

June 29, 2022

VIA EMAIL: LUCY.HARRISON@IAAC-AEIC.GC.CA

Impact Assessment Agency of Canada
210A-757 West Hastings Street
Vancouver, BC V6C 3M2

Attention: Lucy Harrison, Project Manager, Pacific & Yukon Regional Office

Dear Ms. Harrison:

Re: Request for 48-Month Time Limit Extension to Submit Required Information and Studies Under Canadian Environmental Assessment Act, 2012 for the Crown Mountain Coking Coal Project

NWP Coal Canada Limited (NWP) is requesting a 48-month extension to the time limit to submit information or studies, including responses to Information requests, for the Crown Mountain Coking Coal Project (the Project) to the Impact Assessment Agency of Canada (the Agency) as per Section 181(3) of the Impact Assessment Act 2019 (IAA 2019). NWP is requesting the extension to complete the:

- Completeness review
- Conformity review
- Technical review, which includes the following:
 - Public comment period
 - Information request and response process
 - public and Indigenous engagement.

The extra time will also allow NWP to continue to build on our relationship with all potentially impacted Indigenous nations and ensure that their voice is heard and represented throughout the process.

NWP believes we can complete all the information or studies, including responses to information requests, with an additional 31 months from August 28, 2022. However, given that IAA 2019 only allows



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one extension and that there are several schedule risks that could require additional time, NWP is requesting 48 months from August 28, 2022¹.

NWP experienced unexpected delays to our planned regulatory schedule.

- NWP delayed completion and submittal of our combined Environmental Impact Statement/ Environmental Assessment Certificate Application (EIS/EA) in spring 2021 and pushed this to the spring of 2022 because of the Ktunaxa Nation Council (KNC) pausing engagement with NWP (KNC related schedule delays).
- COVID work stoppages combined with a March 2020 direction from the Agency to engage five additional Indigenous Nations has also caused significant delays to completing the EIS/EA. COVID related schedule delays would have not been as large if NWP was not starting new engagement with communities struggling to deal with the pandemic.

These delays have impacted NWP's ability to meet the August 28, 2022, timeline to submit all information or studies, including responses to information requests.

NWP has made considerable progress on the EIS/EA. NWP has attended biweekly meetings with the Agency, the BC Environmental Assessment Office (EAO), and, until April 2021, the KNC. NWP has collaborated with working groups about specific assessment topics including (but not limited to):

- EA workshop
- Effluent regulations under the Fisheries Act
- Waste Rock Management
- Terrestrial Wildlife survey design, baseline, and modelling
- Groundwater Program
- Instream Flow Needs
- Aquatics Baseline
- Fish and Fish Habitat

Starting the late fall of 2021, NWP began to share draft chapters of the EIS/EA with the Agency and the EAO for their early feedback. In April 2022, NWP submitted a final version of the EIS/EA to start the completeness and conformity review process with the Agency.

The completeness, conformity, and technical reviews will require updates to the EIS/EA and additional information that cannot be completed and provided to the Agency prior to August 28, 2022.

There remains uncertainty on how the KNC pause to engagement and request for a suspension to environmental assessments will be resolved. NWP would appreciate the KNC reengaging and thinks that additional time should be provided in the extension (beyond the base 31-month schedule) to allow for them to review materials and rejoin the process.

¹ The revised deadline, if granted, would be August 28, 2026.

There also remains uncertainty on how the assessment process will account for emerging BC and Federal regulations. While the Project has been designed to meet anticipated water quality limits related to the Coal Mining Effluent Regulation and updates to the Area Based Management Plan, NWP is concerned that such regulatory change can lead to complex Information Requests that take a long time to address. NWP thinks that additional time should be provided in the extension (beyond the base 31-month schedule) to allow for the assessment process to account for this regulatory uncertainty. Certainly, if the water quality limits are not as expected, more time may also be needed to adjust Project plans or designs.

A final uncertainty is related to potential future waves of COVID. During 2020 and 2021, regulatory and engagement progress was very challenging. With emerging COVID variants and the potential for future public health orders and delays to the regulatory process, NWP thinks that additional time should be provided in the extension (beyond the base 31-month schedule).

In summary, NWP needs more time to complete our regulatory obligations. We believe the regulatory process will take 31 months of the 48-month extension. We are applying for an additional 17 months to allow for unforeseen delays. If you have any questions about this extension request, please do not hesitate to contact me by phone at 778-988-7206 or by email at dave.baines@nwpcoal.com.

Yours truly,

Dave Baines, Director Project Development, NWP Coal Canada Ltd.

Encl. Annex A, Narrative Summary
 Annex B, Project Activities Prior to August 28, 2022
 Annex C, Project Activities Proposed past August 29, 2022

cc: Mike McDonald, Q.C., Clark Wilson LLP: MMcDonald@cwilson.com

ANNEX A: NARRATIVE SUMMARY

Annex A describes the regulatory history of the Project including items that have disrupted the schedule so that NWP is unable to submit all information or studies for the Project by August 28, 2022. NWP is proposing a 48-month extension based on a proposed 31-month work plan that will allow NWP to complete regulatory steps that were delayed. NWP is requesting an additional 17 months for a total of 48 months to allow for unforeseen schedule challenges.

Introduction

The Project is a proposed open pit metallurgical coal mine in southeast BC near Sparwood.

Project Regulatory Overview

Starting the regulatory process

After completing exploration drilling and a project feasibility assessment, NWP started the regulatory process for the Project by submitting a Project Description to the Agency on November 4, 2014. Not long after, on December 22, 2014, the Agency determined that an environmental assessment was required under the *Canadian Environmental Assessment Act, 2012* (CEAA 2012)², and the Agency commenced an environmental assessment pursuant to CEAA 2012. On February 20, 2015, the Agency published the *Environmental Impact Statement Guidelines* (EISG) for the Project.

Initial guidance from the Agency required NWP to engage with:

- St. Mary's Indian Band³;
- Lower Kootenay Indian Band;
- Tobacco Plains Indian Band;
- Akisq'nuk First Nation;
- Shuswap Indian Band;
- Stoney Nakoda First Nations; and
- Métis Nation British Columbia.

Moving forward through the regulatory process

NWP progressed the assessment by completing:

- Regulatory, stakeholder, and Indigenous engagement
- Collection of baseline environmental data and development of baseline reports

² *Guidelines for the Preparation of an Environmental Impact Statement pursuant to the Canadian Environmental Assessment Act, 2012. Crown Mountain Coking Coal Project. NWP Coal Canada Limited.*

³ St. Mary's Indian Band, Lower Kootenay Indian Band, Tobacco Plains Indian Band, and Akisq'nuk First Nation are all represented by the Ktunaxa Nation Council.

- A full Bankable Feasibility Study (BFS) which is much more detailed and exact than a feasibility study. The BFS includes many changes from the first study that address input from regulators, stakeholders, and the KNC.
- Assessment of potential Project impacts based on the baseline data, modelling, and BFS
- Write up of the combined EIS/EA.
- Sharing draft sections of the EIS/EA with Indigenous Nations to capture their feedback and concerns.

NWP has attended biweekly meetings with the Agency, the EAO, and, until April 2021, the KNC. NWP has collaborated with working groups about specific assessment topics including (but not limited to):

- EA workshop
- Effluent regulations under the Fisheries Act
- Waste Rock Management
- Terrestrial Wildlife survey design, baseline, and modelling
- Groundwater Program
- Instream Flow Needs
- Aquatics Baseline
- Fish and Fish Habitat

Starting the late fall of 2021, NWP began to share draft chapters of the EIS/EA with the Agency and the EAO for their early feedback. In April 2022, NWP submitted a final version of the EIS/EA to start the completeness and conformity review process with the Agency.

Federal Regulatory Change

IAA 2019 came into force on August 28, 2019. Relevant provisions of the IAA 2019 follow:

- Per Section 181(1) of the IAA, the Project environmental assessment continued under CEAA 2012 as if that Act had not been repealed.
- Section 181(2) of the IAA requires that all information or studies, including responses to information requests, required for the environmental assessment be submitted prior to August 28, 2022, three years after the IAA came into force.
- Section 181(2.1) enables a mechanism by which a proponent may request, and the Agency may grant, an extension to the three-year time limit

Additional Federal Requirements

On March 16, 2020, the Agency formally issued direction requiring NWP engage with five additional Indigenous Nations:

- Blood Tribe/ Kainai First Nation
- Piikani Nation
- Siksika Nation
- Tsuut'ina Nation

- Métis Nation of Alberta – Region 3

Schedule Disruptors

Federal Regulatory Change Related Schedule Disruption

Although NWP submitted a FINAL copy of our EIS/EA to the Agency in April of 2022, NWP is delaying the Completeness and Conformity process while NWP and the Agency focus on this extension application. NWP hopes to restart the process in mid-August but recognizes that if this extension is not granted, we will need to reassess our schedule based on restarting under IAA 2019.

BC Regulatory Change Related Schedule Disruption

The Project started the regulatory process under the 2002 *BC Environmental Assessment Act*. In December 2019, the 2018 *BC Environmental Assessment Act* came into force. At the time, NWP chose to remain under the 2002 Act. However, given the other schedule disruptions discussed below, NWP determined that it would be unable to complete the assessment prior to the deadline to transition to the 2018 Act by December of 2022.

In April 2022, NWP chose to transition to the 2018 Act. NWP's regulatory process with BC has been on pause while the EAO writes a Transition Order which is expected in July 2022. The time needed to create the order, and then to respond to the order will require more time.

NWP believes that this will be the first Transition Order written by the EAO. Similarly, this assessment will be the first one where the Agency must coordinate activities under a Transition Order. This will be a learning process for all parties and may require more time than an assessment following established precedent.

COVID Related Schedule Disruption

In March of 2020, the global COVID 19 pandemic began to disrupt the regulatory process. Each jurisdiction dealt with COVID slightly differently bringing in Public Health Orders, modifying them, rescinding them, and reinstating them. Communities struggled to deliver basic services. Some Indigenous Communities declared public health emergencies and stopped dealing with regulatory matters.

- Alberta published COVID related Public Health Orders starting March 12, 2020, followed rapidly by more orders restricting public gatherings and meetings. At the same time cases rise rapidly, especially amongst vulnerable populations such as Indigenous communities.
- B.C. published COVID related Public Health Orders starting March 16, 2020, followed rapidly by more orders restricting public gatherings and meetings. At the same time cases rise rapidly, especially amongst vulnerable populations such as Indigenous communities.

