

RED MOUNTAIN UNDERGROUND GOLD PROJECT

VOLUME 2 | CHAPTER 2

ASSESSMENT PROCESS

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2 ASSESSMENT PROCESS

2.1 Introduction

This chapter describes the assessment process applicable to the Red Mountain Underground Gold Project (Project) as defined by federal and provincial environmental assessment (EA) legislation and policy. The following information is provided:

- Cooperative provincial and federal EA process;
- Provincial and federal EA requirements and processes;
- Project scope per the provincial Section 11 Order and federal Environmental Impact Statement (EIS) Guidelines;
- Summary of Participation by Government, Aboriginal Groups, and the Public; and
- Relevant provisions of the Nisga'a Final Agreement (NFA; 2000).

A discussion of anticipated provincial and federal permitting requirements is provided in the Project Overview (Volume 2, Chapter 1).

2.2 Cooperative Federal and Provincial EA Process

The Project is subject to a coordinated provincial-federal EA process conducted under the principles of the Canada–British Columbia Agreement for Environmental Assessment Cooperation¹ (the Agency 2004). Under this Agreement, projects that require an EA by both the Government of Canada and the Government of British Columbia will undergo a single assessment, administered cooperatively by both governments.

2.3 Provincial Environmental Assessment

2.3.1 Requirements

The *BC Environmental Assessment Act* (BCEAA) is the main legal framework for the province's EA process for proposed major projects (EAO 2015). BCEAA requires that new projects and modifications to existing projects that exceed thresholds defined in the Reviewable Projects Regulation (2002), discussed further below, must undergo an EA and obtain an Environmental Assessment Certificate (EAC) before proceeding. Provincial

¹The Canada-British Columbia Agreement for Environmental Assessment Cooperation expired in 2009. However, both governments continue to conduct cooperative environmental assessments consistent with the principles of the agreement.

assessments for metal mines are triggered at a throughput of 75,000 tonnes per day (tpd). The Project exceeds this threshold and as such is subject to a review under BCEAA.

The British Columbia Environmental Assessment Office (EAO) is responsible for administering BCEAA and for managing EAs in BC.

2.3.2 Regulations

BCEAA is supported by six regulations as well as a variety of policies and guidelines. The following table (Table 2.3-1) provides a summary of these regulations, based on information extracted from the EAO User Guide (EAO 2015a).

Table 2.3-1: Summary of Regulations Supporting the *British Columbia Environmental Assessment Act*

Regulation	Description
Reviewable Project Regulation (2002)	Proposed projects are reviewable if they meet or exceed certain thresholds defined in the Reviewable Projects Regulation. Reviewable proposed projects are primarily those with a higher potential for adverse environmental, economic, social, heritage or health effects. Thresholds for both new projects and modifications to existing projects are provided.
Prescribed Time Limits Regulation (2002)	The Prescribed Time Limits Regulation requires that certain stages of the EA process be carried out within specified time limits. Certain time limits apply to the EAO, while others apply to the proponent.
Public Consultation Policy Regulation (2002)	The Public Consultation Policy Regulation identifies opportunities for public input during the EA process. It addresses matters such as providing public notice, ensuring access to information, establishing public comment periods, and holding open house forums.
Concurrent Approvals Regulation (2002)	The Concurrent Approval Regulation outlines a process that allows a proponent to apply for concurrent review of other provincial approvals (e.g., licenses and permits) for a proposed project that is undergoing an EA. This allows for the timely issuance of other required approvals if an EAC is granted. Where EAO allows for the concurrent review of permit applications, authorizations are generally made within 60 days of the issuance of an EAC.

Public consultation activities undertaken in accordance with the Public Consultation Policy Regulation are outlined in Volume 4, Chapter 28 (Public Consultation) and Volume 10, Appendix 28-A (Public Consultation Report #2).

IDM does not intend to apply for concurrent review of any provincial approvals in accordance with the Concurrent Approvals Regulation.

