (EPIC). - Review TML's responses against the supplemental information requirements, including requirements in the issued IRs. - Work and seek consensus with any participating Indigenous nation to develop the scoping document for any Section 19(4) Assessments. - Seek consensus with participating Indigenous nations on the adequacy of TML's responses to the supplemental information requirements - Facilitate issues resolution as required.
Participating Indigenous Nations	- Engage with and report back to their communities on TML's responses to the supplemental information requirements. - Engage with and provide input to TML on the development of responses to supplemental information requirements, including responses to Office of the Wet'suwet'en's IRs and Witset First Nation's IRs. - Assess adequacy of TML responses to supplemental information requirements. - Participate in TAC meetings and calls, as needed. - Participate in consensus seeking with the EAO on the sufficiency of TML's responses to supplemental information requirements. - Engage in consensus seeking with the EAO to develop the scoping document for any Section 19(4) Assessments. - Identify any additional information requirements to complete the Section 19(4) Assessments.
TAC	- Review and provide input to TML during the development of responses to supplemental information requirements. - Participate in TAC meetings and subcommittee meetings, as needed. - Provide advice, as requested, to the EAO during the review of TML's responses to supplemental information requirements.

6.0 EFFECTS ASSESSMENT AND RECOMMENDATION

The EAO's acceptance of TML's response to supplemental information required in the Transition Order marks the beginning of this phase. The EAO will communicate to TML via letter that TML's responses to supplemental information requirements has been accepted by the CEAO and will post this letter to the [EAO's website](#).

This phase has a 150-day legislated timeline. In the Effects Assessment and Recommendation phase, the EAO works with participating Indigenous nations and engages members of the TAC and CAC, and TML to complete an assessment of the Project. The EAO develops a draft Assessment Report and draft Environmental Assessment Certificate (EAC)⁵, including

⁵ Note that the drafting of an Environmental Assessment Certificate is a standard practice and does not presuppose a decision.

proposed conditions and project description (referred to as the draft Referral Package). The EAO seeks comments on the draft Referral Package from all EA participants, including participating Indigenous nations, the TAC, CAC, TML and the public.

The CEAO develops recommendations, and reasons for the recommendations, regarding:

- Whether the Project is consistent with the promotion of sustainability ([Section 29\(2\)\(b\)\(i\)](#) of the Act);
- The required assessment matters under Section 25 of the Act; and
- The duration of the certificate.

This phase ends with the final Referral Package being referred to Ministers for decision.

6.1. Public Engagement

The EAO conducts a public comment period (typically 30 days) on the draft Referral Package and addresses comments received before referral to Ministers. During the public comment period, the EAO will hold open houses and/or virtual information sessions to provide information on the EA process and the Project. The open house(s) and/or virtual information sessions will be coordinated by the EAO and advertised by TML a minimum of seven days in advance of the public comment period commencing. The EAO will summarize public comments received before the referral to Ministers.

6.2. Participating Indigenous Nation Engagement

During the Effects Assessment and Recommendation phase, participating Indigenous nations who are conducting a Section 19(4) Assessment will conduct their assessment and provide it to the EAO for consideration and inclusion in the Referral Package. TML will also have the opportunity to review the conclusions of any Section 19(4) Assessments and be provided an opportunity to respond (i.e. propose additional mitigation measures, etc.). Participating Indigenous nations must provide the EAO and TML with any additional information used to inform the assessment of effects to Nations and their rights.

The EAO must seek consensus with participating Indigenous nations on the draft Referral Package and the CEAO's recommendations regarding the matters identified in Section 29(2)(b)(i) of the Act which informs the Minister's decision as to whether to issue an EA Certificate for the Project. This phase ends with the final Referral Package being referred to the Minister of Environment and Parks and the Minister of Mining and Critical Minerals.

In accordance with [Section 29\(2\)](#) of the Act, participating Indigenous nations can provide notice of consent or lack of consent to issuing the EAC and reasons for their decision.

The independent Wet'suwet'en Assessment Report and Wet'suwet'en Decision Report, being undertaken by the Office of the Wet'suwet'en, will be completed during this time and outcomes and conclusions will be submitted to the EAO for consideration. The independent Wet'suwet'en Assessment Report and Wet'suwet'en Decision Report will be included in the referral package submitted to Ministers. See Appendix B for details regarding Office of the Wet'suwet'en Assessment and Decision-making process.

Allotted Days/Dates: up to 150 days

Dispute resolution: Opportunity for a participating Indigenous nation or the EAO to trigger dispute resolution if consensus is not reached on the Assessment Report or the draft EAC, including proposed conditions and draft Project Description.

6.3. Deliverables

1. Letter from the EAO to TML communicating acceptance of TML's response to supplemental information requirements;
2. Any Section 19(4) Assessments conducted by participating Indigenous nations;

3. Any additional information provided by participating Indigenous nations to inform the assessment of effects to Nations and their rights;
4. The EAO's Draft Referral Package including:
 - Draft Assessment Report; and
 - Draft EAC including proposed conditions and project description;
2. Participating Indigenous nations notice of consent or lack of consent;
3. Draft CEO Recommendations;
4. Final Referral Package including:
 - Final Assessment Report;
 - Draft EAC including proposed conditions and project description;
 - The independent Wet'suwet'en Assessment Report and Wet'suwet'en Decision Report;
 - Notifications of consent or lack of consent from participating Indigenous nations, if any; and
 - CEO Recommendations.

6.4. Timeline

Under [Section 29\(2\)](#) of the Act, the EAO has up to 150 days following the acceptance of TML's supplemental information requirements to develop its final Referral Package and refer to Ministers for decision. A public comment period will be held during this phase on the draft Referral Package and will be a minimum of 30 days.