The Public Health Orders restricting public gatherings and meetings coincided with NWP's efforts to engage with the nations the Agency had added to the Project on March 16, 2020. These new nations, as well as the nations from the original EIS struggled to deal with COVID. NWP honored their struggles by

giving the nations more time to respond to requests for feedback, by regularly communicating but understanding if there was little to no response, and by trying to set up site visits or have face to face meetings when ever COVID restrictions and Indigenous community health conditions allowed.

Public Health Orders, for self-isolation delayed regulator meetings, completing finalization of the EA/EIS, and all engagement with the public and Indigenous communities.

KNC Related Schedule Disruption

The KNC are a particularly important voice on environmental and development matters in southeast BC. They were an integral part of the Project regulatory process until 2021, when they ceased external engagement and asked for a pause to all coal mining environmental assessments in southeast BC.

Prior to 2021, the KNC were directly involved in the review and revision of:

- The Project assessment methodology
- The selection of valued components
- Development and execution of baseline surveys
- Set-up and execution of modelling
- Project design options to avoid or minimize impacts
- Determination of significance of impacts

The KNC had been in the process of writing their own chapter of the EIS/EA and had indicated to NWP that they only have 6 to 8 more weeks of work to complete once NWP gave them the final assessment results for the VCs.

On April 28, 2021, the KNC notified NWP that they would be taking some time for internal reflection and would therefore be pausing all external interactions until further notice. NWP's initial goal was to submit the EIS and EA in the spring of 2021. However, this was not possible due to NWP honoring KNC's choice to suspend communications and to not engage further with NWP and other proponents alike. NWP decided to wait for KNC to re-engage and complete their chapter of the EIS/EA.

On August 13, 2021, the KNC sent a letter to the BC and Federal government requesting a pause to all coal mining environmental assessments in southeast BC. This letter listed several concerns the KNC had with cumulative effects and how the regulators and industry have addressed them. The KNC suggested that these issues should be resolved prior to considering additional potential impacts.

NWP understands KNC's concerns but could no longer wait for KNC to complete their chapter. At this point, NWP began to build off prior work with the KNC and author the chapter themselves.

NWP only had one virtual meeting with KNC about the environmental assessment between April 2021 and the end of 2021. On December 13, 2021, representatives of the KNC Lands and Resources Council stated that the KNC would not be engaging with NWP on the environmental assessment since they believed that the regulatory process would be suspended.

Throughout this process, NWP has repeatedly attempted to engage and collaborate with KNC since the KNC suspended communication with industry and regulatory bodies. Prior to KNC ceasing external communication, the parties had an open, respectful, and productive relationship based upon an Engagement Agreement between KNC and NWP. This was the basis for funding, open communication and sharing of views as NWP's Project application was being developed, in part with co-authorship of the Indigenous rights impact chapter of the application. NWP has remained committed to reinvigorating this communication and has reached out to KNC repeatedly to afford KNC every opportunity for input in the Project's application process as it progresses. Despite NWP's best efforts, KNC chose not to renew the collaborative relationship the parties enjoyed prior to April 2021 as KNC remained steadfast in their position of suspension of all environmental assessments and Project applications within the Quin ?amak?is (Elk Valley).

In early 2022, NWP and KNC discussed the timing for a transition of the Project from the 2002 *BC Environmental Assessment Act* to the 2018 Act. During that discussion KNC indicated that they would, now that a transition to the 2018 Act was unavoidable, prefer that NWP make the change as soon as possible. KNC also reiterated their position that they expected the environmental assessment to be paused and that they would not be engaging about the Project environmental assessment.

Activities Enabled by the Extension if Granted

At heart, NWP believes that approximately 31 months of the extension will be needed to submit information or studies for the Project. This time would be used to complete standard regulatory steps that have been delayed by various schedule disruptors. It would also allow for ongoing Indigenous engagement to better reflect NWP's goal of fulsome meaningful Indigenous participation in the process.

NWP is requesting an additional 17 months to enable continuation of the regulatory process if unexpected or uncertain events such as COVID cause additional delays.

Summary

Annex A has described the regulatory history of the Project including several items that have disrupted the schedule so that NWP is unable to submit all information or studies for the Project by August 28, 2022. NWP is proposing a 48-month extension based on a proposed 31-month work plan that will allow NWP to complete regulatory steps that have been delayed. NWP is requesting an additional 17 months for a total of 48 months to allow for unforeseen schedule challenges.

Annex B (Project Activities Prior to August 28, 2022) provides a detailed breakdown of all Project activities that have occurred and are planned to occur prior to the deadline for an extension.

Annex C (Project Activities After August 28, 2022) provides a detailed breakdown of all Project activities that are planned to occur after the deadline for an extension until all information and studies have been provided to the Agency. This work plan covers 31-months.

ANNEX B: PROJECT ACTIVITIES PRIOR TO AUGUST 28, 2022**Project Activities Prior to August 28, 2022**

The following annex provides a detailed list of all Project activities that occurred prior to August 28, 2022 when all studies and information must be provided to the Agency unless an extension is granted. Activities that NWP proposes to complete should an extension be granted are discussed in Annex C.

Regulatory and Engagement Activities

The table in this section provides a list of key engagement and regulatory activities carried out by NWP Coal Canada (NWP) related to the Environmental Assessment for the Crown Mountain Coking Coal Project (the Project). The assessment began under the BC *Environmental Assessment Act 2002* and the *Canadian Environmental Assessment Act 2012*. In 2022, the assessment process transitioned to the 2018 BC *Environmental Assessment Act* from the 2002 Act.

The table starts in 2012 at the beginning of Project activities. Information is presented on an annual basis for the first nine years of the Project (2012-2020). Recent years (2021 through August 28, 2022) are presented by quarter. Information provided prior to the end of June 2022 is historical. Information provided beyond the end of June 2022 is speculative.

Engagement and regulatory activities began in 2012 to line up with the beginning of field activities designed towards understanding the environmental conditions in the Project area and the region. Activity intensity increased in sync with regulatory milestones and formal engagement windows in the regulatory process (e.g., Open House held in 2016). Engagement activities paused 2017 through 2019 as NWP digested feedback received in 2016 and earlier, completed lab and bench work, and adjusted Project designs. With the completion of the Project Bankable Feasibility Study in 2020, engagement ramped back up to explain how the Project had been adjusted. However, NWP experienced significant challenges with engagement and regulatory activities at that point going forward due to public health orders related to the global COVID pandemic (starting in 2020).

Ongoing bi-weekly meetings with EAO and the Agency are not included in this table.

Engagement and regulatory activities specific to exploration activities and commercial engagements are not included in this table. Some groups, such as the Ktunaxa and the Shuswap Indian Band have been engaged for both exploration permitting and the environmental assessment. Exploration programs occurred in 2012, 2013, and 2018. Permitting for those programs included involvement of Ktunaxa and Shuswap. Some reporting under the permits includes ongoing engagement requirements.

Other regulatory activities and engagement related other processes, such as coal leases, are not included in this table.

Engagement in regional environmental initiatives such as working groups under the Cumulative Environmental Management Framework, or the Lake Koocanusa Monitoring Research Working Group have also not been included in this table.

Contractual arrangements between NWP and Indigenous nations to provide capacity funding and to support TLU/TK studies is considered confidential and not included in this table.

Table 1 Regulatory and Engagement Activities Prior to August 28, 2022

Timing	Action/Item
2012	<p>Overview In 2012, NWP started exploration drilling to determine extent and quality of metallurgical coal resource. NWP started initial regulatory and KNC engagement about a possible future project.</p> <p>Regulatory</p> <ul style="list-style-type: none"> • NWP met with Ministry of Environment to review surface water quality baseline program. • NWP met with Ministry of Forestry to review Project and anticipated terrestrial baseline requirements. <p>Indigenous Engagement The only NWP Indigenous engagement related to the environmental assessment in 2012 was with the KNC.</p> <ul style="list-style-type: none"> • KNC meetings and correspondence with NWP. <p>Community Engagement No NWP community engagement related to the environmental assessment occurred in 2012.</p>
2013	<p>Overview In 2013, NWP continued exploration drilling to determine extent and quality of metallurgical coal resource. NWP continued KNC engagement, but no other assessment related activities occurred. NWP also started some preliminary work collecting baseline data for the environmental assessment.</p> <p>Regulatory No NWP regulatory activities related to the environmental assessment occurred in 2013.</p> <p>Indigenous Engagement The only NWP Indigenous engagement related to the environmental assessment in 2013 was with the KNC.</p> <ul style="list-style-type: none"> • KNC meetings and correspondence with NWP <p>Community Engagement No NWP community engagement related to the environmental assessment occurred in 2013.</p>

Timing	Action/Item
2014	<p>Overview In 2014, NWP had sufficient initial exploration data to develop preliminary designs for the Project and to develop initial information to start the environmental assessment process for a possible future project. NWP began in earnest to work on developing baseline information for the environmental assessment.</p> <p>Regulatory</p> <ul style="list-style-type: none"> • NWP submitted an <i>Initial Project Description</i> to EAO (October 27, 2014)⁴. • NWP submitted a <i>Project Description of a Designated Project</i> to the Agency along with a summary document (November 4, 2014)⁵. • EAO published <i>Section 10 Order</i> for Project to undergo an environmental assessment under <i>BC Environmental Assessment Act 2002</i> (October 30, 2014). • the Agency published <i>Notice of Commencement</i> for Project to undergo an environmental assessment under the <i>Canadian Environmental Assessment Act 2012</i> and <i>Draft Environmental Impact Statement Guidelines</i> (December 22, 2014). <p>Indigenous Engagement The only NWP Indigenous engagement related to the environmental assessment in 2014 was with the KNC.</p> <ul style="list-style-type: none"> • KNC meetings and correspondence with NWP <p>Community Engagement No NWP community engagement related to the environmental assessment occurred in 2014.</p>
2015	<p>Overview In 2015, NWP's focus was on the regulatory process and engagement on the possible future project. NWP also continued work on developing baseline information for the environmental assessment.</p>

⁴ Under the 2002 BC *Environmental Assessment Act*, the project description provided to EAO to start the regulatory process is called an 'Initial Project Description'. In this situation, BC's EPIC website cites the document as the Initial Project Description even though the document's title is *Crown Mountain Coking Coal Project: Project Description*

⁵ Under CEAA 2012, the project description provided to the Agency to start the regulatory process is called a '*Project Description of a Designated Project*'. In this situation, the Agency's website cites the document as the Project Description of a Designated Project even though the document's title is *Crown Mountain Coking Coal Project: Project Description*.

