

## *Appendix 15-C*

### *First Nations Consultation Plan*

AJAX PROJECT

**Environmental Assessment Certificate Application / Environmental Impact Statement  
for a Comprehensive Study**



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# **AJAX PROJECT FIRST NATIONS CONSULTATION PLAN**

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Version 2.0

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# 1. INTRODUCTION

Consultation with the SSN is a requirement throughout all stages of the proposed Ajax Project (the Project) and is a key component of the federal and provincial Environmental Assessment (EA) processes. Consultation includes the provision of information as well as the identification of Aboriginal interests (including Aboriginal rights and title) that may be adversely affected by the Project. Consultation aims to identify Aboriginal perspectives and opinions about how the Project may affect those interests. Further, consultation seeks to identify mitigation and/or accommodation measures to avoid, reduce, or eliminate potential adverse effects on Aboriginal interests.

The consultation approach described in this document aims to meet and/or exceed provincial requirements and federal guidelines. It also aims to ensure that First Nations are engaged in a manner that is effective and respectful of the preferred engagement and consultation approaches. The section 11 Order First Nations are comprised of the Tk'emlúps te Secwépemc (TteS) and the Skeetchestn Indian Band (SIB), represented collectively by the Stk'emlupsemc te Secwepemc Nation (SSN).

KGHM Ajax Mining Inc. (KAM) will continue to consult SSN throughout the Pre-Application and Application review periods and will be flexible to meet SSN consultation expectations.

The purpose of this Consultation Plan is to describe KAM's intended process for consultation with the SSN. The Consultation Plan:

- identifies consultation objectives and methods, including protocols and policies;
- provides a summary of consultation activities conducted to date;
- describes key issues raised to date by the SSN; and
- proposes future consultation activities for remaining Pre-Application and Application review periods.

KAM views this document as a 'living document' in that it may be revised and updated in cooperation with the SSN and the Project Assessment Lead.

## 1.1 PROJECT OVERVIEW

KAM proposes to develop the Project, an open pit copper-gold mine at the historic Afton Mining Camp, south of the City of Kamloops, British Columbia (BC). The Project is located in the South-Central Interior of British Columbia, southeast of the junction of the Trans-Canada Highway No. 1 and the Coquihalla Highway (No. 5), within the Thompson Nicola Regional District. Project development includes plans for the full mine life-cycle, including construction, operation, decommissioning and reclamation, and post-closure.

The Project lies in the traditional territory of the Secwepemc Nation. Within the Secwepemc Nation, the TteS and the SIB are the Aboriginal groups in closest proximity to the Project. In a cooperative effort, the TteS and SIB have formed the SSN, as a division of the greater Secwepemc Nation. The Ashcroft Indian Band and Lower Nicola Indian Band, whose members are part of the Nlaka'pamux Nation also assert their Aboriginal rights to the Project area- an area of common interest with the SSN.

The Project Site has been subject to many anthropogenic disturbances for decades, including historic mineral exploration and mining. The Ajax property includes two historic pits: the Ajax West Pit, and the Ajax East Pit. Both pits were formerly mined in the 1980s and 1990s. Currently the lands around the Project are used for ranching.

The Project is a nominal 65,000 tonne per day (tpd) open pit copper/gold mine, with an estimated 23-year mine life. As per the section 13 Order (issued July 23, 2015) the Project consists of the following key components:

- an open pit mine,;
- on-site ore processing facilities,;
- a tailings storage facility (TSF);
- mine rock storage facilities (MRSFs);
- water management facilities, including seepage collection ponds, and a diversion system to convey water from Jacko Lake around the site and back to a new Peterson Creek Downstream Pond;
- low-grade and medium-grade ore and overburden stockpiles;
- ancillary facilities;
- mine haul roads;
- sewage and waste management facilities;
- a 4-km access road between the Project and Highway 5;
- a 15-km pipeline for water supply connecting to the existing New Afton facilities;
- a natural gas pipeline; and
- a 10-km power line connecting the Project Site to the BC Hydro transmission line corridor.

Ore will be processed on site through a conventional crushing, grinding, and flotation process to produce a copper/gold concentrate. The concentrate will be transported via truck using the existing highway network to the existing storage, handling, and loading facilities located at Port Metro Vancouver for shipment to overseas smelters.

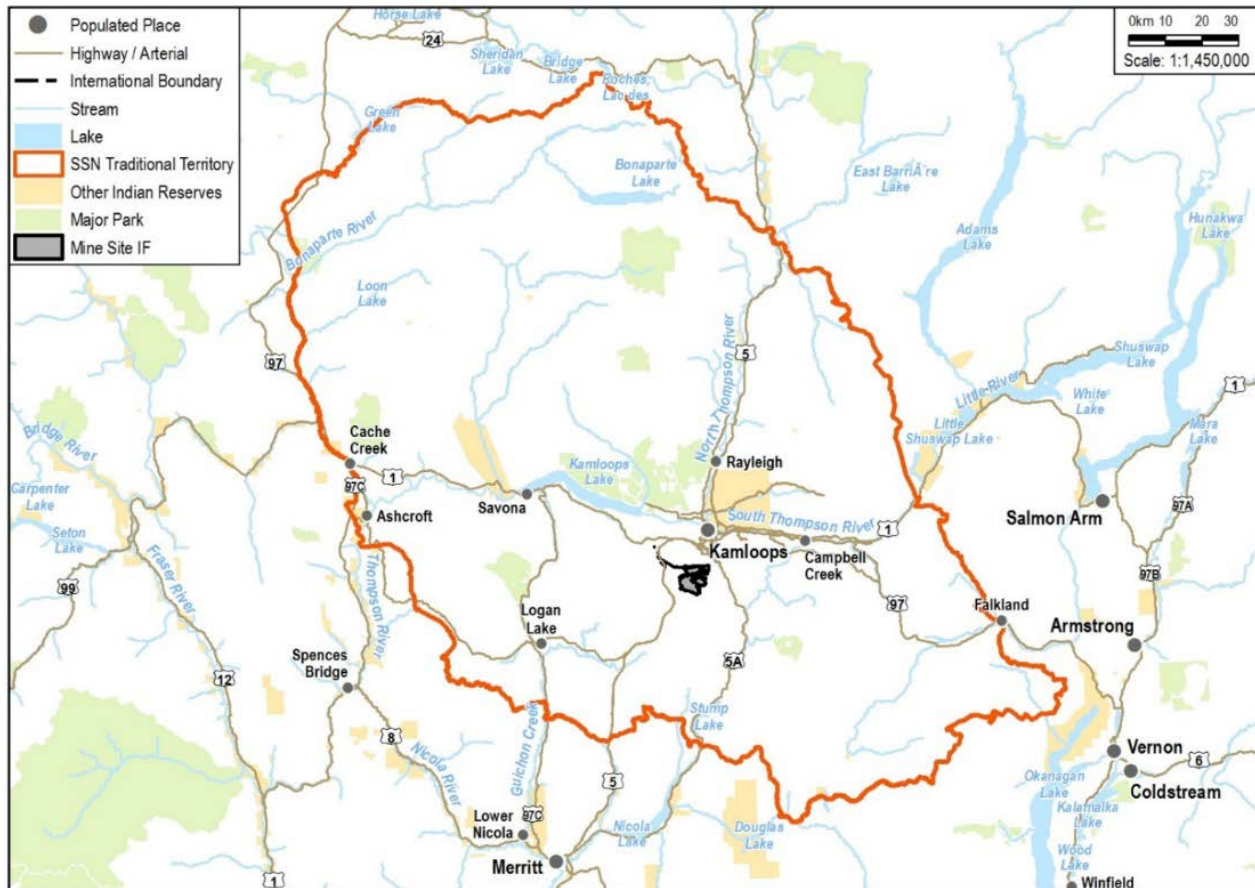


Figure 1-1: Ajax Project and Stk'emlupsemc to Secwepemc Nation Traditional Territory

## 1.2 CHANGES TO THE GENERAL ARRANGEMENT

During consultation with various interested parties including the public Aboriginal Groups and stakeholders, concerns were expressed about the location of the storage facilities (namely proximity) and the potential for impacts related to health, dust, water sources and visual health. The SSN raised specific concerns regarding potential effects on the Cherry Creek watershed and Inks Lake.

KAM considered the feedback provided from all interested parties and the results of on-going studies undertaken and changed the General Arrangement (GA) of the Project. These changes were announced on May 29, 2014. KAM met with SSN to notify them and explain the proposed changes prior to notifying the public.

Changes included:

- relocation of the TSF away from the Alkali Creek watershed (which includes Cherry Creek) and Inks Lake;

- redesign of the TSF from a dry stack to a conventional wet design storage facility that use proven mining technology; and
- relocation of the North Mine Rock Storage Facility (NMRSF) and temporary ore stockpiles approximately 3.5 km southeast of their previously intended locations.

The changes were implemented to avoid or mitigate:

- potential impacts to the Alkali Creek watershed (which includes Cherry Creek) and Inks Lake were reduced (effects on the Cherry Creek watershed and Inks Lake were concerns raised by SSN);
- potential impacts arising from dust;
- potential impacts related to health, and water sources; and
- potential impacts related to visual health.

As a result of the relocation and redesign changes, the following operational changes resulted further reducing potential impacts:

- The adjusted GA clusters mine activities to the south and east of the pit. Bringing these key facilities together reduces fuel consumption and potentially reduces emissions from equipment as well as generation of dust (responds to public concerns about air quality and health-related concerns).
- The compact location of the facilities minimizes potential for dust-related Project effects on traditionally used plants, Jacko Lake and grasslands. The more compact footprint reduces the potential for dust and noise-related effects on wildlife, and cultural values, and the potential for cumulative effects (responds to public concerns about air quality, health, wildlife, cultural values, and cumulative effects-related concerns).

## 2. REGULATORY PROCESS

The Project will be reviewed under the BC *Environmental Assessment Act* (BC *EAA*) (Government of BC, 2002) as well as the *Canadian Environmental Assessment Act* (CEA *Act*) (Government of Canada, 1992). The review will be conducted as a harmonized federal/provincial process in accordance with the “Canada-British Columbia Agreement for Environmental Assessment Cooperation” (Government of Canada-BC, 2004). The process will be managed by the BC Environmental Assessment Office (BC EAO), in cooperation with the Canadian Environmental Assessment Agency (CEA Agency).