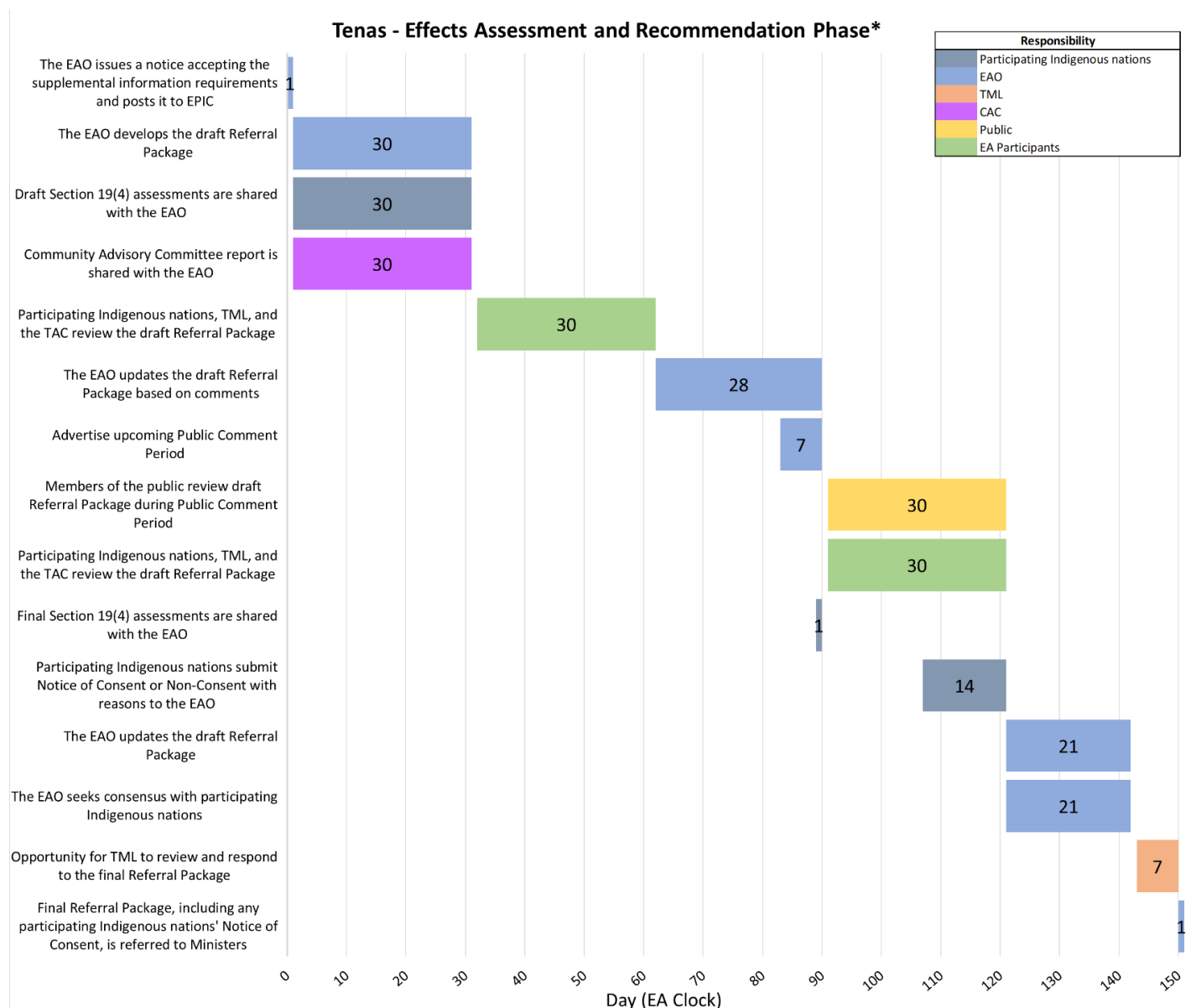


Figure 1. Anticipated Timeline of Effects Assessment and Recommendation Phase*

*This is a proposed schedule that aligns with the maximum legislated timelines for this phase. The duration of this phase may be extended if necessary.

6.5. Roles and Responsibilities

Table 2 is a list of potential and required roles and responsibilities of the EA participants during the Effects Assessment and Recommendation phase for the Project.

Table 2. Roles and Responsibilities of EA Participants During the Effects Assessment and Recommendation Phases

Participant	Roles and Responsibilities
TML	• Provide responses to comments from the TAC, public, and participating Indigenous nations as directed by the EAO. • Review and provide feedback to the EAO and participating Indigenous nations on draft Referral Package. • Respond to information requests if directed by the EAO. • Participate in meetings with participating Indigenous nations and the TAC, as directed by the EAO.
EAO	• Provide letter to TML communicating acceptance of TML's responses to supplemental information requirements. • Order TML to provide further information pursuant to Section 19(2)(c)(i)(B), if required, to support the EAO's assessment of effects of the Project. • Develop draft Referral Package, with input from participating Indigenous nations and members of the TAC and CAC. The draft Referral Package will include the results of any Section 19(4) Assessments. • Seek consensus with participating Indigenous nations on the draft Referral Package, including the assessment of effects to Indigenous interests prior to the public comment period. • Engage with TML during development of the draft Referral Package. • Engage with the TAC when drafting the EAC to ensure the requirements align with future permitting processes and other regulatory requirements. • Post the draft Referral Package for public review and comment and administer public comment period on EPIC; post comments and responses to EPIC. • Coordinate responses to public comments in response document or by making changes to the draft Referral Package. • Seek advice from the members of the TAC to respond to public comments, if required. • Coordinate and lead TAC meetings, as needed. • Conduct engagement with the public, CAC, and participating Indigenous nations. • Seek consensus with participating Indigenous nations on the CEAO's recommendations regarding the matters identified in Section 29(2)(b)(i) of the Act and provide participating Indigenous nations with the draft referral package. • Seek consensus with participating Indigenous nations on any Section 19(4) Assessments. • Develop final referral package. • Provide TML an opportunity to review and respond to the final Referral Package. • Receive notice from participating Indigenous nations regarding consent or lack of consent to the issuance of an EAC, pursuant to Section 29(2)(c) of the Act. • Facilitate issues resolution, as required.
Participating Indigenous Nations	• Engage with and report back to communities. • Provide identified additional information to inform the assessment of effects to the participating Indigenous nation and their rights. • Complete any Section 19(4) Assessments and provide to the EAO and TML for review. • Support the EAO in developing the draft Referral Package as it pertains to the interests of the participating Indigenous nation. • Participate in TAC meetings, as needed. • Engage with the EAO in the development of mitigation measures to be proposed in EAC conditions. • Participate in the consensus seeking process leading to the draft Assessment Report and draft EAC. • Facilitate consideration of draft Referral Package by First Nations decision makers to inform their notification of consent or lack of consent.