Timing	Action/Item
	<p>Regulatory</p> <ul style="list-style-type: none"> • Agency published <i>Final Environmental Impact Statement Guidelines</i> (February 20, 2015) • EAO published <i>Section 11 Order</i> establishing the formal scope, procedures, and methods for the Project environmental assessment (May 27, 2015) • Working Group established by EAO⁶. • Meetings with Working Group on the following topics: <ul style="list-style-type: none"> ○ Project introduction and overview ○ Elk Valley Area Based Management Plan ○ EA workshop ○ Effluent regulations under the Fisheries Act • Site tour for Working Group <p>Indigenous Engagement</p> <p>The only NWP Indigenous engagement related to the environmental assessment in 2015 was with the KNC.</p> <ul style="list-style-type: none"> • KNC meetings and correspondence with NWP • KNC involved in EAO Working Group • KNC involved in EAO Working Group site tour <p>Community Engagement</p> <ul style="list-style-type: none"> • NWP participated in Sparwood’s Coal Miner Days. • NWP presented a Project introduction to municipal governments in Elkford, Sparwood, Fernie, and Crowsnest Pass. • NWP participated in a radio interview on CBC about the Project • NWP collaborated with Sparwood and District Fish and Wildlife Association and sponsored Elk collaring program.
2016	<p>Overview</p> <p>In 2016, NWP’s focus was on the regulatory process and engagement on the possible future project. NWP also continued work on developing baseline information for the environmental assessment.</p>

⁶ EAO uses the term Working Group to describe a group that includes other regulators (e.g., BC Ministry of Environment, Department of Fisheries and Oceans Canada) and often includes Indigenous Nations (e.g., Ktunaxa). The Working Group is tasked with guiding the BC EAO and the Proponent through the development of the Application Information Requirements and through the preparation of the environmental assessment. While the members of the Working Group may be involved in the technical review of the assessment the name of the group would be changed to a Technical Working Group under the 2002 BC *Environmental Assessment Act* or a Technical Advisory Committee under the 2018 *Environmental Assessment Act*.

Timing	Action/Item
	<p>Regulatory</p> <ul style="list-style-type: none"> • Meetings with Working Group and other regulators on the following topics: <ul style="list-style-type: none"> ○ Project updates ○ Area Based Management Plan ○ Waste Rock Layering Strategy • Open House which allowed the community and stakeholder an opportunity to review the draft VC documents and discuss the Project with NWP <p>Indigenous Engagement</p> <p>The only NWP Indigenous engagement related to the environmental assessment in 2016 was with the KNC.</p> <ul style="list-style-type: none"> • KNC meetings and correspondence with NWP <ul style="list-style-type: none"> ○ Meetings directly with NWP ○ Working Group meetings ○ Development of Valued Components list <p>Community Engagement</p> <ul style="list-style-type: none"> • Public comment on Draft Valued Component selection • NWP participated in a regulatory Open House which allowed the community and stakeholder an opportunity to review the draft VC documents and discuss the Project with NWP. NWP advertised the open house through local and regional media. • NWP shared surface water quality data with the Elk River Alliance to support their regional initiatives.
2017	<p>Overview</p> <p>In 2017, NWP’s focus was digesting regulatory, public, and Indigenous feedback on the initial Project designs. NWP started work on adjusting Project designs to address the feedback. NWP also continued work on developing baseline information for the environmental assessment.</p> <p>Regulatory</p> <ul style="list-style-type: none"> • Site tour for municipal, provincial, and federal regulators <p>Indigenous Engagement</p> <p>The only NWP Indigenous engagement related to the environmental assessment in 2017 was with the KNC.</p> <ul style="list-style-type: none"> • KNC meetings and correspondence with NWP <p>Community Engagement</p> <p>No NWP community engagement related to the environmental assessment occurred in 2017.</p>

Timing	Action/Item
2018	<p>Overview</p> <p>In 2018, NWP completed additional exploration drilling to obtain sufficient samples of metallurgical coal to do lab and bench testing on:</p> <ul style="list-style-type: none"> • Coal quality • Coal processing plant design features • Selenium management plan (using coal processing plant rejects as part of a layer cake unsaturated waste rock storage facility) <p>NWP also remained focused on adjusting Project designs to address regulatory, public, and Indigenous feedback on the initial Project designs. NWP continued work on developing baseline information for the environmental assessment.</p> <p>Regulatory</p> <ul style="list-style-type: none"> • EAO publishes Application Information Requirements (April 26, 2018) • Meetings with Working Group and other regulators on the following topics: <ul style="list-style-type: none"> ○ Waste Rock Facility Design ○ Terrestrial Wildlife ○ Groundwater Program ○ Instream Flow Needs ○ Waste Rock Management Update <p>Indigenous Engagement</p> <p>The only NWP Indigenous engagement related to the environmental assessment in 2018 was with the KNC.</p> <ul style="list-style-type: none"> • KNC meetings and correspondence with NWP • KNC site tour focused on rail load out alternatives <p>Community Engagement</p> <p>No NWP community engagement related to the environmental assessment occurred in 2018.</p>
2019	<p>Overview</p> <p>In 2019, NWP continued lab and bench testing on:</p> <ul style="list-style-type: none"> • Coal quality • Coal processing plant design features • Selenium management plan (using coal processing plant rejects as part of a layer cake unsaturated waste rock storage facility) <p>NWP also remained focused on adjusting Project designs to address regulatory, public, and Indigenous feedback on the initial Project designs. NWP continued work on developing baseline information for the environmental assessment.</p> <p>Regulatory</p> <ul style="list-style-type: none"> • <i>BC Environmental Assessment Act 2018</i> comes into force replacing <i>BC Environmental Assessment Act 2002</i> (December 16, 2019) <ul style="list-style-type: none"> ○ Project grandfathered under the 2002 Act until ready for a decision or December 16, 2022, which ever comes first.

Timing	Action/Item
	<ul style="list-style-type: none"> • <i>Impact Assessment Act</i> 2019 comes into force replacing the <i>Canadian Environmental Assessment Act</i> 2012 (August 28, 2019) <ul style="list-style-type: none"> ○ On August 28, 2019, the <i>Impact Assessment Act</i> (IAA) came into force and CEAA 2012 was repealed. In accordance with the transitional provisions of the IAA, the environmental assessment of this Project is being continued under CEAA 2012 as if that Act had not been repealed and all information and studies are to be provided to the Agency by August 29, 2022, unless the Agency grants a time limit extension. • Meetings with Working Group and other regulators on the following topics: <ul style="list-style-type: none"> ○ Wildlife Baseline Overview ○ Introduction to ALCES ○ Aquatics Baseline Overview ○ Waste Rock Management ○ Wildlife Modelling <p>Indigenous Engagement The only NWP Indigenous engagement related to the environmental assessment in 2019 was with the KNC.</p> <ul style="list-style-type: none"> • KNC meetings and correspondence with NWP • KNC site tour including rail load out alternatives <p>Community Engagement No NWP community engagement related to the environmental assessment occurred in 2019.</p>
2020	<p>Overview In 2020, NWP completed a Bankable Feasibility Study for the Project that adjusted designs based on:</p> <ul style="list-style-type: none"> • regulatory, public, and Indigenous feedback • outputs from lab and bench testing • outputs from environmental baseline data and modelling <p>NWP completed substantial work on the environment assessment. NWP restarted engagement to highlight Project adjustments and to address new engagement guidance from both EAO and the Agency.</p> <p>Prior to receiving the updated engagement guidance and the delays related to COVID, NWP believed that it would be able to complete and submit the combined Environmental Assessment Certificate Application and Environmental Impact Statement in late 2020.</p>

	<p>COVID</p> <ul style="list-style-type: none"> In early 2020 Public Health Orders related to the global COVID 19 pandemic hampered Project activities as did community challenges dealing with COVID 19. <p>Regulatory</p> <ul style="list-style-type: none"> The Agency amended <i>Final Impact Statement Guidelines</i> to include consultation with additional Indigenous nations (March 16, 2020). BC EAO published Section 13 Order amending the Section 11 Order to require consultation with additional Indigenous groups (October 30, 2020). Meetings with Working Group and other regulators on the following topics: <ul style="list-style-type: none"> Wildlife Modelling Aquatics Update Water Quality Modelling Terrestrial Effects Assessment Groundwater <p>Indigenous Engagement</p> <ul style="list-style-type: none"> KNC meetings and correspondence with NWP KNC site tour focused to evaluate proposed rail load out layout <ul style="list-style-type: none"> A KNC representative joined an NWP representative and the archeological specialist to evaluate an alternate Rail-Loadout access route proposed by NWP to address KNC concerns about impacts to cultural heritage at the site. The KNC representative suggested a new alternate to further avoid new disturbance. NWP adopted this proposal and revised the Rail Loadout layout accordingly. NWP met with Stoney Nakoda Nation to discuss the Project, Stoney Nation interests, and developing a collaborative relationship (Feb 20, 2020) NWP met with Siksika Nation to discuss the Project, Siksika interests, and Siksika concerns with how the BC and Federal governments have managed the environmental assessment (May 27, 2020). NWP sent Project Notification Letters to: <ul style="list-style-type: none"> Shuswap Indian Band Shuswap Nation Tribal Council Kainai First Nation (Blood Tribe) Piikani Nation Stoney Nakoda First Nations Métis Nation of Alberta, Region 3 Métis Nation of British Columbia Siksika Nation Tsuut'ina Nation NWP sent holiday greetings to all involved Indigenous nations. <p>Community Engagement</p> <ul style="list-style-type: none"> NWP sent holiday greetings to municipal governments in Elkford, Sparwood, Fernie, Crowsnest Pass, and Regional District of East Kootenay.
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Timing	Action/Item
Q1 2021	<p>Overview</p> <p>In Q1, 2021, NWP put significant effort into engagement and progressing the environmental assessment. At the beginning of this period, NWP believed that it would be able to submit the Environmental Assessment Certificate Application/Environmental Impact Statement early in 2021.</p> <p>COVID delayed internal efforts as well as hampered engaging with Indigenous groups struggling to deal with COVID outbreaks in their communities. NWP made many attempts to communicate with the communities by email and telephone. Emails and calls were often not answered or were responded to weeks later. Additional details about COVID related delays are provided later in the table.</p> <p>Regulatory</p> <ul style="list-style-type: none"> • NWP requested an extension to the expiry of the Project AIR from April 26, 2021 to October 26, 2021 (January 19, 2021). At the time, NWP believed this would be enough additional time to account for COVID related delays and that they would be submitting the combined Environmental Assessment Certificate Application/Environmental Impact Statement prior to October 2021. • EAO published a letter granting NWP an extension to the expiry of the Project AIR to October 26, 2021 (January 27, 2021). • NWP met with Provincial regulators about access and trail management in the Project area. <p>Indigenous Engagement</p> <ul style="list-style-type: none"> • NWP reached out to all involved Indigenous nations by email. Some nations were also reached out to by telephone. NWP offered meetings, offered site visits, requested the Indigenous nation tell NWP how they want to be engaged, and offered to provide capacity funding. Some nations responded quite quickly, and a dialog and relationship developed. <p>COVID RELATED DELAY:</p> <ul style="list-style-type: none"> ○ <i>NWP's schedule was impacted by COVID during Q1 2021 due to band office closures related to COVID and the staff and leadership being busy dealing with community outbreaks. For some communities, COVID doubled the time needed for correspondence and scheduling meetings. For other communities, it precluded almost all engagement during this quarter.</i> <ul style="list-style-type: none"> • KNC was working with NWP to develop their own chapter for the EIS. KNC was still meeting with NWP on a bi-weekly basis as well as meeting with NWP, EAO, and Agency on a bi-weekly basis. NWP was sharing baseline and assessment information with KNC for their review and for them to incorporate into their own chapter. • For all other nations, NWP developed the nation's EIS Chapter in two stages. The first stage gathered information on the culture, history, socio-economic