BC EAO, in conjunction with the CEA Agency, is responsible for determining the scope, procedures, and methods according to which the EA of the Project will be conducted. This includes the Aboriginal consultation requirements. To this end, a section 11 Order was issued by the BC EAO on January 11, 2012.

The First Nations Consultation Plan is meant to serve as a guide to ensure regulatory requirements are met. In doing so, it considers a number of guidance documents, including:

- Order issued pursuant to section 11 of the BC *EAA*;
- Order issued pursuant to section 13 of the BC *EAA*;
- BC *EAA*;
- Application Information Requirements / Environmental Impact Statement (AIR/EIS) Guidelines for the Project;
- Environmental Assessment Office, User Guide (BC EAO, 2011): Consultations with First Nations;
- Proponent Guide for providing First Nation Consultation Information (Non-Treaty First Nations) (BC EAO, 2010);
- Aboriginal Consultation and Accommodation Updated Guidelines for Federal Officials to Fulfill the Duty to Consult (Government of Canada, 2011);
- Considering Aboriginal Traditional Knowledge (TK) in environmental assessments conducted under the Canadian Environmental Assessment Act – Interim Principles (CEA Agency, 2013); and
- Guide to Involving Proponents when Consulting First Nations in the Environmental Assessment Process (BC EAO, 2013).

The Application for an EA Certificate/EIS for a Comprehensive Study (Application/EIS) will include a summary and evaluation of any consultation activities that KAM has carried out in relation to the Project as well as the First Nations Consultation Plan.

### 3. RESPONSIBILITY FOR CONSULTATION

The Plan is intended to guide the activities and responsibilities of KAM in the consultation process, as directed by the BC EAO. The consultation approach outlined in this document is consistent with BC EAO's assessment of the required scope of the duty to consult the SSN. The BC EAO assessment is based on the assessment of strength of claims and potential for impact from the proposed Project. It concludes that SSN has a strong prima facie claim to Aboriginal rights and title in the area of the Project and that depth of consultation with the SSN should be at the deeper end of the Haida spectrum.

Given this assessment, KAM has and will continue to consult with SSN at the deep end of the consultation spectrum. The BC EAO defines meaningful consultation as including early engagement, facilitating involvement in the project through capacity funding, providing Project information in a timely manner, and identifying Aboriginal rights that may adversely be affected by the Project. The BC EAO defines accommodation as measures to avoid, mitigate or otherwise address an effect of a project on Aboriginal Interests (BC EAO, 2013). Accommodation is determined through the consultation process and is used by the Crown to balance the potential effects to Aboriginal Interests with other societal interests. This may include avoidance, mitigation, offset and compensation measures carried out by the Proponent (BC EAO, 2013). KAM remains committed to meaningful consultation with the SSN as well as the identification of agreeable accommodation measures such as avoidance, mitigation, offset and compensation measures.

Based on this, KAM understands its responsibility for consultation to include the following:

- To design and implement a First Nations Consultation Plan with input and advice from SSN as part of the overall Application/EIS process, including a description of how KAM intends to consult the SSN during the Pre-Application and Application review periods.
- To provide a two way mechanism to share and receive information and support meaningful consultation.
- To identify SSN Aboriginal interests (rights and title), as directed in the section 11 Order. KAM will continue to identify Aboriginal interests (rights and title) that have the potential to be adversely affected by the Project through on-going consultation activities and commissioned studies (versions of the Cultural Heritage Study (CHS) and Preliminary Mitigation Report).
- To identify measures to avoid or mitigate potential adverse effects or otherwise address or accommodate the concerns of SSN as appropriate.
- To work collaboratively with SSN to develop options to enhance positive Project effects and benefits of the Project.

For those procedural aspects of consultation that have been delegated by the Crown, KAM is and will continue to be responsible for these activities. Amec Foster Wheeler was hired by KAM to assist in the documentation of consultation activities with the public and First Nations. Amec Foster Wheeler also supports KAM in preparation of related materials for the EA Application.

## 4. PRE-APPLICATION ENGAGEMENT AND CONSULTATION

This section describes the Pre-Application consultation objectives and consultation activities conducted to date for the Pre-Application period.

### 4.1 CONSULTATION OBJECTIVES

Consultation objectives during the Pre-Application period include:

- Respect SSN culture, processes, perspectives, and opinions and seek flexible and mutually agreeable consultation processes.
- Be guided by the section 11 Order and the draft Application Information Requirements/EIS Guidelines (AIR/EIS Guidelines).
- Provide the SSN with timely and credible information on the Project and facilitate meaningful discussion.
- As appropriate, facilitate adequate review times for Project-related information.
- Incorporate information from the SSN into the Application/EIS where practical and appropriate. This includes consideration of the CHS, the Preliminary Mitigation Report and other related materials.
- In collaboration with the SSN, identify Aboriginal interests (including asserted Aboriginal rights and title) which have the potential to be adversely affected by Project-related activities.
- Consider SSN's input, meaningfully address SSN's comments and concerns and facilitate SSN input into Project Planning.
- Discuss ways to avoid, reduce, mitigate or accommodate potential adverse effects to SSN interests.

Fulfilling these objectives will aim to generate meaningful input into the development and design of the Project. Consultation objectives have been linked to activities and timing in Section 4.2. Consultation activities are the specific tasks that must be completed to measure success towards each objective.

#### 4.1.1 KAM's Principles for Sustainable Relationships with First Nations

KAM understands that its success depends on productive relationships with all parts of local community, especially Aboriginal communities. KAM is committed to developing sustainable long-term relationships with SSN and will work to implement economic, social, and environmentally sustainable opportunities while avoiding, minimizing, and mitigating adverse Project effects.

As the Project proceeds through the EA process, KAM will continue to consult and collaborate with SSN about the Project, its design, and the potential impacts to the traditional territory and practices.

Consultation is carried out in an open and transparent manner. As part of KAM's principles for building sustainable relationships with SSN, KAM understands the importance of:

- working to identify and further understand Aboriginal interests in the Project area;
- continuing to identify measures to avoid or mitigate potential effects;
- hiring employees locally;
- identifying partnerships with education and training organizations to support development;
- continuing to gather information on traditional use; and
- facilitating a clear and consistent review of the Project with government agencies and SSN.

KAM understands that this is an iterative and flexible process and intends to build on past efforts to create an enduring, meaningful partnership with Aboriginal Groups to the benefit of these diverse communities. KAM remains committed to respecting the traditional rights of Aboriginal communities and engaging in open dialogue as envisioned by regulatory and other processes.

#### 4.2 **PRE-APPLICATION CONSULTATION AND ENGAGEMENT ACTIVITIES CONDUCTED TO DATE**

The following table outlines the past consultation and engagement activities conducted by KAM. The table does not include the consultation activities undertaken by KAM with respect to permitting, exploration and development work. The scope of the Plan focuses on Pre-Application consultation conducted with SSN about the Project. However, KAM remains committed to continued consultation on matters related to permitting, exploration and development work.

**Table 4-1: Pre-Application Consultation and Engagement Activities**

Activity	Objective	Timing
<p><b>Project Notification-</b> KAM has continued to notify the SSN about Project-related activities. Attendees from SSN have included the respective Chiefs of SIB and TteS, SSN councillors as well as technical and legal teams</p>	<ul style="list-style-type: none"> <li>• Introduce the Project, Company</li> <li>• Provide the SSN with timely and credible information on the Project and facilitate meaningful discussion</li> </ul>	<p>Initiated in February 2006 to present.</p>
<p><b>Chief to Chief meetings-</b> KAM and SSN leadership (the Chief of TteS and the Chief of SIB) have participated in regular leadership meetings designed to build relationships amongst leaders and describe the work being undertaken. These meetings are also used to resolve outstanding issues. Both First Nation Chiefs are invited to these meetings in conjunction with the SSN legal and technical teams. KAM acknowledges that SSN has expressed a preference to have both Chiefs in attendance during such meetings. This matter was being discussed at the time of writing as described in Section 6.6 Outstanding Issues.</p>	<ul style="list-style-type: none"> <li>• Respect SSN culture, processes, perspectives, and opinions and seek flexible and mutually agreeable consultation processes</li> <li>• Incorporate information from the SSN into the Application/EIS</li> <li>• In collaboration with the SSN, identify Aboriginal interests (including asserted Aboriginal rights and title) which have the potential to be adversely affected by Project-related activities;</li> <li>• Consider SSN's input, meaningfully address SSN's comments and concerns and integrate SSN input into the Project Planning; and</li> <li>• Discuss ways to avoid, reduce, mitigate or accommodate potential adverse effects to SSN interests.</li> </ul>	<p>2008 to present</p>

Activity	Objective	Timing
<p><b>Participate in Working Group meetings</b></p>	<ul style="list-style-type: none"> <li>• Be guided by the section 11 Order and the draft AIR/EIS Guidelines;</li> <li>• Provide the SSN with timely and credible information on the Project and facilitate meaningful discussion;</li> <li>• Incorporate information from the SSN into the Application/EIS where practical and appropriate. This includes consideration of the CHS, the Preliminary Mitigation Report and other related materials;</li> <li>• In collaboration with the SSN, identify Aboriginal interests (including asserted Aboriginal rights and title) which have the potential to be adversely affected by Project-related activities;</li> <li>• Consider SSN's input, meaningfully address SSN's comments and concerns and integrate SSN input into the Project Planning</li> </ul>	<p>April 2011 to present</p>
<p><b>Meetings-</b> KAM has participated in numerous meetings with the SSN (over 50 at the time of writing). The focus of the meetings ranged from discussions regarding capacity funding, the Project Description and implementation of the CHS, to potential effects on Jacko Lake and Goose Lake, the locations of spiritual and heritage sites such as the hunting blind, and contracting opportunities. Meetings have included Technical Group meetings, negotiation meetings, and AIR meetings. SSN attendees have included the respective Chiefs of SIB and TteS, as well as SSN's technical and legal teams and SSN councillors. The SSN dispute that 50 meetings occurred and will be undertaking a review of the detailed consultation records.</p>	<ul style="list-style-type: none"> <li>• Be guided by the section 11 Order and the draft AIR/EIS Guidelines</li> <li>• Provide the SSN with timely and credible information on the Project and facilitate meaningful discussion</li> <li>• Incorporate information from the SSN into the Application/EIS where practical and appropriate. This includes consideration of the CHS, the Preliminary Mitigation Report and other related materials</li> <li>• In collaboration with the SSN, identify Aboriginal interests (including asserted Aboriginal rights and title) which have the potential to be adversely affected by Project-related activities</li> <li>• Consider SSN's input, meaningfully address SSN's comments and concerns and integrate SSN input into the Project Planning</li> </ul>	<p>2008 to present</p>