Participant	Roles and Responsibilities
	- Provide notice, pursuant to Section 29(2)(c) of the Act, of consent or lack of consent to the issuance of an EAC with reasons during the public comment period. - Seek consensus with the CEOA regarding the CEOA's recommendations regarding the matters identified in Section 29(2)(b)(i) of the Act.
Local governments	- Advise the EAO and participating Indigenous nations on effects of the project on the community and areas of interest to local governments. - Review and provide input on the draft Referral Package to ensure local issues and concerns raised by local governments are accurately reflected. - Participate in TAC meetings and calls.
TAC	- Provide advice as directed by the EAO to inform the assessment. - Review, provide feedback and advise the EAO on the effects assessment in the draft Assessment Report and draft EAC. - Agencies collaborate with the EAO during the drafting of the EAC to help ensure it aligns with future permitting and regulatory processes. - Participate in TAC meetings and calls.
CAC, Public and Stakeholders	- Advise the EAO on potential effects of the project on the community. - Review and provide comments on the draft referral package during the public comment period. - Engage with and report back to community. - Participate in public engagement activities of the EAO.

Table 3 describes the scope, methods, and timelines each participating Indigenous nation will use to assess effects to the participating Indigenous nation and its rights.

Table 3. Assessment Scope and Methods to Assess Effects on Participating Indigenous Nations

Participating Indigenous Nation	Assessment Scope and Methods	Schedule
Skin Tyee First Nation	The EAO will assess effects to Skin Tyee First Nation's Indigenous interests and will provide the assessment for Skin Tyee First Nation's review and consensus-seeking. The methods used to assess effects will follow the methods described in the EAO's Effects Assessment Policy .	This assessment will be conducted during the Effects Assessment and Recommendation phase.
Witset First Nation	Witset First Nation will conduct a Section 19(4) Assessment. The scope and methods of the assessment are provided in Appendix A.	The draft result of Witset First Nation's assessment will be provided to the EAO within 30 days following the start of the Effects Assessment and Recommendation phase. Witset First Nation and the EAO will work collaboratively to finalize the assessment during the Effects Assessment phase.
Wet'suwet'en First Nation	The EAO will assess effects to Wet'suwet'en First Nation's Indigenous interests and will provide the assessment for Wet'suwet'en First Nation's review and consensus-seeking. The methods used to assess effects will follow the	This assessment will be conducted during the Effects Assessment and Recommendation phase.

	methods described in the EAO's Effects Assessment Policy .	
Office of the Wet'suwet'en	The Office of the Wet'suwet'en will conduct an independent Wet'suwet'en Assessment and Decision-making process. The shared understanding between Office of the Wet'suwet'en and the EAO of how the outputs from Office of the Wet'suwet'en's independent process will be considered and will inform the provincial EA process and deliverables are provided in Appendix B.	The draft result of the Office of the Wet'suwet'en's assessment will be provided to the EAO within 30 days following the start of the Effects Assessment and Recommendation phase.

7.0 DECISION

This phase begins when a referral package is submitted to Ministers under [Section 29\(1\)](#) of the Act and ends when Ministers decide whether to issue or refuse an EAC and publish the reasons for their decision.

When deciding on whether to issue an EAC for the Project the Ministers must consider the Application, TML's responses to the supplemental information requirements, the materials in the EAO's referral package, including the results of any Section 19(4) Assessments, the Office of the Wet'suwet'en's Assessment and Decision Report, the sustainability and reconciliation purposes of the EAO, and other prescribed matters, if any. The Ministers may consider any other matters that they consider relevant to the public interest.

7.1. Public Engagement

Although there are no formal public engagement requirements during the Decision phase, Ministers may consider any other matters that they consider relevant to the public interest when making their decision.

7.2. Participating Indigenous Nation Engagement

If the CEO's recommendation regarding whether the Project would be consistent with the promotion of sustainability is contrary to a notice of consent or lack of consent from a participating Indigenous nation, the Ministers must, before making a decision, offer to meet with the participating Indigenous nation that provided the notice. If the offer is accepted within three days of being made, the Ministers will provide notice to TML that a meeting is taking place. Ministers will attend the meeting to attempt to achieve consensus with the participating Indigenous nation on the decision. If new information is provided by the participating Indigenous nation, the EAO must share this information with TML.

Whatever the decision, reasons for the decision must be published. The Ministers must provide reasons for why a decision is made that is contrary to the consent or lack of consent indicated by a participating Indigenous nation.

Participating Indigenous nations, members of the TAC and CAC, the public and stakeholders are informed of the reasons for the decision whether to issue an EAC.