Timing	Action/Item
	<p>conditions, interests, and values of the nation. The second stage, to occur later was to assess potential Project interactions and impacts with the nation. In Q1, 2021, NWP shared information from that first stage with each of the Indigenous nations NWP requested feedback in 2 weeks. Many nations required more time to respond due schedule pressure, including COVID. Some nations responded with feedback in 8 weeks. Some did not respond at all.</p> <p>COVID RELATED DELAY:</p> <ul style="list-style-type: none"> ○ <i>NWP's schedule was impacted by COVID during the review of the first stage of the draft EIS Chapters. Some nations were able to respond to requests for feedback. Others, due to band office closures related to COVID and the staff and leadership being busy dealing with community outbreaks were unable to respond to this request for feedback.</i> <ul style="list-style-type: none"> ● NWP offered to meet with all the involved Indigenous nations to develop relationship, to share information about the Project, to learn more about the nation's interests and concerns, to learn how they wanted to be engaged, and to learn if the nation had any specific interests or concerns that were not being addressed through the Application Information Requirements or Environmental Impact Statement Guidelines. NWP also offered to provide capacity funding and encouraged representatives from the nation to do site visits to the Project area. Offers were made by multiple emails and on occasion by telephone. The following nations made themselves available for discussions: <ul style="list-style-type: none"> ○ Métis Nation of Alberta, Region 3 ○ Piikani Nation ○ Shuswap Indian Band ○ Tsuut'ina ○ Elk Valley Métis Nation ○ Métis Nation of British Columbia <p>Community Engagement</p> <ul style="list-style-type: none"> ● NWP began a program of online surveys to raise public awareness and interest in the Project that was compatible with COVID related public health orders. Each survey would have its own focus and the survey program would evolve based on learnings from prior surveys. <ul style="list-style-type: none"> ○ NWP's first online survey was titled 'Getting to know about each other' that targeted the communities in and around the Project area, but was set up to accept responses from Indigenous people and communities further from the Project. A key learning was the level of importance stakeholders put on land-use, access, and recreation. NWP assumed this was important to local stakeholders but was not aware that it was a higher priority than wildlife, water quality, or fish.

Timing	Action/Item
	<ul style="list-style-type: none"> ○ NWP launched a second survey 'Getting to know about Land Use and Access' that targeted land users in and around the Project area, but was set up to accept responses from Indigenous people and communities further from the Project. The survey helped raise NWP's awareness of land-use and access concerns as well as potential public misunderstandings about the Project. NWP also noted the feedback through this survey and other engagement tools about jobs and employment opportunities and options. • NWP presented a Project re-introduction and update to municipal governments in Elkford, Sparwood, Fernie, Crowsnest Pass, and Regional District of East Kootenay. NWP treated the sessions as a re-introduction with the municipal governments since they had not met with NWP for a while and have seen presentations about many similar Projects. • NWP presented a Project re-introduction and update to community members and groups including Elk Valley Mountaineers, local cabin owners, Elkford Snowmobile Association, Grave Lake Campground, trappers, Sparwood and District Fish and Wildlife Association. NWP treated the sessions as a re-introduction with the many of the groups that had been involved during early stages, such as VC selection, since they had not met with NWP for a while and have seen presentations about many similar Projects.
Q2 2021	<p>Overview</p> <p>In Q2, 2021, NWP continued to put significant effort into engagement and progressing the environmental assessment. At the beginning of this period, NWP believed that it would be able to submit the Environmental Assessment Certificate Application/Environmental Impact Statement late in 2021. However, early in this period, KNC ceased all external engagement, including working on their chapter of the environmental assessment. NWP hoped KNC would re-engage and complete the chapter.</p> <p>COVID</p> <ul style="list-style-type: none"> • Public Health Orders continued to hamper Project activities including face to face meetings, site tours, field work, and document reviews. Some lightening of restrictions allowed a few events to occur. <p>Regulatory</p> <ul style="list-style-type: none"> • NWP met with Ministry of Transportation to discuss potential fish habitat offset locations (June 22, 2021). <p>Indigenous Engagement</p> <ul style="list-style-type: none"> • KNC ceased all external engagement and no longer engaged on the Project. NWP was alerted to this decision by email on April 28, 2021. NWP honored KNC's situation and waited in the hopes they would re-engage soon. NWP continued to attempt to hold bi-weekly meetings directly with KNC and with

Timing	Action/Item
	<p>KNC, EAO, and Agency. Each meeting, NWP would recontact KNC who would then ask NWP to cancel the meeting.</p> <p>KNC RELATED DELAY:</p> <ul style="list-style-type: none"> ○ <i>NWP's schedule was impacted by honoring KNC's choice to cease external engagement. NWP paused portions of our EIS development between April 2021 and August 2021. This pushed out the possible submission of the EIS by 3 to 4 months.</i> <ul style="list-style-type: none"> ● NWP offered to meet with all the involved Indigenous nations to develop relationship, to share information about the Project, to learn more about the nation's interests and concerns, to learn how they wanted to be engaged, and to learn if the nation had any specific interests or concerns that were not being addressed through the Application Information Requirements or Environmental Impact Statement Guidelines. NWP also offered to provide capacity funding and encouraged representatives from the nation to do site visits to the Project area. Offers were made by multiple emails and on occasion by telephone. The following nations made themselves available for discussions: <ul style="list-style-type: none"> ○ Elk Valley Métis Nation ○ Stoney Nakoda Nation ○ Shuswap Indian Band ○ Kainai Nation (Blood Tribe) <p>COVID RELATED DELAY:</p> <ul style="list-style-type: none"> ○ <i>NWP's schedule was impacted by COVID during Q2 2021 due to band office closures related to COVID and the staff and leadership being busy dealing with community outbreaks. For some communities, COVID doubled the time needed for correspondence and scheduling meetings. For other communities, it precluded almost all engagement during this quarter.</i> <p>Community Engagement</p> <ul style="list-style-type: none"> ● NWP participated in Sparwood's Coal Miner Days. ● NWP presented a Project introduction and update to Provincial MLA and Federal MP for region. ● NWP presented a Project introduction and update to CanFor ● NWP presented a Project introduction and update to community members and groups including Elk River Alliance, Elkford ATV Club, Elk Valley Mountaineers, Great Divide Trail, Elkford Rod and Gun Club, Fernie Pride. ● NWP presented a Project update to municipal governments in Elkford, Sparwood, Crowsnest Pass, and Regional District of East Kootenay.

Timing	Action/Item
Q3 2021	<p>Overview</p> <p>At the beginning of Q3, 2021, NWP believed that it would be able to submit the Environmental Assessment Certificate Application/Environmental Impact Statement by the end of 2021. However, in this period, KNC wrote a letter to the BC and Federal governments requesting all coal mine environmental assessments be paused. At this point, NWP understood that KNC were no longer working on their Chapter of the environmental assessment and started to work on chapter based on available public information and other KNC chapters in recent assessments. NWP also understood that it would require more time to complete and submit the Environmental Assessment Certificate Application/Environmental Impact Statement.</p> <p>Most years, snow blocks access to the Project site for all months other than July to September. Prior to Q3, NWP had been reaching out to all Indigenous nations to invite them to visit the site. COVID limited the ability of many nations to visit due to travel restrictions and reduced time for pre-meetings and relationship building.</p> <p>Regulatory</p> <ul style="list-style-type: none"> • NWP requested an extension to the expiry of the Project AIR from October 26, 2021 to October 26, 2021 (August 5, 2021). At the time, NWP believed this would be enough additional time to account for delays related to KNC's choice to cease engaging. NWP also believed that KNC might choose to reengage and allow NWP to submit the combined Environmental Assessment Certificate Application/Environmental Impact Statement prior to April 2022. • EAO published a letter granting NWP an extension to the expiry of the Project AIR to April 26, 2021 (August 13, 2021). • BC Minister of Environment and Climate Change Strategy responded to KNC's request for a suspension of coal mine EA's (September 8, 2021). • Meetings with Working Group on the following topics: <ul style="list-style-type: none"> ○ Fish and Fish Habitat <p>Indigenous Engagement</p> <ul style="list-style-type: none"> • KNC sent a letter requesting suspension of coal mine EAs to the BC and Federal government (August 13, 2021). At this point, NWP understood that KNC was not working on their chapter of the environmental assessment and NWP started to work on the chapter. NWP continued to attempt to hold bi-weekly meetings directly with KNC and with KNC, EAO, and Agency. Each meeting, NWP would recontact KNC who would then ask NWP to cancel the meeting. KNC and NWP did have some engagement outside of the environmental assessment process. <p>KNC RELATED DELAY:</p> <ul style="list-style-type: none"> ○ <i>NWP's schedule was impacted by KNC's choice to request a pause to all coal mining environmental assessments. Although KNC had previously indicated they would be able to complete their portion of</i>