Activity	Objective	Timing
<p><b>Community Meetings</b> - KAM hosted a total of four community meetings (meetings between KAM and the larger SSN community) with the SSN. This included two meetings in each of the SSN member communities (TteS and SIB).</p> <ol style="list-style-type: none"> <li>1. Community Information Session #1 (TteS) was held on January 21, 2015 at Moccasin Square Gardens on the Kamloops Indian Reserve #1. Approximately 63 TteS members attended along with Chief and Council and KAM representatives. KAM delivered a PowerPoint presentation which described the Project, detailed changes to mine design and GA of facilities, and presented information on the environmental studies underway, water management plans, dust control measures as well as economic and employment opportunities.</li> <li>2. Community Information Session #2 (TteS) held on February 17, 2015 at Moccasin Square Gardens on the Kamloops Indian Reserve #1. Approximately 67 TteS members attended along with Chief and Council and KAM representatives. KAM delivered a PowerPoint presentation which focused on a Project overview, illustrating design changes as a result of public and First Nation input, the Project development schedule, air quality, water resources, noise and vibration, the EA process, and local hiring, contracting and training initiatives.</li> <li>3. Community Information Session #1 (SIB) held on March 5, 2015, a Community Information Session at the Skeetchestn Indian Reserve. KAM delivered a PowerPoint presentation which described the Project, detailed changes to mine design and GA of facilities, and presented information on the environmental studies underway, water management plans, dust control measures as well as economic and employment opportunities.</li> <li>4. Community Information Session #2 (SIB) held on March 10, 2015 at the Skeetchestn Indian Reserve. KAM delivered a PowerPoint presentation which focused on a Project overview, illustrating</li> </ol>	<ul style="list-style-type: none"> <li>• Respect SSN culture, processes, perspectives, and opinions and seek flexible and mutually agreeable consultation processes</li> <li>• Incorporate information from the SSN into the Application/EIS</li> <li>• In collaboration with the SSN, identify Aboriginal interests (including asserted Aboriginal rights and title) which have the potential to be adversely affected by Project-related activities</li> <li>• Consider SSN's input, meaningfully address SSN's comments and concerns and integrate SSN input into the Project Planning</li> <li>• Provide the SSN with timely and credible information on the Project and facilitate meaningful discussion</li> </ul>	<p>January 2015 to present</p>

Activity	Objective	Timing
<p>design changes as a result of public and First Nation input, the Project development schedule, air quality, water resources, noise and vibration, the EA process, and local hiring, contracting and training initiatives.</p>		
<p><b>Site Tours-</b> KAM hosted seven site tours for the SSN, including one tour which involved the larger Working Group. Three site tours included elders and key knowledge holders whom were taken to visit the Hunting Blind Complex, the proposed open pit and Peterson Creek</p>	<ul style="list-style-type: none"> <li>• Respect SSN culture, processes, perspectives, and opinions and seek flexible and mutually agreeable consultation processes</li> <li>• Incorporate information from the SSN into the Application/EIS</li> <li>• In collaboration with the SSN, identify Aboriginal interests (including asserted Aboriginal rights and title) which have the potential to be adversely affected by Project-related activities</li> <li>• Consider SSN’s input, meaningfully address SSN’s comments and concerns and integrate SSN input into the Project Planning</li> </ul>	<p>2009 to present</p>
<p><b>Facilitated access to the site for ceremonial or cultural purposes.</b></p>	<ul style="list-style-type: none"> <li>• Respect SSN culture, processes, perspectives, and opinions and seek flexible and mutually agreeable consultation processes</li> </ul>	<p>2011 to present</p>
<p><b>Traditional Knowledge/ Traditional Land Use Studies</b> KAM provided funding to SSN for completion of a large scale CHS and Preliminary Mitigation Report. The goal of the funding was to obtain historic and contemporary Traditional Knowledge/Traditional Land Use (TK/TLU) data within the vicinity of the Project and involve SSN in the identification of mitigation measures (Preliminary Mitigation Report). KAM provided the CHS team access to the Project site- from July 2013 to July 2014 where the CHS Team spent 1,310 person hours on site gathering TK/TLU information. The Application/EIS integrates and considers the information presented in these reports</p>	<ul style="list-style-type: none"> <li>• Discuss ways to avoid, reduce, mitigate or accommodate potential adverse effects to SSN interests</li> <li>• Respect SSN culture, processes, perspectives, and opinions and seek flexible and mutually agreeable consultation processes</li> <li>• In collaboration with the SSN, identify Aboriginal interests (including asserted Aboriginal rights and title) which have the potential to be adversely affected by Project-related activities</li> <li>• Consider SSN’s input, meaningfully address SSN’s comments and concerns and integrate SSN input into the Project Planning</li> </ul>	<p>December 2012 to present</p>

Activity	Objective	Timing
<p><b>Share Draft Sections of the Application.</b> KAM shared draft sections of the Application including as follows (in advance of the submission to BC EAO):</p> <ul style="list-style-type: none"> <li>• Baseline reports: Socio-economic Section 8.4 (only information pertaining to SSN), fish and fish habitat, water quality, archaeological, heritage, wildlife, and vegetation; Section 8.5- Current Use of Lands and Resources for Traditional Purposes provided on July 21, 2015.</li> <li>• Section 12- Background and Aboriginal Group Setting provided on March 7, 2015 and again on June 26, 2015. Preliminary feedback was received on July 14, 2015 and incorporated into the Section.</li> <li>• Section 13- Aboriginal Interests (Rights and Title) provided on July 30, 2015.</li> <li>• Section 14- Other Potential Effects on Aboriginal Interests provided on July 24, 2015.</li> <li>• Section 15- Procedural Aspects of Consultation provided on July 13, 2015 (represents the First Nation Consultation Report document).</li> <li>• Appendix 15-A- Summary of Communication with SSN which presents a table of KAM’s recorded communication between KAM and SSN.</li> <li>• Appendix 15-A- SSN Issues Tracking Table which presents a table documenting KAM’s understanding of the issues, concerns, and interests raised by SSN during consultation.</li> </ul>	<ul style="list-style-type: none"> <li>• Respect SSN culture, processes, perspectives, and opinions and seek flexible and mutually agreeable consultation processes</li> <li>• In collaboration with the SSN, identify Aboriginal interests (including asserted Aboriginal rights and title) which have the potential to be adversely affected by Project-related activities</li> <li>• Discuss ways to avoid, reduce, mitigate or accommodate potential adverse effects to SSN interests</li> <li>• Consider SSN’s input, meaningfully address SSN’s comments and concerns and integrate SSN input into the Project Planning</li> </ul>	<p>March 2015 to July 2015</p>
<p><b>Effects Assessment Meetings.</b> KAM met with the SSN to share the preliminary results of some effects assessments and obtain input into the mitigation proposed. These meetings focused on fish offsetting and mitigation plan, the Preliminary Mitigation Report, and a large Working Group Meeting held in July where KAM’s technical experts presented the results of baseline studies and effects assessments</p>	<ul style="list-style-type: none"> <li>• In collaboration with the SSN, identify Aboriginal interests (including asserted Aboriginal rights and title) which have the potential to be adversely affected by Project-related activities</li> <li>• Discuss ways to avoid, reduce, mitigate or accommodate potential adverse effects to SSN interests</li> <li>• Consider SSN’s input, meaningfully address SSN’s comments and concerns and integrate SSN input into the Project Planning</li> </ul>	<p>March 2015 to July 2015</p>

Activity	Objective	Timing
<p><b>Issue Tracking.</b> Information not deemed confidential is captured in a formal information management system, the Stakeholder Issues and Information Management System (SIIMS). This database system allows for easy issues tracking and monitoring of contact information, types of contacts/meetings held, the dates and times of contact, and a detailed summary of what was discussed. Issues are tracked in SIIMS and distributed to appropriate scientific teams to ensure the information from SSN is carefully considered in the baseline studies, effects assessments, and mitigation and monitoring strategies.</p>	<ul style="list-style-type: none"> <li>• In collaboration with the SSN, identify Aboriginal interests (including asserted Aboriginal rights and title) which have the potential to be adversely affected by Project-related activities</li> <li>• Discuss ways to avoid, reduce, mitigate or accommodate potential adverse effects to SSN interests</li> <li>• Consider SSN's input, meaningfully address SSN's comments and concerns and integrate SSN input into the Project Planning</li> </ul>	2011 to present
<p><b>Economic and training opportunities.</b> KAM continues to work closely with the SSN to identify economic, contracting and employment opportunities. KAM also continues to work with SSN to identify training opportunities.</p>	<ul style="list-style-type: none"> <li>• Provide the SSN with timely and credible information on the Project and facilitate meaningful discussion</li> <li>• Consider SSN's input, meaningfully address SSN's comments and concerns and integrate SSN input into the Project Planning</li> </ul>	2008 to present

### 4.3 AGREEMENTS

In addition to the activities outlined in **Table 4.1**, KAM and SSN have made significant efforts to develop a mutually agreeable capacity funding and environmental assessment funding agreement. KAM has provided significant funding to the SSN as part of the Agreement. The objectives of the funding were to facilitate SSN's involvement in the Project in a way that is meaningful including support for the identification of potential impacts to asserted Aboriginal interests and the development of mitigation and/or accommodation measures.

Since 2012, a number of draft consultation agreements have been exchanged with SSN, including multiple drafts of a Capacity Funding Agreement (CFA). This on-going effort resulted in SSN and KAM signing a CFA on October 17, 2014. In the signed CFA, SSN and KAM agreed to work together to:

- identify and assess potential Project effects on SSN health and socio-economic conditions;
- work towards developing a revised First Nations Consultation Plan; and
- host SSN community information meetings and workshops to share Project related information, respond to questions, issues and concerns, and include feedback in design of the proposed Ajax Project.