Allotted Days: 30 days

Dispute resolution: In some circumstances, it is possible that dispute resolution between a participating Indigenous nation and the CEO could be appropriate following referral to the Ministers but prior to the Ministers' decision under [Section 29\(4\)](#) of the Act, to address matters not captured in the final Assessment Report or EAC. This facilitation could be in addition to or in conjunction with a participating Indigenous nation's meeting with Ministers pursuant to [Section 29\(6\)](#) of the Act.

7.3. Deliverables and Outcomes

Deliverables:

1. The EAO will issue a decision whether to issue an EAC and the reasons for decision.

Outcomes:

1. Participating Indigenous nations, members of the TAC and any CAC, any other Indigenous nation, the public and stakeholders are informed of the reasons for the decision whether to issue an EAC.

7.4. Roles and Responsibilities

Table 3 is a list of roles and responsibilities of the EA participants during the Decision phase for the Project.

Table 3. Roles and Responsibilities of EA Participants During the Decision Phase

Participant	Roles and Responsibilities
TML	• If the reasons for a participating Indigenous nation's notification of consent or lack of consent are contrary to the EAO's recommendation for decision and introduces new information that has the potential to materially impact the Ministers' decision, or similarly with respect to information provided at a meeting between Minister and a First Nation that is held pursuant to Section 29(6) of the Act, TML will be provided an opportunity to be heard in response.
EAO	• Brief provincial decision makers. • Support participating Indigenous nations' meeting with Minister, as requested. • Provide notice to TML that a meeting with a participating Indigenous nation will be held pursuant to Section 29(6) of the Act, as needed. • Provide any new information provided by a participating Indigenous nation that has the potential to materially impact the decision to TML, as required. • Distribute and post Ministers' reasons for decision and final referral package to EPIC.
Participating Indigenous Nations	• Undertake steps necessary to inform First Nations decision makers. • If requested by the participating Indigenous nation, meet with Ministers (if notice of consent or lack of consent is contrary to the CEAO's recommendations respecting the project's consistency with the promotion of sustainability).

Appendix A: Section 19(4) Assessment of Effects on Witset First Nation and Its Rights

Introduction

Witset First Nation, under Section 19(4) of the Environmental Assessment Act (2018) (the Act), intends to carry out a Socio-Economic, Governance, and Financial Feasibility Assessment (Witset's Assessment) in relation to the proposed Telkwa Coal – Tenas Project (the Project), while supporting the Environmental Assessment Office (EAO) on its community and culturally grounded analysis of the remaining components. Overall, Witset's Assessment in combination with EAO's assessment will evaluate the potential effects of the Project on Wet'suwet'en rights and interests, commonly understood as Section 35 rights recognized and affirmed by the Constitution Act, 1982.

This document provides an overview of the scope of Witset's Assessment, a description of the methods to be used, information requirements, roles and responsibilities at each of the upcoming phases of the Environmental Assessment (EA) process, and the timing of milestones. Witset's Assessment elements that fall within the Crown's statutory and constitutional responsibilities, including technical biophysical effects assessment and Crown consultation obligations beyond Witset's community-driven scope, will be addressed by the EAO using available evidence and government expertise during the Effects Assessment phase of the EA. Witset's Assessment is intended to inform, but not replace, the EAO's statutory assessment and decision-making responsibilities, and represents Witset First Nation's independent evaluation of impacts to its rights and interests.

The following represents a shared understanding between Witset and the EAO of how the assessment under Section 19(4) of the Act will be carried out.

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- Assumptions
- Assessment Factors
- Conclusion
- Appendix A – Socio Economic Scope
- Appendix B - Mapping Interests, Values, Indicators and Pathways of Effects
- Appendix C - Information Sources

1.0 Background

During the Project's Application Development and Review Phase, including Application Revisions, Witset First Nation Chief and Council anticipated that Witset would participate in the assessment being conducted by the Office of the Wet'suwet'en Society and funded by Telkwa Mining Limited (the Proponent) for the Wet'suwet'en Nation. Witset First Nation consequently did not obtain funding from the Proponent nor establish the capacity to fully assess the Project independently. Witset does not yet have certainty that it will be able to rely on the knowledge, information and findings shared collectively and obtained from its membership by the Office of the Wet'suwet'en Society or its main consultant. In May 2025 and with a short timeframe left for project evaluation, Witset First Nation leadership decided to focus its project assessment on socio-economic and financial factors, with a more limited assessment on other factors to be led by the EAO.

Witset is the largest Wet'suwet'en band and home to all Wet'suwet'en House Groups. It is represented by its Chief and Council and staff who have a fiduciary duty to all members. The band's limited scope of inquiry was not "by design" nor intended to correlate to the full breadth of Witset rights and interests. The scope limitation was necessary given the nature of the regulatory process which would allow for the significant duplication of efforts and community fatigue. Ultimately, Witset First Nation will use the best available information to make its own representations on the Project and its interests are not represented by any other group or EA participant.

Assessment Objectives

The primary objective of Witset's Assessment, in combination with EAO's assessment, is to determine the extent, severity, and significance of potential project-related effects on the ability of Wet'suwet'en members to meaningfully exercise their Section 35 rights. This includes:

- Identifying indicators that reflect socio-economic, cultural, and environmental well-being;
- Analyzing pathways of effects from project activities to Section 35 rights; and
- Determining the effectiveness of mitigation measures and identifying residual effects.

A Witset-led approach should be grounded in Wet'suwet'en values, laws, and worldviews; ensuring that effects on rights and interests are understood through a culturally informed lens.

2.0 Methodology

Scope Responsibilities

Witset and their contractors will undertake a community-driven assessment focusing on socio-economic, governance, and financial factors. The assessment will integrate historical, contemporary, and projected socio-economic conditions relevant to Wet'suwet'en people and territory. Witset's Assessment will also fulfill [TML's December 14, 2022 Witset First Nation Information Request](#) related to cultural data, cumulative effects, and socio-economic data. Assessment elements not covered by the community-driven assessment will be addressed by the EAO, using available data and technical expertise.