Timing	Action/Item
	<p><i>the EA within 6 weeks of getting some final assessment information from NWP, NWP now had to author the chapter and share it with KNC for review. This pushed out the possible submission of the EIS by approximately 6 additional months.</i></p> <ul style="list-style-type: none"> • NWP offered to meet with all the involved Indigenous nations to develop relationship, to share information about the Project, to learn more about the nation’s interests and concerns, to learn how they wanted to be engaged, and to learn if the nation had any specific interests or concerns that were not being addressed through the Application Information Requirements or Environmental Impact Statement Guidelines. NWP also offered to provide capacity funding and encouraged representatives from the nation to do site visits to the Project area. Offers were made by multiple emails and on occasion by telephone. The following nations made themselves available for discussions: <ul style="list-style-type: none"> ○ Elk Valley Métis Nation ○ Piikani Nation ○ Shuswap Indian Band ○ Stoney Nakoda Nation • NWP and several nations agreed to hold monthly meetings. Many of the monthly meetings ended up cancelled by the nations due to schedule pressure, including COVID. • Although NWP offered site visits to all involved Indigenous nations, only a few were able to complete a visit. Some of the nations chose to complete some TLU/TEK work during the site visit. <ul style="list-style-type: none"> ○ The following nations made themselves available for a site visit: <ul style="list-style-type: none"> ▪ Elk Valley Métis Nation (one day visit) ▪ Métis Nation of BC (one day visit) ▪ Piikani Nation (two-day visit) ▪ Tsuut’ina Nation (one day visit) ○ A site visit was scheduled but later cancelled due to schedule pressure, including COVID, by Stoney Nakoda Nation ○ A site visit was scheduled but later postponed due to challenges getting agreements in place due to schedule pressure, including COVID, by Siksika Nation and Shuswap Indian Band. <p>COVID RELATED DELAY:</p> <ul style="list-style-type: none"> ○ <i>NWP’s schedule was impacted by COVID for site visits and collection of TLU/TK information.</i> <ul style="list-style-type: none"> ▪ <i>Capacity agreements (and ability to conduct visits and collect TLU/TK information) were delayed due to COVID lockdowns and pressure on Indigenous leadership. For some communities this meant missing the 2021 summer season.</i> ▪ <i>Community COVID outbreaks and schedule pressure led to Stoney having to cancel their 2021 summer site visit.</i>

Timing	Action/Item
	<ul style="list-style-type: none"> • For all nations other than KNC, NWP had developed the nation’s EIS Chapter in two stages. The first stage which gathered information on the culture, history, socioeconomics, interests, and values of the nation had been updated to reflect feedback from the nations where available. The second stage, then assessed potential Project interactions and impacts with the nation. In Q3, 2021, NWP shared the entire chapter (first stage and second stage) with each of the Indigenous nations. NWP requested feedback in 6 weeks rather than the typical 4 weeks to account for COVID schedule pressure. <p>COVID RELATED DELAY:</p> <ul style="list-style-type: none"> ○ NWP’s schedule was impacted by COVID during the review of draft IES sections by Indigenous Nations. NWP shared the sections in late August and early September. Without COVID, responses might be expected by the end of September (4 weeks). With COVID, some were received in early November and one in mid November. This reflects a schedule delay of just over a month and a half. <p>Community Engagement</p> <ul style="list-style-type: none"> • NWP participated in Elkford’s Food Truck Day.
Q4 2021	<p>Overview</p> <p>In Q4, 2021, NWP completed the KNC chapter and shared it with them for comment. NWP started to share draft sections of the environmental assessment with Agency and EAO.</p> <p>Due to a late fall, NWP managed to have an October site visit by the Kainai Nation (Blood Tribe) before snow closed the roads for the winter.</p> <p>Regulatory</p> <ul style="list-style-type: none"> • Federal Minister of Environment and Climate Change Canada responded to KNC’s request for a suspension of coal mine EA’s (December 20, 2021). • Meetings with Working Group on the following topics: <ul style="list-style-type: none"> ○ Water Quality ○ Fish and Fish Habitat • NWP provided various sections of the draft EIS to EAO and the Agency for feedback including: <ul style="list-style-type: none"> ○ draft Community Relations and Communications Plan ○ draft First Nations Engagement and Reporting Plan ○ draft Compliance Reporting Plan ○ draft Chapter 16 (Heritage Effects Assessment) including draft concordance table and Archeology Management Plan. ○ Chapter 24 Annotated Table of Contents (Federal Interests) • EAO provided feedback to NWP on: <ul style="list-style-type: none"> ○ draft Community Relations and Communications Plan ○ draft First Nations Engagement and Reporting Plan

Timing	Action/Item
	<ul style="list-style-type: none"> ○ draft Compliance Reporting Plan ○ draft Chapter 16 (Heritage Effects Assessment) including draft concordance table and Archeology Management Plan. • Agency provided initial feedback to NWP on: <ul style="list-style-type: none"> ○ draft Chapter 16 (Heritage Effects Assessment) including draft concordance table and Archeology Management Plan. ○ Chapter 24 Annotated Table of Contents (Federal Interests) • NWP revised Chapter 24 Annotated Table of Contents based on Agency feedback and provided the updated draft to Agency • NWP provided additional chapters to Agency at their request including: <ul style="list-style-type: none"> ○ draft Chapter 11 Surface Water Quality Assessment ○ Draft Chapter 12 Fish and Fish Habitat Assessment <p>Indigenous Engagement</p> <ul style="list-style-type: none"> • Although NWP offered site visits to all involved Indigenous nations that had not visited the site in Q3, 2021, only the Kainai Nation (Blood Tribe) was able to complete a visit. They chose to complete some TLU/TEK work during the one-day site visit. • NWP shared a complete draft EIS Chapter with KNC since KNC had ceased authoring their own chapter. KNC did not respond. <p>COVID RELATED DELAY:</p> <ul style="list-style-type: none"> ○ <i>NWP's schedule was impacted by COVID during the review of draft EIS section by KNC. Under normal circumstances NWP would provide 4 weeks for this review. With COVID, NWP provided KNC with 6 weeks for the review.</i> <ul style="list-style-type: none"> • KNC held a short virtual meeting with NWP to confirm their position. They will not participate in the Project application development or review as they believe the Province and the Federal government will suspend all coal mining environmental assessments. • Although NWP provided email updates to all involved Indigenous nations and offers to meet with them, the only nations that made themselves available at this quarter were: <ul style="list-style-type: none"> ○ Elk Valley Métis Nation ○ Métis Nation of Alberta, Region 3 ○ Stoney Nakoda Nation • NWP scheduled a meeting with Kainai Nation (Blood Tribe), but representatives of the nation did not attend. • NWP, Elk Valley Métis, and representatives from Elkford met to discuss housing development opportunities. <p>Community Engagement</p> <ul style="list-style-type: none"> • NWP presented a Project update to the municipal government in Elkford, Sparwood, Fernie, Crowsnest Pass, and Regional District of East Kootenay

Timing	Action/Item
	<ul style="list-style-type: none"> NWP met with Provincial MLA, Federal MLA, and Mayor of Cranbrook to discuss the Project. NWP launched an online survey entitled 'Working Southeast BC's Coal Mines'. The survey received responses from our target audience - local communities (Elkford BC, Sparwood BC, Fernie BC, and Crowsnest Pass AB). The survey raised NWP's awareness of key areas to focus on to become part of the local community, to help address community and industry issues, and to help us attract employees. Males and females responded differently to some of the survey which gives NWP some insight on how to better attract and retain female employees.
Q1 2022	<p>Overview In Q1 2022, NWP's focus was on finalizing the Environmental Assessment Certificate Application/Environmental Impact Statement for submission.</p> <p>Regulatory</p> <ul style="list-style-type: none"> NWP provided the Agency with a draft time limit extension request application for review and feedback. the Agency provided additional feedback to NWP on: <ul style="list-style-type: none"> draft Chapter 16 (Heritage Effects Assessment) including draft concordance table and Archeology Management Plan. updated draft Chapter 24 Annotated Table of Contents (Federal Interests) the Agency provided initial feedback to NWP on: <ul style="list-style-type: none"> draft Chapter 11 (Water Quality) draft Chapter 12 (Fish and Fish Habitat) draft CEAA 2012 time limit extension request application the Agency provided feedback on how they need to have Migratory Birds addressed to meet EISG requirements. NWP submitted draft Concordance Table and one complete Chapter to start pre-screening/conformity review with EAO and Agency (March 21, 2022). Concordance table feedback from Agency and EAO received (March 28, 2022) <p>Indigenous Engagement</p> <ul style="list-style-type: none"> Notifications and email correspondence with all involved Indigenous Nations. Although NWP provided email updates to all involved Indigenous nations and offers to meet with them, the only nations that made themselves available at this quarter were: <ul style="list-style-type: none"> Elk Valley Métis Nation Shuswap Indian Band Stoney Nakoda Nation Métis Nation of Alberta, Region 3 Siksika Nation

Timing	Action/Item
	<ul style="list-style-type: none"> ○ Kainai Nation (Blood Tribe) ○ Piikani Nation • NWP and KNC had a short telephone conversation about the likelihood for NWP to have to transition to the 2018 <i>BC Environmental Assessment Act</i> from the 2002 act. NWP had remained under the 2002 act based on our understanding of KNC’s position on the issue. However, once KNC understood that it was a question of when we transition rather than if we transition, they indicated they would prefer NWP transition as soon as possible. KNC reiterated their continued interest in pausing all coal project environmental assessments, including the Crown Mountain Coking Coal Project. <p>Community Engagement</p> <ul style="list-style-type: none"> • Meetings with: <ul style="list-style-type: none"> ○ Fernie Trails Alliance
Q2 2022	<p>Overview</p> <p>In Q2 2022, NWP decided to transition to the 2018 <i>BC Environmental Assessment Act</i> from the 2002 Act⁷. NWP provided a full version of the Environmental Impact Statement / Environmental Assessment Certificate Application (EIS/EA) to the Agency. NWP began to re-engage with all stakeholders and Indigenous nations about our progress and to start to plan for more site visits by Indigenous nations and regulators.</p> <p>Key Regulatory Steps</p> <ul style="list-style-type: none"> • NWP requested to rescind their preference to remain under the 2002 <i>BC Environmental Assessment Act</i> (April 19, 2022). Through this request, the Project transitioned to the 2018 act. • BC EAO began the process of developing a Transition Order to provide guidance on process and procedure changes between the 2002 and 2018 acts, including formally recognizing Participating Indigenous Nations. BC EAO indicated the process might take 90 days (projected date for Transition Order publication July 18, 2022). • NWP submitted the FINAL Concordance Table and FINAL Table of Contents to Agency (April 22, 2022) • NWP submitted the FINAL Environmental Impact Statement / Environmental Assessment Certificate Application (EIS/EA) to Agency (April 29, 2022). • Completeness Review feedback received from the Agency (May 11, 2022)

⁷ The 2018 *BC Environmental Assessment Act* does not include a screening step prior to the start of Technical Review. This change affects how EAO and the Agency will coordinate their schedules.