2.3.3 Policies and Guidance Documents

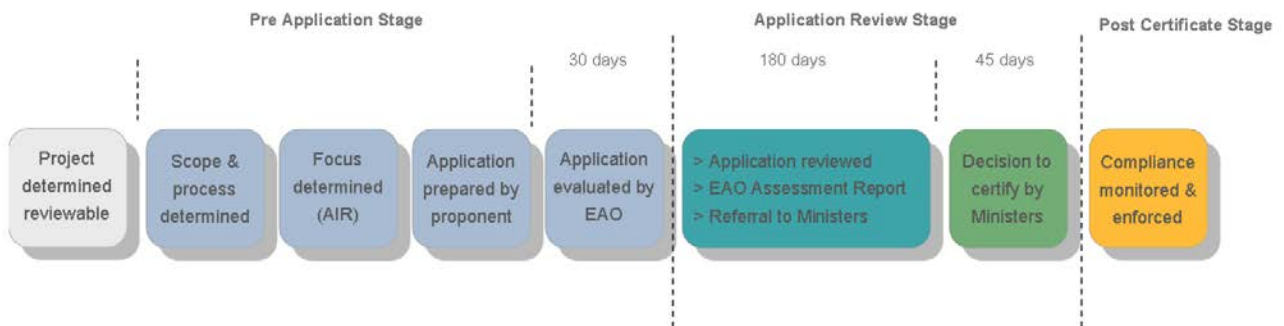
A non-exhaustive list of key provincial policies and guidance documents that were referred to in the development of this Application for an Environmental Assessment Certificate / Environmental Impact Statement (Application/EIS) is provided below:

- EAO User Guide (EAO 2015a);
- Guidelines for Preparing Project Descriptions (EAO 2016);
- Valued Components Guidelines (EAO 2013a);
- Application Information Requirements Template (EAO 2015b);
- Policy on Public Comments (EAO 2011);
- Role of Public Consultation in Environmental Assessments (EAO 2015c);
- Guide to Involving Proponents When Consulting First Nations (Province of British Columbia 2014); and
- Guide to Involving Proponents when Consulting First Nations in the Environmental Assessment Process (EAO 2013b).

2.3.4 Process

The following is a discussion of the Pre-Application and Application Review stages of the provincial EA process, as detailed below in Figure 2.3-1.

Figure 2.3-1: Provincial Environmental Assessment Process Chart (EAO 2015)



2.3.4.1 Pre-Application Stage

The purpose of the Pre-Application Stage is to ensure that when an application for an EAC is reviewed, it contains the necessary information to allow the EAO to undertake its assessment and make recommendations to the Ministers that would be making the decision (EAO 2017). Table 2.3-2 below documents the applicable steps and Project milestones associated with the Pre-Application Stage, including, but not limited to, issuance of orders under section 10 and 11 of BCEAA (i.e., Section 10 and Section 11 Orders), Working Group meetings, public comment periods, open houses, as well as issuance of draft and approved Application Information Requirements (AIR). The table also includes the relevant links to documents on EAO's e-PIC website (<https://projects.eao.gov.bc.ca/>).

The final step of the Pre-Application Stage is the 30-day evaluation conducted by EAO of the submitted Application/EIS to determine whether the submission provides information on all matters required by the AIR.

Table 2.3-2: Provincial Environmental Assessment: Pre-Application Steps and Related Project Milestones