Witset-Led Scope

The Witset-led "community-driven" assessment will:

- Analyze socio-economic, cultural, and governance interests for Witset membership;
- Identify indicators, pathways of effects, and cultural thresholds related to the meaningful exercise of Section 35 rights;
- Use existing information from the Proponent's application, IR responses, and community data;
- Assess the effectiveness of mitigation measures where evidence is available or can be culturally evaluated; and,
- Provide input on project-specific and cumulative effects through a Wet'suwet'en worldview lens.
- Fulfill [TML's December 14, 2022 Witset First Nation Information Request](#) related to cultural data, cumulative effects, and socio-economic data.

Assessment Approach

Witset's Assessment will apply a structured and transparent approach that may include:

- Identification of indicators and culturally relevant thresholds;
- Analysis of pathways of effects linking project activities to Wet'suwet'en rights and interests;
- Evaluation of mitigation effectiveness and identification of residual effects;
- Consideration of cumulative effects across past, present, and reasonably foreseeable activities; and
- Integration of socio-economic, governance, and cultural considerations as interconnected factors rather than standalone topics.

While the EAO-led evaluation will not conduct new fact-finding, information sources and criteria suggested by Witset First Nation may help the project assessor establish a relatively community and culturally grounded framework from which to assess the project and its documentation.

3.0 Assumptions

Cumulative Effects and Baselines

The assessors will evaluate project-specific effects within the context of historical and ongoing cumulative effects that have influenced Wet'suwet'en rights and culture. A cultural knowledge-informed baseline of conditions prior to significant industrial disturbance may be used as a reference point, to help illustrate how new project impacts may compound existing pressures on rights and interests.

Indicators and Thresholds

Through community and leadership engagement, Witset First Nation identified culturally relevant indicators to measure changes in conditions. Exploration of these and related indicators may help Witset assess the project. The indicators are both quantitative (e.g., employment rates, housing stock) and qualitative (e.g., cultural vitality, access to traditional foods).

Information Requirements for the Assessment

For the purposes of the Project, an assessment conducted in a manner consistent with Section 19(4) of the Act must be informed by the Proponent's Application for an Environmental Assessment Certificate as well as the Proponent's responses to IRs identified in the Transition Order (including via the Amendment Order issued November 2023). The Section 11 Order, Application, Transition Order, Amendment Order and IRs are available on the EAO's [EPIC webpage for the Project](#).

Information that will inform Witset's Assessment includes:

- The Proponent's Application for an environmental assessment certificate.
- The Proponent's responses to the IRs.
- The Proponent's responses to the required assessment matters under the Act.
- Witset's independent studies
- other information provided by Witset may be considered, provided it is shared with the Proponent.

Please note that, given the Project's current stage in the EA process, the EAO may not be able to accommodate requests for additional information (such as further studies) not already included in the Proponent's Application for an Environmental Assessment Certificate, the Proponent's responses to IRs identified in the Amendment Order issued in November 2023 or the previous Section 11 Order or Transition Order.

4.0 Assessment Factors

The Table 1 summarizes the preliminary set of interests identified by Witset First Nation. For each interest, valued components, indicators, pathways of effects to Section 35 rights, and information sources are outlined. These may be refined as additional information is gathered through engagement with community members.

Table 1 – Scope of Witset’s Interests

Interest	Value/Component	Indicators	Pathway of Effects to s. 35 Rights	Example	Information Sources	Lead for assessment
1. Social Organization	Clan/family structure, demographic continuity	Population trends (on and off reserve), family/household structures	Changes in demographics affect intergenerational transfer of rights, knowledge, and customs.	Demographics affected by cost of housing, available jobs, or noise and dust from rail traffic	Census data, Witset CCP, archival records	Witset
2. Health & Cultural Wellness	Language retention, physical and mental health, access to traditional foods	Language use, wellness trends, participation in cultural programs	Declines in health (such as the addiction crisis), language and customs harm the meaningful exercise of cultural and harvesting rights, and are negatively correlated to health outcomes.	Employment and training tied to cultural programs or initiatives; stewardship of salmon habitat; drug use in blue collar industries	Local and provincial health data and trends, wellness program reports	Witset
3. Governance & Decision-Making	Witset jurisdiction over land/resource planning	Alignment with CCP, participation in land management and referrals	Co-governance supports self-determination beyond free prior and informed consent	Collaborative governance and engagement beyond the statutory minimum	Witset Chief and Council, referrals system	Witset
4. Land & Resource Use	Traditional harvesting, trapping, and fishing areas	Access to harvesting locations, ecosystem health	Disturbances to territories reduce the ability to hunt, fish, trap, or gather	Cumulative impacts of truck and rail traffic or water use	Past Cultural use studies, Wet’suwet’en knowledge	EAO
5. Transportation & Access	Roads, trails, seasonal mobility	Road conditions, access restrictions, traffic safety	Limited access affects food security and cultural practices	Trails or outdoor recreation opportunities to replace those lost	Proponent’s application, community transport data	EAO
6. Employment & Training	Indigenous participation in workforce	Employment rate, participation in training programs	Barriers to employment affect economic self-determination and cultural resilience	Career pathways and employment certainty for a variety of roles, not just labour	Witset HR records, ISC employment data	Witset
7. Economic Development	Nation-owned businesses, revenue streams	Economic agreements, revenue from partnerships	Limited economic participation restricts long-term stewardship of lands and rights	Contracting opportunities can allow band companies to grow while revenue sharing is more limited	Witset CCP, band companies and entrepreneurs	Witset
8. Housing & Infrastructure	Availability and quality of homes and services	Housing stock, infrastructure condition	Strain on housing reduces ability to reside on-reserve and practice rights, or end the ongoing housing crisis	Skilled worker influxes have far reaching impacts on housing prices and affordability in small communities	Housing data, census, case studies	Witset