Timing	Action/Item
	<ul style="list-style-type: none"> • NWP began revisions to the EIS/EA based on the Agency Completeness Review feedback with the intent of providing some draft updates to Agency for discussion within June. NWP anticipates completing all revisions, including discussions with the Agency by August 19, 2022. • NWP will submit a request for a timeline extension for the Project assessment to remain under the 2012 <i>Canadian Environmental Assessment Act</i> (CEAA 2012) to the Agency. <p>Indigenous Engagement</p> <ul style="list-style-type: none"> • NWP offered site tours to all involved Indigenous nations. NWP was especially keen to have those nations that have not been to site, or those that wish to complete TK work, visit during Q3 2022. NWP worked through logistics discussions with several nations that expressed interest. • Although NWP provided email updates to all involved Indigenous nations and offers to meet with them, the only nations that made themselves available at this quarter were: <ul style="list-style-type: none"> ○ Piikani ○ Kainai ○ Elk Valley Métis Nation ○ Métis Nation of Alberta Region 3 ○ Shuswap • NWP attended the National Coalition of Chiefs conference to deepen our understanding of how some Indigenous Nations perceive resource development. NWP continued to build relationship with representatives from nations that attended the conference. • NWP attended a portion of the Shuswap Band Aboriginal Day. <p>Community Engagement</p> <ul style="list-style-type: none"> • NWP presented a Project update to municipal governments in Elkford, Sparwood, Fernie, Crowsnest Pass, and Regional District of East Kootenay. • NWP attended the Sparwood Chamber of Commerce’s BBQ celebrating Miner’s Month. NWP shared Project information with the public and answered questions. Most of the questions revolved around water quality, Project timing, and potential employment. • NWP sponsored a portion of Sparwood’s Coal Miner Days celebration.
Q3 2022 (to Aug 28)	<p>Overview</p> <p>Q3 2022 is still in the future, so activities in this period are speculative but based on discussions with EAO, the Agency, and Indigenous nations.</p> <p>NWP’s focus in this period will be working through the Agency Completeness Review feedback, supporting site visits and potential TEK/TLU work, and attending community events such as pow-wows and rodeos.</p>

Key Regulatory Steps

- BC EAO is projected to complete the Transition Order on July 18, 2022.
GENERAL SCHEDULE RISK 1:
 - *BC EAO may need more time to develop the Transition Order. Currently, NWP does not believe the Transition Order is the critical path for the overall schedule.*
- The Agency will publish a decision about extending the assessment under CEAA 2012 on August 28, 2022.
GENERAL SCHEDULE RISK 2:
 - *The Agency may decide not to extend the assessment under CEAA 2012. Should this occur, NWP would need to restart the assessment under the 2019 Canadian Impact Assessment Act (CIAA 2019) and the forward-looking schedule no longer applies.*
- NWP will begin work on supplementary information to address any requirements within the Transition Order. This may include Indigenous engagement activities.
- NWP will continue revisions to the EIS/EA based on the Agency Completeness Review feedback.
- NWP will submit the updated EIS/EA to the Agency on August 19, 2022.
- The Agency will start the first round of the Conformity Review process within a few days of receiving the updated EIS/EA. This review takes 30 days.

Other Regulatory Steps

- NWP offered a site visit for members of the EAO and the Agency regulatory team and any other regulators they request attend. Site visits are possible during July through September, so the visit may occur after the extension should it be approved. Early feedback from EAO and the Agency is that the visit may occur in September.

Indigenous Engagement

- NWP offered site tours to all involved Indigenous nations that may, at the nation's discretion, include some level of TEK assessment. Site visits are possible during July through September, so the visit may occur after the extension should it be approved. Currently, NWP is hoping to have site visits from:
 - Elk Valley Métis Nation
 - Siksika Nation
 - Shuswap Indian Band
 - Stoney Nakoda Nation
- NWP would welcome additional site visits from nations that visited last year or that wish to collect additional TK information.
- NWP has offered to provide information to Indigenous community members at the discretion and interest of the nation. NWP has hopes to share information through this approach as well as build on relationship.

Timing	Action/Item
	<ul style="list-style-type: none"> • NWP has ongoing meetings with Shuswap Indian Band, Métis Nation of Alberta Region 3, and Elk Valley Métis Nation. NWP hopes to arrange regular meetings with all other involved Indigenous nations. • NWP intends to attend community events in the hopes of learning more about the community and building relationships with community members in attendance. <ul style="list-style-type: none"> ○ NWP is sponsoring a portion of the One Spot Crossing pow wow. This pow wow is being organized and run by a member of the Tsuut'ina nation. ○ NWP has been invited to attend a portion of the Tsuut'ina nation celebration ○ NWP has been invited to attend a portion of the Piikani Nation pow wow and rodeo ○ NWP has been invited to attend a portion of the Métis Nation of Alberta General Assembly. ○ NWP hopes to have an invitation to attend a portion of the Siksika Nation sun dance <p>Community Engagement</p> <ul style="list-style-type: none"> • NWP has offered site visits to all local community groups. At this time, only the Elk Valley Adventure and Dirt Riders have requested a tour for 2022. Site visits are possible during July through September, so the visit may occur after the extension should it be approved. • NWP put a float into Elkford's Wildcat Days Parade and hosted an information booth during the event.

Field Activities

The table in this section (Table 2) provides a list of key field activities carried out by NWP Coal Canada related to the Environmental Assessment for the Crown Mountain Coking Coal Project.

The table starts in 2012 at the beginning of Project activities. Information is presented on an annual basis.

Field activities began in 2012 to start understanding the environmental conditions in the Project area and the region. Activity intensity increased once the Environmental Impact Statement Guidelines and the Application Information Requirements were finalized (February 20, 2015 and April 26, 2018 respectively). Data collection to support the assessment was mostly complete in 2019, with a few additional programs in 2020. Groundwater and surface water quality monitoring is ongoing when there is safe site access. An additional geotechnical program was completed in the late fall of 2021.

Table 2 Field Activities Prior to August 28, 2022

Timing	Action/Item
2012	<ul style="list-style-type: none"> • Geochemistry drill core sampling • Geological exploration • Grizzly bear GPS collar survey • Terrain stability mapping (desktop) • Surface water level logging
2013	<ul style="list-style-type: none"> • Geochemistry drill core sampling • Geological exploration • Grizzly bear GPS collar survey • Groundwater monitoring • Meteorological monitoring (Climate Station) • Surface water level logging
2014	<ul style="list-style-type: none"> • Amphibian wetland perimeter searches • Badger surveys • Benthic invertebrate community sampling • Fish habitat assessment and fish inventory assessment • Gillette's Checkerspot survey • Grizzly bear GPS collar survey • Groundwater monitoring • Landbird point count surveys • Listed vascular plant field sampling • Meteorological monitoring (Climate Station) • Northern Goshawk surveys • Surface water quality monitoring • Surface water level logging • Terrestrial ecosystem mapping field plots • Ungulate aerial transect surveys • Ungulate camera trap surveys

Timing	Action/Item
	<ul style="list-style-type: none"> • Ungulate ground transect surveys • Wetland bird standwatch surveys
2015	<ul style="list-style-type: none"> • Archeology surveys • Furbearer camera trap surveys • Furbearer snow-tracking survey • Grizzly bear GPS collar survey • Groundwater monitoring • Landbird point count surveys • Meteorological monitoring (Climate Station) • Surface water quality monitoring • Surface water level logging • Ungulate aerial transect surveys • Ungulate camera trap surveys • Ungulate ground transect surveys <p>Note – Environmental Impact Statement Guidelines finalized February 20, 2015.</p>
2016	<ul style="list-style-type: none"> • Archeology surveys • Furbearer DNA hair samples • Grizzly bear GPS collar survey • Groundwater monitoring • Meteorological monitoring (Climate Station) • Surface water quality monitoring • Surface water level logging
2017	<ul style="list-style-type: none"> • Amphibian tissue collection • Amphibian wetland perimeter searches • Archeology surveys • Bat acoustic surveys • Bat live capture • Benthic invertebrate community sampling • Bird tissue collection • Fish habitat assessment and fish inventory assessment • Furbearer camera study • Grizzly bear GPS collar survey • Groundwater monitoring • Landbird point count surveys • Noise Survey • Northern Goshawk surveys • Riverine bird surveys • Soil surveys • Sediment quality sampling (Fish and Fish Habitat) • Surface water level logging • Surface water quality monitoring

Timing	Action/Item
	<ul style="list-style-type: none"> • Terrain stability mapping • Ungulate camera trap surveys • Vegetation and soil sampling • Wetland bird standwatch surveys • Wetland ecosystem surveys
2018	<ul style="list-style-type: none"> • Amphibian tissue collection • Amphibian transect and road surveys • Amphibian wetland perimeter searches • Archeology surveys • Badger surveys • Bird tissue collection • Common nighthawk surveys • Dust Fall Monitoring • Furbearer camera study • Grizzly bear GPS collar survey • Groundwater monitoring • Geochemistry drill core sampling • Geological exploration • Invasive plant surveys • Landbird point count surveys • Migratory landbird point count surveys • Northern Goshawk surveys • Owl surveys • Raptor standwatch surveys • Riverine bird surveys • Soil Surveys • Surface water quality monitoring • Terrestrial ecosystem mapping field plots • Wetland bird standwatch surveys • Wetland ecosystem surveys • Whitebark pine - critical habitat surveys and health assessment <p>Note – Application Information Requirements finalized April 26, 2018.</p>
2019	<ul style="list-style-type: none"> • Amphibian tissue collection • Amphibian emergence surveys • Amphibian wetland perimeter searches • Archeology surveys • Badger surveys • Bat acoustic surveys • Benthic invertebrate community sampling • Dust Fall Monitoring • Fish habitat assessment and fish inventory assessment

Timing	Action/Item
	<ul style="list-style-type: none"> • Furbearer camera study • Groundwater monitoring • Landbird point count surveys • Migratory landbird point count surveys • Northern Goshawk surveys • Raptor standwatch surveys • Riverine bird surveys • Soil surveys • Surface water quality monitoring • Surface water level logging • Sediment quality sampling (Fish and Fish Habitat) • Terrestrial ecosystem mapping field plots • Ungulate camera trap surveys • Ungulate ground transect surveys • Vegetation and soil sampling • Western Toad eDNA survey • Wetland bird standwatch surveys • Wetland ecosystem surveys <p>Note – by the end of 2019, most of the data required to support the environmental assessment had been collected.</p>
2020	<ul style="list-style-type: none"> • Archeology surveys <ul style="list-style-type: none"> ○ A KNC representative joined an NWP representative and the archeological specialist to evaluate an alternate Rail-Loadout access route proposed by NWP to address KNC concerns about impacts to cultural heritage at the site. The KNC representative suggested a new alternate to further avoid new disturbance. NWP adopted this proposal and revised the Rail Loadout layout accordingly. • Bat acoustic surveys • Groundwater monitoring • Surface water quality monitoring <p>Note – In 2020, the last data required to support the environmental assessment was collected. Groundwater and surface water quality monitoring was continued to build a more robust long term data set to support eventual operational monitoring. Other programs to deal with specific items, such as Archeology, were continued.</p>

Timing	Action/Item
2021	<ul style="list-style-type: none">• Invasive plant survey (required by exploration permits – not tied to the environmental assessment)• Geotechnical survey• Groundwater monitoring• Surface water quality monitoring
2022	<ul style="list-style-type: none">• Groundwater monitoring• Surface water quality monitoring

ANNEX C: PROJECT ACTIVITIES AFTER AUGUST 28, 2022**Project Activities After August 28, 2022*****Regulatory and Engagement Activities***

The table in this section provides a list of key engagement and regulatory activities proposed by NWP Coal Canada (NWP) related to the Environmental Assessment for the Crown Mountain Coking Coal Project (the Project) that would occur after receiving an extension should it be approved. Table 3 discusses ongoing activities. Table 4 starts on August 29, 2022 and carries forward by quarter.