The CFA covered the Pre-Application period up until October 16, 2015.

### 4.4 KEY COMMENTS AND CONCERNS EXPRESSED BY SSN

KAM is committed to meaningful consideration of the comments and concerns of the SSN. Pre-Application consultation activities described in **Table 4.1** have helped to identify issues, rights, and interests that are of importance for SSN and may potentially be affected by the Project. In addition, information from the CHS and Preliminary Mitigation Report was considered in the issues identification. The table below summarizes issues raised by SSN during the Pre-Application period and KAM's efforts to address or resolve those issues. The table below is restricted to those issues and responses raised during the Pre-Application period and does not include issues raised and responses given during Screening and Technical Review. **Table 4-2** provides a summary of the key issues and comments raised by SSN including KAM's response to the issue.

**Table 4-2: Key Issues and Concerns Raised by SSN during the Pre-Application Period**

Category	SSN Issue/Concern/Comment	KAM Response	Status of Resolution
Water Quality and Quantity	Potential negative effects to waterbodies such as Jacko Lake, Peterson Creek, and the Thompson River from changes in surface and groundwater quality/quantity or potential contamination from acid rock drainage	<p>Potential effects of the Project to surface water quality (including Jacko Lake, Peterson Creek, and the Thompson River) will be assessed in Sections 6.3 of the Application /EIS. Potential effects of the Project to groundwater quality will be assessed in the EA Application in Sections 6.3 and 6.5 of the Application /EIS respectively. The Application/EIS will propose mitigation strategies and any required treatment processes to protect water quality.</p> <p>KAM will monitor water quality on an ongoing basis throughout the life of the Project and will implement Surface and Groundwater Management and Monitoring Plans to protect human and environmental health through all phases of the Project (Section 11 of the Application/EIS).</p> <p>The Proponent is conducting a geochemical characterization of waste rock. Detailed results of the analysis will be included in the Application/EIS.</p> <p>KAM will implement an Acid Rock Drainage Management Plan (refer to Section 11 of the Application/EIS)</p>	Technical studies are underway and the results will be presented in the Application. SSN will have the opportunity to review the results during the Technical Review Phase.

Category	SSN Issue/Concern/Comment	KAM Response	Status of Resolution
	Potential effects to Cherry Creek watershed as a result of air quality changes and dust deposition	Detailed results of the assessment of potential effects to surface and groundwater quality are presented in Sections 6.3 and 6.5 of the Application /EIS. The results of the Air Quality effects assessment will be presented in Section 10.1. To avoid direct effects within the Cherry Creek watershed the Tailings Storage Facility has been moved closer to the open pit operation and outside of the Cherry Creek watershed. The change in technology from modified dry stack tailings to wet tailings deposition is expected to reduce the potential for dust from this facility. Dust mitigation measures are planned for all potentially dust-generating facilities. Based on preliminary numerical groundwater flow and particle tracking simulations groundwater is not predicted to migrate across the boundary between the Cherry Creek and Peterson Creek watersheds.	Technical studies are underway and the results will be presented in the Application. SSN will have the opportunity to review the results during the Technical Review Phase.
Fish populations and fish habitat	Potential effects to fish and fish habitat in Jacko Lake as a result of blasting vibrations or changes in the availability of preferred species (rainbow trout)	Potential effects on fish populations and fish habitat, including potential effects from noise and vibration, will be assessed in Section 6.7 of the Application/EIS. KAM has developed blasting protocols to ensure that vibrations comply with guidelines for fish. KAM understands the importance of Jacko Lake to the SSN and other groups therefore potential effects on Jacko Lake will be summarized as a supporting topic in Section 8 of the Application/EIS. This will describe potential effects in relation to changes in land and resource use, fish populations and fish habitat, and other valued components, as appropriate. Part C- Section 13 (Aboriginal Interests) of the Application/EIS will assess effects to the right to fish in Jacko Lake by examining how changes in species availability, access, changes in the quality of the fish and changes to the experience of fishing.	Technical studies are underway and the results will be presented in the Application. SSN will have the opportunity to review the results during the Technical Review Phase.

Category	SSN Issue/Concern/Comment	KAM Response	Status of Resolution
Wildlife and wildlife habitat	Potential effects on wildlife from noise, artificial light, disruption in movements and migration patterns	Potential effects of the project on wildlife -including habitat loss, disturbance and displacement and mortality-, and measures to mitigate potential adverse effects will be described in Sections 6.11 to 6.17 of the Application/EIS. Avoidance of critical periods and restoration of habitat upon closure are important components of preliminary mitigation strategies. Effects on wildlife will be monitored through the implementation of the Wildlife/Vegetation Monitoring Plan. KAM will endeavor to meet with the SSN to discuss mitigation and monitoring plans.	Technical studies are underway and the results will be presented in the Application. SSN will have the opportunity to review the results during the Technical Review Phase.
Vegetation	Destruction of grasslands which support plant biodiversity (in the vicinity of the Project and around Jacko Lake)	KAM acknowledge the importance of grasslands as sensitive ecosystems that support a large number of species. Potential effects of the Project on grasslands and measures to mitigate adverse effects are described in Section 6.10 of the Application/EIS. The area will be reclaimed upon closure to replace grasslands and restore current land uses. Grasslands link to numerous other valued components, including most vegetation and wildlife species listed as value components, recreation, and land use. The interrelationships between grasslands and these valued components are discussed in each VC.	Technical studies are underway and the results will be presented in the Application. SSN will have the opportunity to review the results during the Technical Review Phase.

Category	SSN Issue/Concern/Comment	KAM Response	Status of Resolution
Traditional Land Use	Change in access to and use of preferred animal harvesting locations (e.g. Jacko Lake, Peterson Creek, Goose Lake)	<p>Potential effects to traditional harvesting activities, including access to harvesting areas, will be assessed in Section 8.4 Land and Resource Use and Section 13 Aboriginal Interests (Rights and Title) of the Application/EIS. TK/TLU information provided by SSN in the CHS has been considered and integrated in the assessment and in the design of mitigation strategies. KAM is committed to ongoing dialogue with the SSN to identify specific animal harvesting sites and incorporate this information into the various stages of the Project.</p> <p>The Mine Closure and Reclamation Plan (Section 3.17 of the Application) describes the measures KAM will undertake to rehabilitate habitat during the Closure and Post Closure phases.</p>	<p>Technical studies are underway and the results will be presented in the Application. SSN will have the opportunity to review the results of Part C (includes effects on Aboriginal rights and interests) prior to filing of the Application. During Technical Review, KAM will work with the SSN to identify opportunities to incorporate any additional concerns about traditional land uses</p>
	Potential effects to berry, wild root vegetable and other medicinal and food plant gathering sites (in the vicinity of the Project and around Jacko Lake)	<p>KAM is committed to ongoing dialogue with the SSN to identify specific harvesting sites and incorporate this information into the various stages of the Project. To date, site specific harvesting locations have not been provided. Potential effects to plant harvesting activities, including access to harvesting areas, will be assessed in Section 8.4 Land and Resource Use and Section 13 Aboriginal Interests (Rights and Title) of the Application/EIS. Rare and sensitive ecological communities, Section 6.9 of the Application, will also present the results of the assessment on plant species including some traditional use plants. The Mine Closure and Reclamation Plan (Section 3.17 of the Application) describes the measures KAM will undertake to rehabilitate habitat during the Closure and Post Closure phases.</p>	<p>Technical studies are underway and the results will be presented in the Application. SSN will have the opportunity to review the results of Part C (includes effects on Aboriginal rights and interests) prior to filing of the Application. During Technical Review, KAM will work with the SSN to identify opportunities to incorporate any additional concerns about plant gathering</p>

Category	SSN Issue/Concern/Comment	KAM Response	Status of Resolution
Aboriginal rights and title	Loss of parts of SSN traditional territory and potential effects to asserted Aboriginal rights and title including the right to benefit economically from the land. The SSN has filed a claim for Aboriginal title over its traditional territory including lands owned by KAM and intended for the Project.	Potential effects to rights and title will be discussed in Section 13 Aboriginal Interests (Rights and Title) of the Application/EIS. KAM is committed to developing sustainable long-term relationships with SSN. KAM will work with SSN to implement long-term economic, social, and environmentally sustainable opportunities while avoiding, minimizing, and mitigating negative Project effects. KAM is actively engaged in ongoing dialogue with SSN aimed at achieving a meaningful and mutually beneficial Project agreement.	Technical studies are underway and the results will be presented in the Application. SSN will have the opportunity to review the results of Part C (includes effects on Aboriginal rights and interests) prior to filing of the Application. During Technical Review, KAM will work with the SSN to identify opportunities to incorporate and address SSN's concerns in the Application
	Potential effects on Aboriginal Economies	<p>KAM proposes to continue to work with the SSN during the EA phases to identify additional information that could be considered in the Application. KAM has provided "no strings attached" capacity funding during the screening stage on the EA Application. KAM and SSN continue to work towards a capacity agreement for the Application Review stage.</p> <p>The SSN will undertake surveys, focus groups and/or interviews with membership to obtain additional baseline information on Aboriginal Economies and how the Project could interact with this. The information will be used to develop an Aboriginal Economies VC. KAM is also actively working with SSN to support and participate in the SSN Project Assessment Process whereby SSN will undertake its own Aboriginal Economies assessment.</p>	There is an agreement that this assessment will be conducted during the Technical Review phase and added to the Application. It is expected that KAM and SSN will work closely during the Technical Review Phase to develop an assessment of Aboriginal Economies

Category	SSN Issue/Concern/Comment	KAM Response	Status of Resolution
	Potential effects on Governance and the Trout Children Story	KAM proposes to continue to work with the SSN during the EA phases to identify additional information that could be considered in the Application. KAM has provided “no strings attached” capacity funding during the screening stage of the EA Application. KAM and SSN continue to work towards a capacity agreement for the Application Review stage. The SSN will undertake surveys, focus groups and/or interviews with membership to obtain additional baseline information on perspectives regarding Governance and the Trout Children Story and how the Project could interact with these two factors. The information will be used to develop addenda to the Application on each topic respectively. KAM is also actively working with SSN to support and participate in the SSN Project Assessment Process whereby SSN will undertake its own assessment on Governance and the Trout Children Story.	There is an agreement that this assessment will be conducted during the Technical Review phase and added to the Application. It is expected that KAM and SSN will work closely during the Technical Review Phase to develop an assessment of Governance and the Trout Children Story
	Shared Decision Making	The SSN have repeatedly identified the importance of shared decision making with respect to the Project. As part of this, the SSN are undertaking a separate but complimentary Project Assessment Process. KAM is actively working with SSN to support and participate in the SSN Project Assessment Process. This will include information sharing, attendance at the SSN Oral Hearing and other key events (identified by SSN), bi-monthly technical meetings and on-going capacity funding.	It is expected that KAM will work closely to support EAO and SSN during the Decision Phase of the EA Process.