Interest	Value/Component	Indicators	Pathway of Effects to s. 35 Rights	Example	Information Sources	Lead for assessment
9. Community Services	Education, emergency, and cultural programs	Education outcomes, cultural program access	Gaps in services affect knowledge transfer and cultural continuity	Developments may strain resources that would otherwise be available	Education records, StatsCan	Witset
10. Financial Lifecycle Impacts	Benefits and costs across project phases	Distribution of benefits, closure/reclamation plans	Poor closure planning can compromise long-term land use and rights	Past mines such as Equity have destroyed culturally sensitive land	Proponent's financial models, case studies	Witset
11. ESG & Cultural Metrics	Indigenous equity and cultural benchmarks	ESG indicators, cultural safety metrics	Gaps in ESG performance undermine holistic recognition of rights	Indigenous equity participation can strengthen influence on factors such as water monitoring or land stewardship	Proponent ESG reports, Witset ESG data	Witset

Table 2 - Roles and Responsibilities for the Assessment

Table 2 indicates a list of roles and responsibilities of Witset, the EAO, and the Proponent during the Effects Assessment and Recommendation and Decision phases of the EA process.

Participant	Roles and Responsibilities – Effects Assessment & Recommendation
Witset First Nation	• Conduct the assessment under Section 19(4) of the potential socio-economic and financial effects of the project on Witset and on its rights. • Undertake community engagement and other activities that support Witset's Assessment. • Engage with the EAO on the development of the draft Referral Package. • Provide updates on Witset's assessment process to the Proponent and the EAO. • Identify to the EAO funding and other constraints that may affect the development of Witset's Assessment. • Work collaboratively with the EAO respecting outcomes of Witset's Assessment for development of mitigations and accommodation measures, including proposed conditions to an EAC, to address the potential for impacts to Witset First Nation and its rights. • Consistent with Section 29(2)(c) of the Act, inform the EAO of any consent/non-consent decisions that arise from Witset's Assessment. • Provide the draft and final versions of the Witset's Assessment to the EAO in accordance with the timelines.

Participant	Roles and Responsibilities – Effects Assessment & Recommendation
EAO	• Lead the assessment of the remaining potential effects of the Project on Witset First Nation (as outlined in Table 1) with ongoing engagement with Witset First Nation. EAO's assessment together with Witset's Assessment will evaluate potential effects of the Project on Wet'suwet'en rights and interests (Section 35 rights under the Constitution Act 1982). • • Retain responsibility for Crown consultation, justification of any infringement of Section 35 rights, and determination of whether proposed mitigation and accommodation measures are sufficient to address potential impacts identified through Witset's Assessment. • Work collaboratively with Witset to address time pressures that could impede Witset's ability to undertake Witset's Assessment in a manner that is responsive to community needs and obligations, by, for example, making or supporting applications to extend EA timelines that have a bearing on the undertaking of Witset's Assessment. • Engage as necessary and, upon request of Witset, instruct the Proponent on improvements in its engagement with Witset during the development of Witset's Assessment. • Facilitate issues resolution as required, and work collaboratively with Witset. • Provide Witset with access to information in relation to the assessment to enable its meaningful participation, including, where requested by Witset, information relevant to Witset's Assessment in the possession of government departments and agencies. • Provide Witset with guidance on how to protect confidential information that may be included in Witset's Assessment. • Work with Witset to develop potential mitigation and accommodation measures, including proposed EAC conditions, to address the potential effects to Witset and its rights. • Engage TML during development of the draft Referral Package so that the Proponent has opportunity to participate in discussions relating to the draft Environmental Assessment Report and the draft EAC with proposed conditions and project description. • Work with Witset to incorporate information from Witset's Assessment into the draft referral package.
TML	• Provide sufficient resource capacity to support Witset activities outlined for the Effects Assessment & Recommendation phase. • Provide information requested by Witset in a timely and transparent fashion • Implement any direction from the EAO for adjusting or correcting engagement issues identified by Witset. • Provide support and transparency to assist Witset in undertaking their S. 19(4) assessment.

Table 3 - Timelines, Deliverable and Milestones for Witset's Assessment

Witset's Assessment will be completed prior to the development of the EAO's final referral package during the Effects Assessment phase. Timelines associated with Witset's Assessment will align with the EAO's legislated timelines for the Effects Assessment phase.

EA Process Phase	Deliverable	EAO's Legislated Timelines
Effects Assessment	Witset: - Periodic updates regarding the process of conducting Witset's Assessment. - Report out on gap analysis as it relates to the EAO's materials. - Draft of Witset's Assessment (within 30 days of the beginning of the Effects Assessment and Recommendation Phase) EAO: - Draft Referral Package, including draft Assessment Report, draft table of conditions, and draft project description.	The timeline for Effects Assessment and Recommendation is 150 days.
Recommendation	EAO: - Final Referral Package, including final Assessment Report, draft EAC (including proposed conditions and project description), notifications of consent or lack of consent from participating Indigenous nations, Witset's Assessment, any other Assessment carried out by participating Indigenous nations under S.19(4), and CEAO Recommendations. Witset: - Validation of Witset-related content in Final Referral Package. - Commentary on whether consensus achieved.	The timeline for Effects Assessment and Recommendation is 150 days.

5.0 Conclusion

This scoping document aims to support a structured approach for Witset's Assessment, that will be conducted concurrently with the EAO and by Witset First Nation and its contractors. Witset First Nation was unable to do a full study of the Project impacts, and it is hoped that the EAO will be able to supplement the more limited socio economic, governance, and financial research that the Witset will provide.