The key focus for NWP after receiving an extension would be to complete the regulatory review process and to continue to build on our relationships with all involved Indigenous nations.

NWP acknowledges that Siksika Nation and Kainai Nation (Blood Tribe) do not support additional coal development in southwestern Alberta and southeastern BC. NWP will engage with them in good faith in the hopes that they can develop a well-informed decision on any Project specific items.

NWP also acknowledges that KNC wishes to see a pause in all environmental assessment processes for coal projects in southeast BC. NWP sincerely hopes that KNC will engage with the Process. NWP will continue to share information with KNC and offer to engage to what ever level is appropriate.

NWP believes that:

- Elk Valley Métis Nation
- Métis Nation of Alberta Region 3
- Métis Nation British Columbia
- Piikani Nation
- Shuswap Nation
- Stoney Nakoda Nation

do not have any specific objections or concerns about the Project. Each nation has shared information about their interests in the Project area and general concerns about mining and development. NWP is keen to continue to build our relationships, share information, and learn more so that we can best address all general concerns and any specific concerns that might arise. NWP is also keen to ensure that appropriate measures are put into place to ensure the nations receive benefits from the Project should it proceed.

Ongoing bi-weekly meetings with EAO and the Agency are not included in this table.

Other regulatory activities and engagement related other processes, such as coal leases, are not included in this table.

Engagement in regional environmental initiatives such as working groups under the Cumulative Environmental Management Framework, or the Lake Kooconusa Monitoring Research Working Group have also not been included in this table. NWP acknowledges the participation in these meetings by Indigenous Nations including the KNC.

Contractual arrangements between NWP and Indigenous nations to provide capacity funding and to support TLU/TK studies is considered confidential and not included in this table. Similarly, negotiations for impact benefits agreements are considered confidential and not included in this table.

Table 3 Ongoing Regulatory and Engagement Activities Proposed to Occur after August 28, 2022 (should an extension be approved)

Timing	Action/Item
Ongoing	<p>COVID RELATED SCHEDULE RISK:</p> <ul style="list-style-type: none"> ○ <i>A resurgence of COVID and related public health orders may alter the ability of NWP, Regulators, the public, and Indigenous Nations to participate in the regulatory process including attending meetings, delivering to deadlines, and visiting site for tours, to collect TLU/TK information, or to conduct field work (if required).</i> <p>Regulator Engagement</p> <ul style="list-style-type: none"> ● Bi-weekly update meetings ● Topic specific meetings as required <p>Indigenous Engagement</p> <ul style="list-style-type: none"> ● NWP has ongoing meetings with Shuswap Indian Band, Métis Nation of Alberta Region 3, and Elk Valley Métis Nation. NWP hopes to arrange regular meetings with all other involved Indigenous nations. NWP notes that until April 2021, NWP had been meeting bi-weekly with KNC. ● NWP participation in community events (COVID permitting) in the hopes of learning more about the community and building relationships with community members in attendance. <p>Community Engagement</p> <ul style="list-style-type: none"> ● Quarterly update meetings with Municipal Councils (Elkford, Sparwood, Fernie, Crowsnest Pass, Regional District of East Kootenay). ● Quarterly newsletters about the Project including our regulatory journey. A special edition newsletter could be released to mark an important milestone. <ul style="list-style-type: none"> ○ The newsletter is distributed to an online mailing list ○ The newsletter is posted to the NWP website ○ The newsletter is used during engagement sessions or other events for sharing Project information ● Biannual online surveys to learn more about the community and their concerns. The survey also allows NWP to gauge how the community feels about NWP Coal and our Project. Surveys are distributed by: <ul style="list-style-type: none"> ○ Direct email to community groups ○ Posting to the NWP website ○ Posting to social media. <p>Final reports about the survey findings are posted to the NWP website and can be featured in the newsletter. Findings are also shared with key interest groups that have supported development of the survey (e.g., Fernie Pride, local Chambers of Commerce, Canadian Women in Mining).</p>

Timing	Action/Item
	<ul style="list-style-type: none"> • NWP participation in community events (as appropriate and COVID permitting) in the hopes of learning more about the community and building relationships with community members in attendance. • NWP presentations to and participation in community group meetings or activities (COVID permitting) <p>Field Programs</p> <ul style="list-style-type: none"> • Surface water quality monitoring. • Groundwater monitoring. • Field work as required to address IRs through the technical review process. • No other field work is currently planned

Table 4 Quarterly Regulatory and Engagement Activities Proposed to Occur after August 28, 2022 (should an extension be approved)

Timing	Action/Item
Q3 2022 from Aug 28	<p>Key Regulatory Steps</p> <ul style="list-style-type: none"> • NWP will continue work on supplementary information to address any requirements within the Transition Order. This will include Indigenous engagement activities. • The Agency will complete their first round of the Conformity Review (30-day period started before Extension). • The Agency will publish their feedback on the first round of the Conformity Review. • NWP will start work on revisions to the EIS/EA based on feedback received from the Agency based on the first round of the Conformity Review. NWP has projected 90 days for these revisions. <p>GENERAL SCHEDULE RISK 3:</p> <ul style="list-style-type: none"> ○ <i>NWP may need more time to complete the revisions for the first round of the Conformity Review. In particular, if time is needed for review by Indigenous Nations, extra time may be needed.</i> <p>Other Regulatory Activities</p> <ul style="list-style-type: none"> • As noted in relation to Q3, 2022, NWP offered a site visit for members of the Agency and EAO regulatory team and any other regulators they request attend. Site visits are possible during July through September, so the visit may occur after the extension should it be approved. Early feedback from EAO and the Agency is that the visit may occur in September. <p>Indigenous Engagement</p> <ul style="list-style-type: none"> • As noted in relation to Q3 2022, NWP offered site tours to all involved Indigenous nations that may, at the nation's discretion, include some level of TEK assessment. Site visits are possible during July through September,

Timing	Action/Item
	<p>so the visit may occur after the extension should it be approved. Currently, NWP is hoping to have site visits from:</p> <ul style="list-style-type: none"> ○ Elk Valley Métis Nation ○ Siksika Nation ○ Shuswap Indian Band ○ Stoney Nakoda Nation <ul style="list-style-type: none"> • NWP would welcome additional site visits from nations that visited last year or that wish to collect additional TEK information. • Beyond the ongoing Indigenous engagement activities listed in Table 3 NWP will also provide updates on the regulatory process and inform them when key moments for input will occur. • NWP intends to attend community events in the hopes of learning more about the community and building relationships with community members in attendance. <ul style="list-style-type: none"> ○ NWP has been invited to attend a portion of the Shuswap Indian Band Salmon Festival <p>Community Engagement</p> <ul style="list-style-type: none"> • As noted in relation to Q3, 2022, NWP has offered site visits to all local community groups. At this time, only the Elk Valley Adventure and Dirt Riders have requested a tour for 2022. Site visits are possible during July through September, so the visit may occur after the extension should it be approved. • Please refer to ongoing community engagement activities described in Table 3.
Q4 2022	<p>Key Regulatory Steps</p> <ul style="list-style-type: none"> • NWP will continue work on supplementary information to address any requirements within the Transition Order. This will include Indigenous engagement activities. • NWP will complete work on revisions to the EIS/EA based on feedback received from the Agency based on the first round of the Conformity Review. NWP has projected 90 days for these revisions⁸. • NWP submits revised EIS/EA to the Agency to address first round of Conformity Review feedback. • The Agency will start the second round of the Conformity Review process within a few days of receiving the updated EIS/EA. This review takes 30 days.

⁸ Note that General Schedule Risk 3 is also associated with this step.

Timing	Action/Item
	<p>Indigenous Engagement</p> <ul style="list-style-type: none"> Beyond the ongoing Indigenous engagement activities listed in Table 3 NWP will also provide updates on the regulatory process and inform them when key moments for input will occur. <p>Community Engagement</p> <ul style="list-style-type: none"> Please refer to ongoing community engagement activities described in Table 3.
Q1 2023	<p>Key Regulatory Steps</p> <ul style="list-style-type: none"> NWP will complete work on supplementary information to address any requirements within the Transition Order. This will include Indigenous engagement activities. The Agency will complete the second round of the Conformity Review process within a few days of receiving the updated EIS/EA. This 30-day review started in the previous quarter. The Agency will publish their feedback on the second round of the Conformity Review. NWP will complete responses to the feedback received from the Agency based on the second round of the Conformity Review. NWP has projected 60 days for these responses. <p>GENERAL SCHEDULE RISK 4:</p> <ul style="list-style-type: none"> <i>NWP may need more time to complete the responses for the second round of the Conformity Review.</i> <ul style="list-style-type: none"> The Agency determines that the Conformity Review process is complete. NWP will submit the EIS/EA as revised through the Conformity Review Process along with any ancillary information developed as required by the Transition Order to the EAO and the Agency. NWP projects this submission occurring at the end of Q1 2023, so the start of the Technical Review Process and the Public Comment Period are shown on this schedule as starting in Q2. <p>GENERAL SCHEDULE RISK 5:</p> <ul style="list-style-type: none"> <i>NWP, BC EAO, and the Agency will need to collaborate to ensure that the submissions meet the needs of the coordinated assessment process even though each regulator is following a different process and has different regulated timelines.</i> <p>Indigenous Engagement</p> <ul style="list-style-type: none"> TEK/TLU reports by some communities provided to NWP. Some information shared with IAAC and EAO Beyond the ongoing Indigenous engagement activities listed in Table 3 NWP will also provide updates on the regulatory process and inform them when key moments for input will occur.