Category	SSN Issue/Concern/Comment	KAM Response	Status of Resolution
Ceremonial or Cultural Uses	Potential effects on Jacko Lake( Pípsell) which is considered an important cultural landscape and place with spiritual value	Potential effects to Aboriginal Rights and Title, including potential effects on other ceremonial or cultural uses of the land are described in Section 13 of the Application/EIS. KAM remains committed to ongoing dialogue with the SSN to understand the specific concerns about potential effects to Pípsell. KAM will endeavor to meet with SSN to discuss and implement, where appropriate any mitigation and/or accommodation strategies.	Technical studies are underway and the results will be presented in the Application. SSN will have the opportunity to review the results of Part C (includes effects on Aboriginal rights and interests) prior to filing of the Application. During Technical Review, KAM will work with the SSN to identify opportunities to incorporate and address SSN's concerns in the Application
	Potential effects to Goose Lake which has cultural value	In the current General Arrangement Goose Lake will become part of the TSF. KAM will endeavor to meet with SSN to discuss and implement, where appropriate any mitigation and/or accommodation strategies.	Technical studies are underway and the results will be presented in the Application. SSN will have the opportunity to review the results of Part C (includes effects on Aboriginal rights and interests) prior to filing of the Application. During Technical Review, KAM will work with the SSN to identify opportunities to incorporate and address SSN's concerns in the Application
Heritage resources/sites	Effects to potential burial sites and cairns located in the Project footprint	Aboriginal and non-Aboriginal Heritage sites are assessed in Section 9 of the Application/EIS. TK/TLU information provided by SSN has been considered and integrated in the assessment and in the design of mitigation strategies. KAM has provided funding to the SSN to conduct studies, has taken elders to tour the site and has included SSN participation in the archaeology field studies. No burial sites have been identified during KAM heritage studies to date. Potential effects of the Project on other Aboriginal Interests including heritage values are assessed in Section 14 of the Application/EIS.	Technical studies are underway and the results will be presented in the Application. SSN will have the opportunity to review the results during the Technical Review Phase. During Technical Review, KAM will work with the SSN to identify opportunities to incorporate and address SSN's concerns in the Application

Category	SSN Issue/Concern/Comment	KAM Response	Status of Resolution
	Effects to the Hunting Blind Complex	<p>In the current General Arrangement the Hunting Blind complex will be removed during development of the open pit. KAM will endeavor to meet with SSN to discuss and implement where appropriate any mitigation and/or accommodation strategies. KAM has endeavored to consult with the SSN on the Hunting Blind and has provided tours of the area for elders and ensured that SSN is involved in heritage resources studies. Heritage sites are assessed in Section 9 of the Application/EIS. TK/TLU information provided by SSN has been considered and integrated in the assessment and in the design of mitigation strategies.</p> <p>Potential effects of the Project on sites with ceremonial value to SSN will also be discussed in Section 13 of the Application/EIS.</p>	<p>Technical studies are underway and the results will be presented in the Application. SSN will have the opportunity to review the results of Part C (includes effects on Aboriginal rights and interests) prior to filing of the Application. During Technical Review, KAM will work with the SSN to identify opportunities to incorporate and address SSN's concerns in the Application</p>
Human Health	Effects to human health from consumption of contaminated country foods (including as a result of dust deposition)	<p>Human Health and Country Foods have been added as VCs in the Application/EIS based on direction received from Health Canada in consultation with the Technical Working Group, and input received from Aboriginal Groups and the public.</p> <p>The Human Health assessment (Section 10.4) considers all potential exposure pathways (including, air, drinking water and country foods such as wild meat, vegetation, fish and traditional medicines), for human receptors for Aboriginal and non-Aboriginal people for all age groups and consider sensitive members of the population (young children, the elderly, pregnant women, etc.)</p> <p>Potential effects on country foods, including metal concentrations in plant and animal tissue are assessed in Section 10.3 of the Application/EIS.</p> <p>Effects on wildlife and plants (including invasive plant management and metal uptake by plants) will be monitored throughout the life of the Project through the implementation of the Wildlife/Vegetation Monitoring Plan.</p>	<p>Technical studies are underway and the results will be presented in the Application. SSN will have the opportunity to review the results during the Technical Review Phase.</p>

Category	SSN Issue/Concern/Comment	KAM Response	Status of Resolution
	Potential effects on human health as a result of changes in air quality	Residual effects of the Project on air quality and dust deposition have been modelled in accordance with a Dispersion Modelling Plan approved by the BC Ministry of Environment. Modelling results and residual effects will be presented in the Application/EIS. Details of the assessment of air quality will be presented in Section 10.1 KAM will implement an Air Quality Monitoring and Dust Control Plan, including measures to mitigate fugitive dust.	Technical studies are underway and the results will be presented in the Application. SSN will have the opportunity to review the results during the Technical Review Phase.
Economic opportunities	Interest expressed in training and skills development for members	KAM is committed to building a strong and lasting partnership with the SSN and its members. KAM's goal is to create long-term careers for SSN members. KAM will endeavor to work closely with the SSN to develop and implement a SSN Human Resources development plan for all project phases, which may include gap analysis, member assessment and development programs, high school mentorship programs, etc. KAM will endeavor to create SSN bursary programs.	Technical studies are underway and the results will be presented in the Application. SSN will have the opportunity to review the results during the Technical Review Phase.
	Interest expressed in employment and contracting opportunities	As stated above KAM will endeavor to work closely with SSN to develop and implement a SSN Human Resources development plan for all project phases giving all SSN members every opportunity to be successfully employed by the Project. KAM has been working with the SSN developing a procurement management plan. This plan allows SSN companies to successfully compete for contracting opportunities.	Technical studies are underway and the results will be presented in the Application. SSN will have the opportunity to review the results during the Technical Review Phase.

Category	SSN Issue/Concern/Comment	KAM Response	Status of Resolution
Accidents and Malfunctions	Concern regarding potential malfunctions and potential failures of the tailings storage facility	<p>The TSF embankment design will be in accordance with the Canadian Dam Association Dam Safety Guidelines.</p> <p>This information will be provided as supporting documentation to the Application/EIS.</p> <p>Additional studies have been scoped into the Application to address the recommendations of the Mt Polley tailings dam failure investigation. These studies will present Best Available Technology for the Ajax Project TSF and will assess the potential environmental effects of a tailings dam breach.</p> <p>Accidents and Malfunctions will be assessed in section 17.6 of the Application/EIS and will include scenarios for TSF failure. KAM will implement an Accident and Malfunction Management Plan (including potential effects on the Kinder Morgan pipeline)</p>	Technical studies are underway and the results will be presented in the Application. SSN will have the opportunity to review the results during the Technical Review Phase.
Cumulative Effects	Potential cumulative effects resulting from the Project and other industries/developments in the Project area overlapping SSN's Territory (including cumulative air emissions)	Sections 6 to 10 of the Application/EIS will assess the potential environmental, economic, health, social, and heritage effects of the Project. The Application will identify past, present and reasonably foreseeable future projects and activities considered to have the potential to interact with the residual effects of the Project and will assess cumulative effects when appropriate. This assessment will be based on federal and provincial guidance documents.	Technical studies are underway and the results will be presented in the Application. SSN will have the opportunity to review the results during the Technical Review Phase.

Category	SSN Issue/Concern/Comment	KAM Response	Status of Resolution
Consultation	Concerns about the level of consultation and the ability to properly participate in the EA process as a result of recent changes to the Project GA	<p>Based on feedback received from Aboriginal Groups and the public during the consultation process, KAM conducted additional engineering studies and changed the General Arrangement (GA) of the Project, as announced on May 29, 2014. The new GA brings key facilities closer together reducing air emissions. This change responds to health concerns related to dust and noise generation. The TSF is also proposed at a new location, which avoids Inks Lake and prevents the TSF from being visible from the Coquihalla Highway.</p> <p>Following the announcement of the new GA, KAM met with the SSN to review the full GA (May 29 2014). A follow-up meeting occurred with the Working Group (including SSN) on June 23, 2014. The AIR/EIS Guidelines was updated and distributed to the Working Group on June 30, 2014. SSN submitted comments on August 29, 2014. After addressing SSN comments, the AIR/EIS Guidelines was then re-issued on November 7, 2014, for which the SSN submitted comments on December 18, 2014.</p> <p>KAM has and will continue to consult SSN regarding areas of concern, mitigation, and accommodation opportunities on all portions of the Project footprint.</p>	Resolved
	Concerns raised about a lack of capacity to participate in the EA process	<p>KAM recognizes the capacity challenges associated with reviewing large documents associated with EAs. KAM is committed to preparing high quality submissions to facilitate a clear and consistent review of the Project, and to work with government agencies and First Nation groups to find ways of supporting an efficient yet effective and comprehensive review process.</p> <p>The Proponent has provided SSN funding to facilitate their involvement in a range of pre-application consultations and will continue to offer funding to support SSN participation in the Application Review period process.</p>	Resolved

## 5. SSN ASSESSMENT PROCESS

The SSN have developed a project assessment process that will run in parallel to the EA process providing an opportunity for a process that respects the SSN cultural perspectives, knowledge and history. The SSN Assessment Process will consider SSN Laws such as the Trout Children Story and X7ensq't. As per the presentation provided by SSN on July 17, 2015, the SSN Project Assessment Process consists of the following steps:

- **Information Gathering.** During the information gathering step, the SSN identify key people such as elders, knowledge holders, technical support and political persons to engage with. Knowledge and information may be gathered through consultation, and key person interviews considered in tandem with the Trout Children Story Sky World Contest & Marriage, KGHM agreements, and consultation history and records.
- **SSN Assessments.** The SSN are in the process of conducting assessments which includes review of the EA Application and preparation of assessments of Aboriginal Economies, Governance and the Trout Children Story. The Assessments team will use the Trout Children Story to assess KAM's consultation history and records. As part of this step, recommendations will be prepared for the written and oral record.
- **Oral Hearing Assessment Results.** This step involves a gathering where oral evidence and knowledge will be heard and written reports will also be supplied. The SSN Decision table will also sit for a hearing.
- **Deliberation SSN Decision Making Table.** This step is when the decision table will review information and internally deliberate on project decisions.
- **SSN Project Decisions.** In this step, decisions will be made based on the assessments and hearings.
- **SSN Decision Package.** This is when the SSN Decision Package will be prepared including individual assessments.