Appendix A – Witset’s Socio Economic Scope

This Appendix defines the scope of the Witset-led Socio-Economic, Governance, and Cultural Assessment under Section 19(4) of the Environmental Assessment Act. The topics and factors identified below will be assessed using indicators, pathways of effects, and culturally informed evaluation methods, as described in the Methodology section of this Guidance.

Appendix A does not represent a full biophysical effects assessment or Crown consultation analysis. Technical evaluation of project-specific environmental effects, including modelling and regulatory determinations, remains within the responsibility of the EAO and relevant government agencies. Witset’s Assessment focuses on the implications of project effects—whether identified by the Proponent, the EAO, or Witset—on the Nation’s rights, interests, governance, and cultural wellbeing.

The assessment topics listed below will be mapped to values, indicators, and pathways of effects as outlined in Appendix B, which provides the analytical structure for the assessment.

The scope is intended to inform Witset First Nation’s independent assessment of impacts to its rights and interests and to support integration of relevant findings into the EAO’s Effects Assessment and Referral Package, without duplicating the EAO’s technical biophysical analysis.

The Socio-Economic Assessment will include, but may not be limited to:

- Demographics:
 - Population trends
 - Age and sex
 - Family Characteristics (i.e., single or two parent or extended family households)
 - Educational Trends (high school, equivalent ABE diploma, degree etc.)
- Social Organization - Cultural Family/House Clan Characteristics
- Community Infrastructure, Housing, & Services:
 - Housing availability and related trends (maintenance costs);
 - Emergency Services
 - Water, waste management
 - Education schools/services – primary, secondary (K12), cultural curriculum, language retention programs
- Transportation and Access (community, territory, surrounding urban areas)
 - road condition, safety, and traffic volumes
- Health and Cultural Wellness:

- Health facilities
- Recreation facilities
- Mental and physical health trends
- Access to country foods and water (includes connection to language and ability for and access to traditional practices, pursuits, and resource use)
- Youth Programs; Elders programs
- Cultural Programs (culture and language)
- Basic needs; special needs; in-home care
- Governance & Oversight:
 - Witset Department priorities/mandates
 - Involvement in decision-making structures; role in compliance or benefits monitoring
 - Land management (referrals)- protect, monitor natural resources on reserve and in territory; fieldwork, surveys, archaeology survey; wildlife conservation management (?); forest management plans (?)
- Community Development & Strategic Goals:
 - Witset First Nation's Comprehensive Community Plan, economic strategy, or Land Use Plans/Goals
- Employment & Hiring:
 - Labour Force Profile - % of Indigenous participation and employment rate; occupation trends, career-level vs. labour roles
- Capacity Building & Skills Training:
 - Participation in training programs; transition rate to employment
- Economic Development & Business Case:
 - Economic development referrals
 - capacity funding initiatives; GoC agreements/ISC revenue
 - Nation-owned or affiliated businesses, expected revenue share, agreements, ownership opportunities, or opportunity costs to the community

- Lifecycle Financial Analysis:
 - Distribution of benefits and impacts across construction, operation, and closure of development projects
- ESG Metrics:
 - Indicators related to Indigenous equity participation, labour rights, environmental performance

Appendix B - Mapping Interests, Values, Indicators and Pathways of Effects

Indicators	Pathway of Effects to S. 35 Rights	Interests	Value/Valued Component
• Demographics • Family/House Clan Characteristics, connection to harvesting area or resource protocols/ customs	• Growing demographic and health and wellness status means the health and condition of the environment and traditional resources must be intact and sustainable, according to cultural views, customs, and protocols, for viable exercise of rights for future rights-holders	• Social	• Social Organization
• Change in/Decline of Cultural Retention • Change in/Decline of Language Retention • Change/decline of Physical and mental health trends • Changes in country foods and water (includes connection to language and ability for and access to traditional practices, pursuits, and resource use) • Change/decline in Basic needs; special needs; in-home care	• Health and wellness status means the health and condition of the environment and traditional resources must be intact, sustainable and accessible, according to cultural views, customs, and protocols, for viable exercise of rights for future rights-holders	• Human Health	• Health and Cultural Wellness
• Witset Department mandates • Land management (referrals)-protect, monitor natural resources in territory; fieldwork, surveys, archaeology survey; wildlife conservation management; forest management plans	• the Nation's right to direct its own land and resource planning in a culturally and economically appropriate way • Misalignment with community plans can undermine Nation-led governance, which is protected under Section 35 • Lack of Indigenous governance input can erode the meaningful exercise of rights over land use decisions	• Government	• Governance & Decision-making

• Involvement in decision-making structures; role in compliance or benefits monitoring • Comprehensive Community Plan, • Land Use Plans/Goals	• If decision-making is external to the Nation, it limits how Witset can exercise and protect its jurisdiction over the land		
• Parks and protected areas • Outdoor recreation • Commercial fishing • Forestry • Mining • Agriculture • Guide outfitting • Commercial Trapping (Non-Indig) • Tourism • Land use plans (municipal, provincial)	• Non-Traditional Lands & Resource Use in the territory (Lands and resources taken up by jurisdictions and competing non-traditional interests)		• Land management and stewardship
• Changes in road condition, safety, and traffic volumes; • Change to traditional trails, routes; • Change in access to harvesting locations, changes to food security	• Restrictive road access may reduce members' ability or desire to reside on-reserve or access hunting, fishing, trapping or gathering sites. Can restrict or enable access to areas, directly affecting harvesting and cultural rights	• Economic	• Transportation and Access (reserve, harvesting areas, greater territory)
• Changes in/decline of Indigenous un/employment rate; occupation trends, career-level vs. labour roles	• Influences the ability of members to benefit from land-based development in a meaningful, equitable and long-term way		• Employment & Hiring
• Changes in/decline of Participation in training programs; transition rate to employment • Opportunity for equitable economic participation			Capacity Building & Skill Training