Timing	Action/Item
	<p>Community Engagement</p> <ul style="list-style-type: none"> Please refer to ongoing community engagement activities described in Table 3.
Q2 2023	<p>Key Regulatory Steps</p> <ul style="list-style-type: none"> Start of the Technical Review Process⁹. <ul style="list-style-type: none"> BC EAO has 180 days from this point until they publish the <i>Direction to the proponent for Revised Application</i> The Agency has 300 days from this point until they publish an assessment decision. KNC RELATED SCHEDULE RISK: <ul style="list-style-type: none"> <i>At this time, the KNC remains committed to their request that all environmental assessments be paused and continues to not engage with the Process.</i> <i>Should the KNC choose to start engaging, additional time may be required to allow them to review materials and get up to speed. The amount of additional time needed will depend on how and when the KNC re-engages with the process.</i> 30-day coordinated Public Comment Period for EAO and the Agency likely to start within 14 days of the start of the Technical Review process. <ul style="list-style-type: none"> COVID RELATED SCHEDULE RISK: <ul style="list-style-type: none"> <i>A resurgence of COVID and related public health orders may require additional time for the Public Comment Period.</i> Combined EAO and Agency Public Open House(s). <ul style="list-style-type: none"> COVID RELATED SCHEDULE RISK: <ul style="list-style-type: none"> <i>A resurgence of COVID and related public health orders may alter how Public Open Houses are delivered.</i> EAO and the Agency publish Round 1 Information Requests approximately 30 days after the end of the Public Comment Period (NWP is assuming 75 days from the start of the Technical Review Process to publishing IRs). NWP will start work on responses to Round 1 Information Requests. NWP has projected 180 days to complete these responses. <ul style="list-style-type: none"> GENERAL SCHEDULE RISK 6: <ul style="list-style-type: none"> <i>NWP may need more time to complete the responses for the Round 1 Information Requests.</i> <i>A resurgence of COVID and related public health orders may impact NWP's ability to complete this activity on schedule.</i>

⁹ Note that General Schedule Risk 4 and General Schedule Risk 5 are also associated with this step.

Timing	Action/Item
	<p>GENERAL SCHEDULE RISK 7:</p> <ul style="list-style-type: none"> ○ <i>During a prior Environmental Assessment Review in the Elk Valley, EAO asked an Information Request that created a two-year pause in the assessment process¹⁰. A similar request for this assessment is not likely, but it is possible¹¹.</i> <p>Other Regulatory Steps</p> <ul style="list-style-type: none"> ● Begin Technical Working Group meetings. Likely focus areas include: <ul style="list-style-type: none"> ○ Water Quality - Mitigation ○ Fish and Fish Habitat – offsetting strategy ○ Archeology – impact avoidance, particularly for the rail load-out facility on Grave Prairie. <p>Indigenous Engagement</p> <ul style="list-style-type: none"> ● NWP would be pleased to provide a community open house/information session for any Indigenous nation. <p>COVID RELATED SCHEDULE RISK:</p> <ul style="list-style-type: none"> ○ <i>A resurgence of COVID and related public health orders may alter how open house/information sessions are delivered.</i> <ul style="list-style-type: none"> ● Participation in relevant Technical Advisory Committees ● Beyond the ongoing Indigenous engagement activities listed in Table 3 NWP will also offer bilateral meetings about Technical Working Group sessions, review of public comments and responses, etc. <p>Community Engagement</p> <ul style="list-style-type: none"> ● NWP has committed to providing an open house session in Elkford, Sparwood, Fernie, and Crowsnest Pass. NWP will collaborate with IAAC/EAO for their open houses, but if they do not provide one in each community, NWP will host them wherever IAAC/EAO does not host them. <p>COVID RELATED SCHEDULE RISK:</p> <ul style="list-style-type: none"> ○ <i>A resurgence of COVID and related public health orders may alter how Public Open Houses are delivered.</i> <ul style="list-style-type: none"> ● Please refer to ongoing community engagement activities described in Table 3.

¹⁰ The Information Request was tied to the Minister of Environment’s Order for Teck to develop the Area Based Management Plan (the ABMP).

¹¹ The Minister of Environment has indicated their intent to release an Order requiring an update to the ABMP. The update process may take 24 months. The Project designs are projected to accommodate updates to the ABMP, but EAO and Provincial permitting regulators may have some uncertainty how to proceed with the ABMP in flux.

Timing	Action/Item
Q3 2023	<p>Key Regulatory Steps</p> <ul style="list-style-type: none"> NWP will continue work on responses to Round 1 Information Requests¹². <p>Other Regulatory Steps</p> <ul style="list-style-type: none"> Continue Technical Advisory Committee meetings <p>Indigenous Engagement</p> <ul style="list-style-type: none"> Participation in Technical Advisory Committees Beyond the ongoing Indigenous engagement activities listed in Table 3 NWP will seek, where appropriate, Indigenous nation input into information request responses. <p>Community Engagement</p> <ul style="list-style-type: none"> Please refer to ongoing community engagement activities described in Table 3.
Q4 2023	<p>Key Regulatory Steps</p> <ul style="list-style-type: none"> NWP will complete work on responses to Round 1 Information Requests¹³. NWP will submit responses to the Round 1 Information Requests. EAO and the Agency will begin review of the responses to the Round 1 Information Requests. NWP is assuming 75 days for this review prior to publishing the Round 2 Information Requests. <p>Other Regulatory Steps</p> <ul style="list-style-type: none"> Continue Technical Advisory Committee meetings <p>Indigenous Engagement</p> <ul style="list-style-type: none"> Participation in Technical Advisory Committees Beyond the ongoing Indigenous engagement activities listed in Table 3 NWP will seek, where appropriate, Indigenous nation input into information request responses. <p>Community Engagement</p> <ul style="list-style-type: none"> Please refer to ongoing community engagement activities described in Table 3.

¹² Note that General Schedule Risk 6 and General Schedule Risk 7 are also associated with this step.

¹³ Note that General Schedule Risk 6 and General Schedule Risk 7 are also associated with this step.

Timing	Action/Item
Q1 2024	<p>Key Regulatory Steps</p> <ul style="list-style-type: none"> • EAO and the Agency complete their review of the responses to the Round 1 Information Requests. NWP is assuming 75 days for this review prior to publishing the Round 2 Information Requests. • EAO and the Agency publish Round 2 Information Requests • NWP will start work on responses to Round 2 Information Requests. NWP has projected 150 days to complete these responses. <p>GENERAL SCHEDULE RISK 8:</p> <ul style="list-style-type: none"> ○ <i>NWP may need more time to complete the responses for the Round 2 Information Requests.</i> ○ <i>A resurgence of COVID and related public health orders may impact NWP's ability to complete this activity on schedule.</i> <p>Other Regulatory Steps</p> <ul style="list-style-type: none"> • Continue Technical Advisory Committee meetings <p>Indigenous Engagement</p> <ul style="list-style-type: none"> • Participation in Technical Advisory Committees • Beyond the ongoing Indigenous engagement activities listed in Table 3 NWP will seek, where appropriate, Indigenous nation input into information request responses. <p>Community Engagement</p> <ul style="list-style-type: none"> • Please refer to ongoing community engagement activities described in Table 3.
Q2 2024	<p>Key Regulatory Steps</p> <ul style="list-style-type: none"> • NWP will continue work on responses to Round 2 Information Requests¹⁴. <p>Other Regulatory Steps</p> <ul style="list-style-type: none"> • Continue Technical Advisory Committee meetings <p>Indigenous Engagement</p> <ul style="list-style-type: none"> • Participation in Technical Advisory Committees • Beyond the ongoing Indigenous engagement activities listed in Table 3 NWP will seek, where appropriate, Indigenous nation input into information request responses. <p>Community Engagement</p> <ul style="list-style-type: none"> • Please refer to ongoing community engagement activities described in Table 3.

¹⁴ Note that General Schedule Risk 8 is also associated with this step.

Timing	Action/Item
Q3 2024	<p>Key Regulatory Steps</p> <ul style="list-style-type: none"> • NWP completes work on responses to Round 2 Information Requests¹⁵. • NWP will submit responses to the Round 2 Information Requests. • EAO and the Agency complete their review of the responses to the Round 2 Information Requests. • EAO completes developing the <i>Direction to the proponent for Revised Application</i>¹⁶. • EAO publishes the <i>Direction to the proponent for Revised Application</i>. This step completes the 180 EAO timeline¹⁷. • NWP starts work on the Revised Application (updated EIS/EA). NWP has assumed this step will take 150 days. <p>GENERAL SCHEDULE RISK 9</p> <ul style="list-style-type: none"> ○ <i>NWP may need more time to complete the Revised Application.</i> ○ <i>A resurgence of COVID and related public health orders may impact NWP's ability to complete this activity on schedule.</i> <p>Indigenous Engagement</p> <ul style="list-style-type: none"> • Please refer to ongoing Indigenous engagement activities described in Table 3. <p>Community Engagement</p> <ul style="list-style-type: none"> • Please refer to ongoing community engagement activities described in Table 3.
Q4 2024	<p>Key Regulatory Steps</p> <ul style="list-style-type: none"> • NWP continues work on the Revised Application (updated EIS/EA)¹⁸. <p>Indigenous Engagement</p> <ul style="list-style-type: none"> • Please refer to ongoing Indigenous engagement activities described in Table 3. <p>Community Engagement</p> <ul style="list-style-type: none"> • Please refer to ongoing community engagement activities described in Table 3.

¹⁵ Note that General Schedule Risk 8 is also associated with this step.

¹⁶ NWP is assuming that the Round 2 Information Request response review and development of the *Direction to the proponent for Revised Application* can occur in parallel.

¹⁷ The Agency may have to use a third round of information requests to keep their process and the BC process coordinated. NWP will work with both EAO and the Agency to facilitate coordination.

¹⁸ Note that General Schedule Risk 9 is also associated with this step.

Timing	Action/Item
Q1 2025	<p>Key Regulatory Steps</p> <ul style="list-style-type: none"> • NWP completes work on the Revised Application (updated EIS/EA)¹⁹. • NWP submits Revised Application to EAO and the Agency. <ul style="list-style-type: none"> ○ This is the last submission of information or studies to the EIS/EA process and the last step relevant to the CEAA 2012 Extension Request. <p>Indigenous Engagement</p> <ul style="list-style-type: none"> • Please refer to ongoing Indigenous engagement activities described in Table 3. <p>Community Engagement</p> <ul style="list-style-type: none"> • Please refer to ongoing community engagement activities described in Table 3.
Beyond last submission	<p>NWP anticipates that the EAO and Agency decision making processes will not be complete until Q3 2025.</p> <p>NWP acknowledges that various Permits and Approvals will be required under other BC and Federal legislation and regulations prior to start of Project construction should the decisions by EAO and the Agency approve the Project.</p>

¹⁹ Note that General Schedule Risk 9 is also associated with this step.