Figure 5-1 illustrates how the SSN Project Assessment occurs in conjunction with the EA Process. As indicated, the Application Review phase occurs in parallel with the SSN Assessments, Oral Hearing, and SSN Project Decisions.

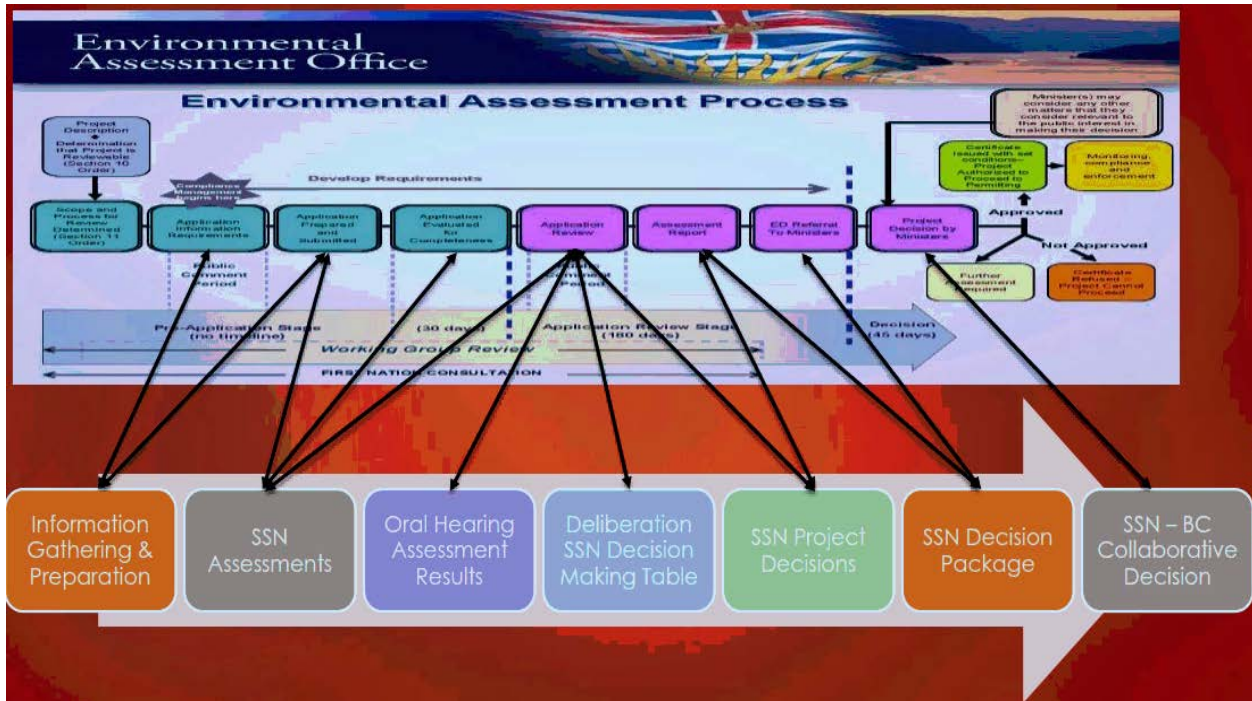


Figure 5-1: SSN Project Assessment Process and EA Application Review Process

Source: SSN Presentation July 17, 2015

KAM will participate in the SSN Assessment Process by considering and responding to SSN's perspectives, opinions and technical information including that which may result from the SSN Assessment Process. KAM proposes the following ways to participate in the SSN Assessment Process:

- During the Information Gathering and Preparation Phase, the SSN will provide KAM with the preliminary results of data gathering activities specifically with respect to governance, the Trout Children Story, and Aboriginal Economies. KAM will use the preliminary information supplied by SSN to develop an assessment for Day 60 of the Application Review.
- Throughout the SSN Assessment Process, KAM will make the appropriate representatives available for key milestones. Should SSN require the presence of KAM's technical experts, advance notice will be required to avoid scheduling conflicts.
- As requested, KAM will participate in SSN Community Sessions such as meetings with family groups (as identified by the SSN Project Assessment Process), community meetings, sessions with knowledge holders or elders, or technical workshops. These activities will be led by the SSN Engagement Team whom will be responsible for identifying appropriate opportunities for KAM's participation.
- During the Oral Hearing Phase, KAM will (at SSN's invitation), participate in the Oral Hearing and as appropriate, make technical experts available.
- During the SSN Project Decisions Phase, KAM will review and provide comments and feedback on the SSN Decision Package.

## 6. CONSULTATION ACTIVITIES FOR THE APPLICATION REVIEW PHASE

### 6.1 OBJECTIVES FOR CONSULTATION DURING THE APPLICATION REVIEW PHASE

KAM's approach to consultation during the Application review period will be similar to the approach taken during the Pre-Application period. The objectives of the Application Review consultation will be to:

- continue to engage SSN in the Project;
- endeavour to involve SSN in assessing and verifying the results of environmental studies and effects assessments;
- seek and consider SSN perspectives and opinions on adverse effects on Aboriginal interests;
- continue to involve SSN in assessing the effectiveness of mitigation measures;
- continue discussions on measures to avoid, mitigate or accommodate potential adverse effects on Aboriginal interests;
- work with SSN on resolution of their issues or concerns and to the extent appropriate, identification of measures to avoid, mitigate or otherwise accommodate potential adverse effects on the Aboriginal interests;
- collect, respond to, and report on SSN comments received throughout the EA process;
- support and participate in the SSN Project Assessment Process; and
- identify opportunities for longer-term SSN participation in economic, employment, training, and other capacity building opportunities.

Consistent with the section 11 Order, KAM will, following a successful screening of the Application/EIS, provide copies to SSN. The Application/EIS will be provided to SSN so that they may respond to requests from BC EAO to submit comments on the Application/EIS.

### 6.2 PROPOSED CONSULTATION SCHEDULE

Once the Application/EIS has been accepted by BC EAO, a 180-day review will be initiated. Table 6-1, describes the proposed Application Review consultation activities including the objectives, timing and expected outcomes. The consultation activities proposed also identify key linkages to the SSN Assessment Process. In addition to the consultation activities outlined in Table 8-1, KAM will also consider and undertake other means of engagement with the SSN (as requested by the SSN or BC EAO) during the Application review period. The table does not include proposed consultation activities with respect to permitting, exploration or development work. While not part of the scope of the Plan, KAM remains committed to ongoing consultation with the SSN about these matters.

**Table 6-1: Proposed Application Review Consultation Activity, Related Objectives and Timing**

Activity	Objective	Timing
<p><b>Share Application.</b> Digital copies and/or hard copies of the Application/EIS will be made available to SSN as instructed by BC EAO. Hard and digital copies of the Application/EIS will also be provided to the Tk'emlúps te Secwépemc and Skeetchestn Indian Band offices</p>	<ul style="list-style-type: none"> <li>• Endeavour to involve SSN in assessing and verifying the results of environmental studies and effects assessments</li> <li>• Seek and consider SSN perspectives and opinions on adverse effects on Aboriginal interests</li> <li>• Continue to involve SSN in assessing the effectiveness of mitigation measures</li> <li>• Work with SSN on resolution of their issues or concerns and to the extent appropriate, identification of measures to avoid, mitigate or otherwise accommodate potential adverse effects on the Aboriginal interests;</li> <li>• Collect, respond to, and report on SSN comments received throughout the EA process;</li> <li>• Continue discussions on measures to avoid, mitigate or accommodate potential adverse effects on Aboriginal interests</li> </ul>	<p>After acceptance of the Application by BC EAO</p>
<p><b>Project Updates-</b> KAM will continue to provide SSN with updates and timely information about the Project</p>	<ul style="list-style-type: none"> <li>• Continue to engage SSN in the Project</li> </ul>	<p>Ongoing</p>

Activity	Objective	Timing
<p><b>Ongoing Accommodation and Mitigation discussions.</b> KAM and SSN will continue to participate in Management Meetings that are intended to identify appropriate accommodation and mitigation measures.</p>	<ul style="list-style-type: none"> <li>• Identify opportunities for longer-term SSN participation in economic, employment, training, and other capacity building opportunities</li> <li>• Seek and consider SSN perspectives and opinions on adverse effects on Aboriginal interests</li> <li>• Continue to involve SSN in assessing the effectiveness of mitigation measures</li> <li>• Work with SSN on resolution of their issues or concerns and to the extent appropriate, identification of measures to avoid, mitigate or otherwise accommodate potential adverse effects on the Aboriginal interests;</li> <li>• Collect, respond to, and report on SSN comments received throughout the EA process;</li> <li>• Continue discussions on measures to avoid, mitigate or accommodate potential adverse effects on Aboriginal interests</li> </ul>	<p>Bi-monthly during Technical Review</p>
<p><b>Develop a preliminary list of potential mitigation and accommodation measures.</b> SSN and KAM, through Management and Technical meetings, will aim to identify mitigation and accommodation by Day 150 of Technical Review.</p>	<ul style="list-style-type: none"> <li>• Identify opportunities for longer-term SSN participation in economic, employment, training, and other capacity building opportunities</li> <li>• Seek and consider SSN perspectives and opinions on adverse effects on Aboriginal interests</li> <li>• Continue to involve SSN in assessing the effectiveness of mitigation measures</li> </ul>	<p>Day 150 of Technical Review*</p>