• Economic Strategy Plan • Economic Development referrals • Capacity funding initiatives; GoC agreements/ISC revenue • Nation-owned or affiliated businesses, expected revenue share, agreements, ownership opportunities, or opportunity costs to the community	• Affects the Nation’s right to economic self-determination and long-term stewardship of its territory; and competing with others’ land and resource use from alienated lands.		• Economic-Development & Business Cases
• Distribution of benefits and impacts across construction, operation, and closure	• Poor planning for closure or reclamation may impact future land uses and long-term cultural connections to the land		• Lifecycle Financial Analysis
• Indicators related to Indigenous equity participation, labour rights, environmental performance	• Help assess whether the project respects Indigenous rights holistically—including social, cultural and environmental obligations		• ESG Metrics

Appendix C: Information Sources

The assessment will rely on existing information to meet EAO requirements. Sources include:

- The proponent's Application (particularly socio-economic and cumulative effects chapters)
- Past studies and reports provided by Witset First Nation
- Witset's internal documents (e.g. Strategic Plan, Economic Development Plan, CCP)
- Existing data from employment, housing, and infrastructure departments
- Any shared studies or assessments (if agreed to) from the Office of the Wet'suwet'en
- Public comments or registry materials that reflect Witset-specific issues
- Statistics Canada;
- Witset First Nation – First Nation Profiles (Canada.ca)
- Witset First Nation (Government of BC)
- Historical and archival resources

These sources will be cross-referenced against each interest to ensure accuracy and completeness of the analysis.

APPENDIX B: INTEGRATING THE OUTPUTS OF OW'S INDEPENDENT ASSESSMENT PROCESS WITH THE PROVINCIAL EA PROCESS

1.1 Introduction

The Wet'suwet'en Treaty Office Society, also known as the Office of the Wet'suwet'en (OW) has informed the Environmental Assessment Office (EAO) that it intends to carry out an independent Wet'suwet'en Assessment Process (OW's independent process), with respect to the potential effects of the proposed Tenas project.

The OW's independent process consists of an assessment component and a decision-making component.

This Appendix represents a shared understanding between OW and the EAO of how the outputs from OW's independent process will be considered and will inform the provincial environmental assessment (EA) process and deliverables.

1.2 Timelines and Process Steps

1.2.1 Assessment Process

The output from the assessment component of the OW's independent process is the Wet'suwet'en Assessment Report. The EAO understands that the draft Wet'suwet'en Assessment Report will be provided to the EAO Tenas Project team prior to the start of the Effects Assessment and Recommendation phase of the EA¹. If provided in advance of the start of the Effects Assessment and Recommendation phase, the EAO will:

- Consider the draft Wet'suwet'en Assessment Report during the Effects Assessment phase, to be used to inform the EAO's assessment of effects on Wet'suwet'en rights, as detailed in the EAO's draft Assessment Report and draft Environmental Assessment Certificate;
- Disclose the draft Wet'suwet'en Assessment Report to the Proponent and provide them an opportunity to respond;
- Post the draft Wet'suwet'en Assessment Report to the EAO's Project Information Centre (EPIC) website;
- Seek consensus with the OW during the Effects Assessment phase on the EAO's draft Assessment Report and draft Environmental Assessment Certificate, including proposed conditions and project description. This includes consensus seeking in relation to how the information received from OW has been considered in the EAO's assessment;
- Include the final Wet'suwet'en Assessment Report in the referral package to Ministers; and,
- Ensure any differences in perspectives around how the information received has been considered and applied are clearly communicated to the OW and provincial decision makers.

If the draft Wet'suwet'en Assessment Report is received after the Effects Assessment phase has begun and the Effects Assessment Report has been drafted, the EAO will:

- Provide the final Wet'suwet'en Assessment Report to the Statutory Decision Maker for consideration as a separate submission from the provincial Assessment Report; and,

¹ Please note that if the output from the OW's independent process contains Indigenous Knowledge (IK) that the OW would like to remain confidential, it should follow a different submission process to ensure confidentiality of IK is protected, as detailed in the [Guide to Indigenous Knowledge in Environmental Assessments](#).

- The EAO will seek consensus with the OW on the same matters as outlined above.

1.2.2 Decision-Making Process

The output from the decision-making component of the OW's independent process is the Wet'suwet'en Decision Report. The Wet'suwet'en Decision Report will be the OW's formal notice of consent or lack of consent under Section 29(2)(c) of the Act to issuing the environmental assessment certificate and reasons for that consent or lack of consent. The EAO understands that the Wet'suwet'en Decision Report will be provided to the EAO Tenas Project team during the public comment period held during the Effects Assessment phase. If provided during the public comment period, the EAO will:

- Consider the Wet'suwet'en Decision Report in preparing the sustainability recommendation under Section 29(2)(b)(i) of the Act for the Statutory Decision Maker;
- Post the Wet'suwet'en Decision Report to the EPIC website;
- Disclose the Wet'suwet'en Decision Report to the Proponent and provide them an opportunity to respond;
- Seek consensus with the OW on the sustainability recommendation. This includes consensus-seeking in relation to how the information received from the OW has been incorporated into the EAO's sustainability recommendation;
- Include the Wet'suwet'en Decision Report in the referral package to Ministers; and,
- Ensure any differences in perspectives around how the information received has been considered and applied are clearly communicated to the OW and provincial decision makers.

If the Wet'suwet'en Decision Report is provided after the public comment period, the EAO is still subject to the procedural fairness obligations outlined above, including disclosing the Wet'suwet'en Decision Report to the Proponent and providing an opportunity to respond.

Figure 1: Alignment of the BC EA Process and OW's Independent Process during the Effects Assessment Phase of the Tenas EA