Activity	Objective	Timing
<p><b>Chief to Chief meetings-</b> KAM and SSN leadership (the Chief of TteS and the Chief of SIB) will continue to participate in these meetings. Both First Nation Chiefs are invited to these meetings in conjunction with the SSN legal and technical teams. KAM acknowledges that SSN has expressed a preference to have both Chiefs in attendance during such meetings. This matter was being discussed at the time of writing as described in Section 6.6 Outstanding Issues.</p>	<ul style="list-style-type: none"> <li>• Identify opportunities for longer-term SSN participation in economic, employment, training, and other capacity building opportunities</li> <li>• Seek and consider SSN perspectives and opinions on adverse effects on Aboriginal interests</li> <li>• Continue to involve SSN in assessing the effectiveness of mitigation measures</li> <li>• Work with SSN on resolution of their issues or concerns and to the extent appropriate, identification of measures to avoid, mitigate or otherwise accommodate potential adverse effects on the Aboriginal interests;</li> <li>• Collect, respond to, and report on SSN comments received throughout the EA process;</li> <li>• Continue discussions on measures to avoid, mitigate or accommodate potential adverse effects on Aboriginal interests</li> </ul>	<p>Quarterly during Technical Review (i.e. until June 2016)</p>
<p><b>Site Tours.</b> Provide guided site tours of the Project to SSN and representatives from the SSN Project Assessment Team to facilitate SSN's Assessment Process. Requests for guided site tours of the Project should provide reasonable notice and adhere to health and safety regulations. The guided site tours will likely include a tour of the Hunting Blind Complex, Peterson Creek and Goose Lake or other areas requested by SSN.</p>	<ul style="list-style-type: none"> <li>• Support and participate in the SSN Project Assessment Process</li> <li>• Seek and consider SSN perspectives and opinions on adverse effects on Aboriginal interests</li> <li>• Continue discussions on measures to avoid, mitigate or accommodate potential adverse effects on Aboriginal interests</li> </ul>	<p>Ongoing and as requested, during Technical Review</p>
<p><b>Participate in Working Group and other meetings as requested.</b></p>	<ul style="list-style-type: none"> <li>• Be guided by the section 11 Order and the AIR/EIS Guidelines;</li> <li>• seek and consider SSN perspectives and opinions on adverse effects on Aboriginal interests</li> <li>• Work with SSN on resolution of their issues or concerns and to the extent appropriate, identification of measures to avoid, mitigate or otherwise accommodate potential adverse effects on the Aboriginal interests</li> <li>• Collect, respond to, and report on SSN comments received throughout the EA process</li> </ul>	<p>Ongoing and as requested, during Technical Review</p>

Activity	Objective	Timing
<p><b>Technical Meetings.</b> KAM and SSN have agreed to participate in Technical Meetings to facilitate communication about key EA procedures as well as obtain input on the potential effects on SSN interests and measures to mitigate or accommodate those effects.</p>	<ul style="list-style-type: none"> <li>• Support and participate in the SSN Project Assessment Process</li> <li>• Endeavour to involve SSN in assessing and verifying the results of environmental studies and effects assessments;</li> <li>• Seek and consider SSN perspectives and opinions on adverse effects on Aboriginal interests;</li> <li>• Work with SSN on resolution of their issues or concerns and to the extent appropriate, identification of measures to avoid, mitigate or otherwise accommodate potential adverse effects on the Aboriginal interests</li> <li>• Collect, respond to, and report on SSN comments received throughout the EA process</li> </ul>	<p>Bi-monthly during Technical Review (i.e. until June 2016)</p>
<p><b>Receive Preliminary Results of SSN Data Gathering.</b> SSN will provide KAM with the preliminary results of data gathering activities specifically with respect to governance, the Trout Children Story, and Aboriginal Economies. The input provided will inform the assessment KAM conducts on those topics.</p>	<ul style="list-style-type: none"> <li>• Support and participate in the SSN Project Assessment Process</li> <li>• Seek and consider SSN perspectives and opinions on adverse effects on Aboriginal interests</li> <li>• Continue discussions on measures to avoid, mitigate or accommodate potential adverse effects on Aboriginal interests</li> </ul>	<p>Day 30 of Technical Review (SSN)*</p>
<p><b>Conduct an assessment on Aboriginal Economies, Governance and the Trout Children Story.</b> KAM and SSN will both conduct assessments on these topics. KAM will use the preliminary information supplied by SSN to develop an assessment for Day 60 of the Application Review. SSN will develop the assessments in accordance with its Project Assessment Process</p>	<ul style="list-style-type: none"> <li>• Support and participate in the SSN Project Assessment Process</li> <li>• Seek and consider SSN perspectives and opinions on adverse effects on Aboriginal interests;</li> <li>• Continue discussions on measures to avoid, mitigate or accommodate potential adverse effects on Aboriginal interests</li> </ul>	<p>Day 60 of Technical Review (KAM)</p>

Activity	Objective	Timing
<p><b>Community Sessions.</b> At SSN’s request, KAM will participate in SSN Community Sessions such as meetings with family groups (as identified by the SSN Project Assessment Process), community meetings, sessions with knowledge holders or elders, or technical workshops. As per SSN’s request, these activities will be led by the SSN Engagement Team whom will be responsible for identifying appropriate opportunities for KAM’s participation. Should SSN require the presence of KAM’s technical experts, advance notice will be required to avoid scheduling conflicts.</p>	<ul style="list-style-type: none"> <li>• Support and participate in the SSN Project Assessment Process</li> <li>• Endeavour to involve SSN in assessing and verifying the results of environmental studies and effects assessments;</li> <li>• Collect, respond to, and report on SSN comments received throughout the EA process</li> <li>• Continue discussions on measures to avoid, mitigate or accommodate potential adverse effects on Aboriginal interests</li> </ul>	<p>As requested</p>
<p><b>Incorporate feedback.</b> KAM will endeavour to incorporate SSN feedback (written submissions, public comments and feedback received through consultation activities) into the Application/EIS. This may include information on Aboriginal interests (including asserted rights and title), proposed mitigation or other sections of the Application/EIS. Specifically the following information will be added to the Application:</p> <ul style="list-style-type: none"> <li>• Aboriginal Economies VC;</li> <li>• Governance Assessment (including shared decision making); and</li> <li>• The Trout Children Story Assessment.</li> </ul>	<ul style="list-style-type: none"> <li>• Support and participate in the SSN Project Assessment Process</li> <li>• Endeavour to involve SSN in assessing and verifying the results of environmental studies and effects assessments;</li> <li>• Seek and consider SSN perspectives and opinions on adverse effects on Aboriginal interests;</li> <li>• Continue discussions on measures to avoid, mitigate or accommodate potential adverse effects on Aboriginal interests</li> <li>• Work with SSN on resolution of their issues or concerns and to the extent appropriate, identification of measures to avoid, mitigate or otherwise accommodate potential adverse effects on the Aboriginal interests</li> <li>• Collect, respond to, and report on SSN comments received throughout the EA process</li> </ul>	<p>Ongoing during Technical Review</p>
<p><b>Participate in SSN Oral Hearing.</b> At SSN’s invitation, KAM will participate in the SSN Oral Hearing and as appropriate, make technical experts available.</p>	<ul style="list-style-type: none"> <li>• Support and participate in the SSN Project Assessment Process</li> <li>• Continue discussions on measures to avoid, mitigate or accommodate potential adverse effects on Aboriginal interests</li> </ul>	<p>As per SSN Assessment Process on May 2-6, 2016</p>

Activity	Objective	Timing
<p><b>Participate in the SSN Project Assessment Process.</b> As requested, KAM will participate in the SSN Project Assessment Process. KAM will make the appropriate representatives available for key milestones during the SSN Assessment Process. Should SSN require the presence of KAM’s technical experts, advance notice will be required to avoid scheduling conflicts.</p>	<ul style="list-style-type: none"> <li>• Support and participate in the SSN Project Assessment Process</li> <li>• Seek and consider SSN perspectives and opinions on adverse effects on Aboriginal interests</li> </ul>	<p>As requested</p>
<p><b>Consultation Documentation.</b> To support SSN’s involvement in the tracking of SSN consultation activities and the identification of SSN Issues, KAM proposes to:</p> <ul style="list-style-type: none"> <li>• Distribute draft meeting minutes after Technical Meetings, Chief to Chief Meetings and Community Information Sessions. These will be shared monthly as per SSN’s request.</li> <li>• Distribute monthly Consultation Logs to SSN for input. The logs provided to SSN will include detailed information to facilitate SSN’s review.</li> </ul> <p>In addition, KAM will provide SSN with a detailed consultation log of all engagement and consultation activities that occurred previously.</p>	<ul style="list-style-type: none"> <li>• Support and participate in the SSN Project Assessment Process</li> <li>• Endeavour to involve SSN in assessing and verifying the results</li> <li>• Continue to engage the SSN</li> </ul>	<p>Monthly during Technical Review</p>

Activity	Objective	Timing
<p><b>Ongoing SSN Issues Tracking Table.</b> KAM will continue to populate an SSN Issues Tracking Table that will be shared with the SSN monthly to verify KAM’s understanding of the issues raised by SSN. Input provided will be incorporated. This will help to ensure that both parties agree on the understanding of the issues and concerns raised. The table will include a ‘Response’ column to illustrate how KAM and/or SSN intend to work towards issue resolution and which party should respond to the issue. This will facilitate two-way information sharing between SSN and KAM. For outstanding issues, KAM and SSN will follow the process outlined in Section 6.4.</p> <p>The Issues Tracking Table will be used by SSN, KAM, EAO and CEAA to achieve resolution on outstanding issues and concerns including those raised from the Pre-Application period through to Technical Review. Issues will continue to be tracked during Screening and Technical Review.</p>	<ul style="list-style-type: none"> <li>• Work with SSN on resolution of their issues or concerns and to the extent appropriate, identification of measures to avoid, mitigate or otherwise accommodate potential adverse effects on the Aboriginal interests</li> <li>• Collect, respond to, and report on SSN comments received throughout the EA process</li> <li>• Support and participate in the SSN Project Assessment Process</li> <li>• Endeavour to involve SSN in assessing and verifying the results</li> <li>• Continue to engage the SSN</li> </ul>	<p>Monthly during Technical Review</p>
<p><b>Detailed Consultation schedule.</b> SSN and KAM will develop a mutually agreeable detailed consultation schedule that will outline proposed dates, types of meetings and discussion topics. Activities will be tied to key milestone in the SSN Assessment Process and the Application Review.</p>	<ul style="list-style-type: none"> <li>• Support and participate in the SSN Project Assessment Process</li> <li>• Endeavour to involve SSN in assessing and verifying the results of environmental studies and effects assessments</li> <li>• Seek and consider SSN perspectives and opinions on adverse effects on Aboriginal interests</li> <li>• Continue to engage the SSN</li> <li>• Work with SSN on resolution of their issues or concerns and to the extent appropriate, identification of measures to avoid, mitigate or otherwise accommodate potential adverse effects on the Aboriginal interests</li> <li>• Collect, respond to, and report on SSN comments received throughout the EA process</li> </ul>	<p>To be finalized as soon as possible</p>

Activity	Objective	Timing
<p><b>Provide feedback on SSN Decision Package.</b> KAM will provide comments and feedback on the SSN Decision Package once received.</p>	<ul style="list-style-type: none"> <li>• Support and participate in the SSN Project Assessment Process</li> </ul>	<p>After Day 150</p>
<p><b>First Nation Consultation Reports.</b> As instructed by BC EAO, KAM will provide the SSN with consultation reports of the Application review consultation activities. SSN will have an opportunity to review and comment on a draft version of this report for adequate review and comment, and suggested changes will be incorporated and/or tracked. The report will identify issues and concerns raised by the SSN and how these issues and concerns are to be addressed. The report along with the comments received by SSN will be provided to BC EAO on Day 120 of Technical Review. KAM will track all comments received from SSN on the Report and follow the Dispute Resolution process outlined in Section 6.4</p>	<ul style="list-style-type: none"> <li>• Endeavour to involve SSN in assessing and verifying the results of environmental studies and effects assessments</li> <li>• Seek and consider SSN perspectives and opinions on adverse effects on Aboriginal interests</li> <li>• Work with SSN on resolution of their issues or concerns and to the extent appropriate, identification of measures to avoid, mitigate or otherwise accommodate potential adverse effects on the Aboriginal interests;</li> <li>• Collect, respond to, and report on SSN comments received throughout the EA process</li> </ul>	<p>As instructed by BC EAO, a consultation report will be prepared including activities conducted the first 90 days of the Technical Review. The Report will be submitted to EAO on Day 120. This submission will follow SSN’s review. A draft version will be provided to SSN in advance for adequate review and comment.</p>

**Note:** \*The SSN identified concerns with the timing of these activities

### 6.3 SSN PARTICIPATION IN PUBLIC CONSULTATION ACTIVITIES

While specific consultation will take place with SSN, a range of public consultation activities will also occur. This will include distribution of press releases, a dedicated web platform to convey contents of the Application/EIS with plan language summaries, information sessions, and public community presentations. SSN members, particularly those living off reserve, may wish to participate and contribute their opinions and perspectives to KAM through these processes as well.

### 6.4 CONSULTATION POLICIES AND PROTOCOLS

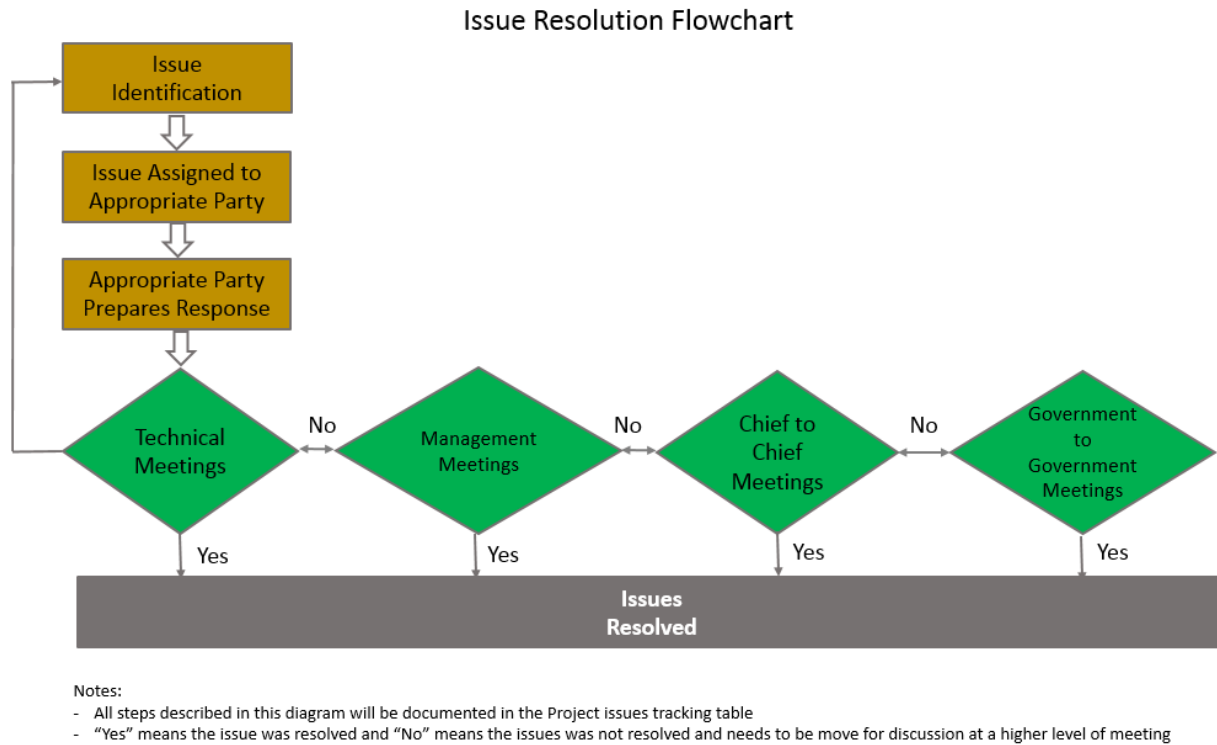
KAM will continue to consult with SSN to learn more about specific policies and protocols, not only for on-going Pre-Application work but also during the Application review period. In the course of that consultation, KAM will continue with consultation activities and procedures further informed by agreements, guidance documents, and specific procedures agreed to.

### 6.5 ISSUE TRACKING AND CONSULTATION PROCESS

SSN and KAM have agreed to develop and maintain an Issues Tracking Table that will also document how matters are resolved. The Issues Tracking Table will maintain a record of issues that are outstanding and issues that have been resolved. It will also provide information for the 120 Day Consultation Report requested by BC EAO. The Issues Tracking Table will identify issues or concerns, provide KAM's response to the issue, describe efforts to address the concerns and, as appropriate, integrate the concern or issue into the review of the Project. Where appropriate, the Table will also identify mitigation measures which may include accommodation and/or Project design changes that KAM commits to implement.

The Issues Tracking Table will undergo periodic reviews by all parties and will be informed by SSN evaluations. The Issue Tracking and Consultation Process will be conducted in parallel to the Government to Government Issue Tracking Process.

The process, as illustrated in the flowchart below, will be followed to identify and resolve issues between SSN and KAM. The parties have agreed that where there is a disagreement that persists between the parties such that it has been elevated to the most senior representatives of the parties and remains unresolved, the Crown may be asked to assist in exploring solutions to these issues. At all times during the process illustrated below, all parties will be kept apprised of the solutions being explored.



**Figure 6-1: Issue Resolution Flowchart**

Other issue resolution approaches may be developed during consultation with SSN or in agreements KAM may enter into with SSN.

## 6.6 OUTSTANDING ISSUES

SSN and KAM have met several times to work towards finalization of the Plan. Moreover, several versions of the plan have been circulated for review and comment. While significant progress has been made, efforts to come to a mutually agreeable plan are ongoing. In particular, there remains outstanding issues that were not resolved in the Plan at the time of writing. The outstanding issues include:

- **Chief to Chief Meetings.** SSN would like it recorded that Chief to Chief meetings require both Chiefs to be present for it to be considered a Chief to Chief meeting. KAM remains willing to meet with a single Chief should such a meeting be requested by the SSN or one of its member communities. Discussions are ongoing at the time of writing. SSN and KAM will elevate this issue to the Negotiation Meetings for resolution. This will follow the process outlined in Section 6-4.
- **Consultation and engagement activities prior to the new GA.** SSN does not believe that consultation or engagement activities conducted prior to the announcement of the new GA should be considered in the Application or the Plan because in SSN's view these are two separate projects. SSN has raised this issue with the BC EAO and the BC EAO has responded.

A single Project Description has been filed, and the First Nation Consultation Plan captures all relevant consultation on the Project as per the Project Description.

- **Preparation of the FNCP.** The parties have been engaging on the First Nations Consultation Plan since February 2015. SSN has provided detailed comments on the FNCP and KAM has endeavoured to address these comments in the hopes of coming to a consensus on the FNCP. Significant process has been made in this regard in the past month; however, there remain issues on which consensus has not been reached and is unlikely to be reached. Despite this, both parties have committed to continue to work towards improving the Plan.

## **7. CONSULTATION ACTIVITIES FOR THE DECISION PHASE**

KAM will support and participate in the Decision Phase, as requested.

## 8. REFERENCES

- BC EAO (British Columbia Environmental Assessment Office). (2010). Proponent guide for providing First Nation consultation information (Non-Treaty First Nations). Retrieved from [http://www.eao.gov.bc.ca/pdf/EAO\\_Guidelines\\_FN\\_Consultation-Non\\_Treaty\\_Nations.pdf](http://www.eao.gov.bc.ca/pdf/EAO_Guidelines_FN_Consultation-Non_Treaty_Nations.pdf)
- BC EAO. (2011). Environmental Assessment Office User Guide. Retrieved from [http://www.eao.gov.bc.ca/pdf/EAO\\_User\\_Guide%20Final-Mar2011.pdf](http://www.eao.gov.bc.ca/pdf/EAO_User_Guide%20Final-Mar2011.pdf)
- BC EAO. (2013). Guide to involving proponents when consulting First Nations in the environmental assessment process. Retrieved from [http://www.eao.gov.bc.ca/pdf/EAO\\_Proponent\\_Guide\\_Dec2013.pdf](http://www.eao.gov.bc.ca/pdf/EAO_Proponent_Guide_Dec2013.pdf)
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- Government of Canada. (1992). *Canadian Environmental Assessment Act*. SC 1992, c37.