Task	Description	Task Description and Milestones for the Project	Document Links on e-PIC Website
Submission of Project Description	A description of the Project is provided to EAO such that a determination can be made as to whether the proposed project is reviewable.	The Project Description was submitted to EAO by IDM in September 2015. A supplemental project description document was submitted by IDM in March 2016 to provide an overview of the updated Project layout and a summary of the implications the updates would have.	https://projects.eao.gov.bc.ca/p/red-mountain-underground-gold/docs?folder=7 https://projects.eao.gov.bc.ca/p/red-mountain-underground-gold/docs?folder=11
Issuance of a Section 10 Order by EAO	The Section 10 Order is issued by the EAO providing confirmation that the proposed project is reviewable.	The Section 10 Order for the Project was issued November 2, 2015, providing confirmation that the Project was reviewable.	https://projects.eao.gov.bc.ca/p/red-mountain-underground-gold/docs?folder=4
Issuance of a Section 11 Order by EAO	Specifies the scope, procedures, and methods by which an EA must be conducted.	<p>The scope of the Project defined in the Section 11 Order, issued February 10, 2016, includes the following components:</p> <ul style="list-style-type: none"> • Underground mine and ancillary components and activities; • Mineral processing facility and ancillary components and activities; • Waste management and ancillary components and activities, including waste rock and tailings; • Water management and ancillary components and activities; • Other infrastructure and ancillary components and activities. • The upgrading of 13 km of existing access road; • The construction of 7 km of new and/or upgraded seasonal access roads, connecting the existing access to the mine site; • The construction of a 34 kV power line; and, • Off-site accommodation for workers. <p>A Section 13 Order was issued April 13, 2016, amending the Section 11 Order in light of the supplemental Project Description submitted by IDM in March 2016 with an updated Project layout.</p>	https://projects.eao.gov.bc.ca/p/red-mountain-underground-gold/docs?folder=8 https://projects.eao.gov.bc.ca/p/red-mountain-underground-gold/docs?folder=13
Establish Working Group	The Working Group is formed by EAO and includes, at minimum, representatives of the provincial government agencies, appropriate First Nations, and local governments. During the Pre-Application Stage, the Working Group provides input on the scope, including selection of intermediate and valued components, and review process for a Project.	<p>As per Part D of the Section 11 Order, EAO established a Working Group comprising Nisga’a Nation, as represented by Nisga’a Lisims Government (NLG), and government bodies to provide input as requested by the EAO Project Assessment Lead on aspects of the EA.</p> <p>EAO and the Canadian Environmental Assessment Agency co-established the Working Group in February 2016, shortly after issuing the Section 11 Order.</p> <p>Refer to Volume 2, Chapter 3 (Information Distribution and Consultation Overview) for a list of Working Group members as of September 2017, as well as a detailed description of Working Group input and meetings conducted to date, including input on:</p> <ul style="list-style-type: none"> • Project design; • Environmental baseline studies; • VC Selection; • Draft Application Information Requirements (dAIR); and • Preliminary effects assessment results. 	n/a

Task	Description	Task Description and Milestones for the Project	Document Links on e-PIC Website
VC Selection	The Proponent is asked to prepare a document that sets out the Valued Components it proposes to be considered in the preparation of the draft Application Information Requirements (dAIR).	<p>IDM began consulting with NLG on the VCs selected for the Project's EA in November 2014. NLG have also been an active member of the Working Group and have had the opportunity to review and provide feedback on the draft VC Selection Document.</p> <p>Aboriginal Groups and the public were provided with the opportunity to review and provide feedback on the final list of selected VCs through the EAO-led public comment period on the dAIR.</p> <p>Working Group members were provided with the opportunity to review and provide comments on the Project's draft Valued Components Selection document from March 17 to April 4, 2016. IDM provided responses to all Working Group comments on April 27, 2016, and incorporated the feedback received into the initial version of the dAIR, which EAO provided to the Working Group in early July 2016.</p>	n/a
Prepare draft AIR	The dAIR specifies the matters that must be studied and information that must be included in the Application.	The dAIR for the Project was issued September 2016.	https://projects.eao.gov.bc.ca/p/red-mountain-underground-gold/docs?folder=19
Review and comment on the dAIR by the Working Group, First Nations, and the public	This review typically includes a 30-day public comment period and an open house where the dAIR and Project in general are discussed.	<p>EAO held a public comment period on the Project's dAIR between October 5, 2016, and November 4, 2016. Refer to Volume 4, Chapter 28 (Public Consultation) and Appendix 28-A for a record of public consultation undertaken to date, including public comments received and IDM responses.</p> <p>Refer to Part C (Aboriginal Consultation) and Appendix 27-A (Aboriginal Consultation Report #2) for a record of Aboriginal consultation undertaken to date, including comments received and IDM responses.</p> <p>Refer to Volume 2, Chapter 3 for a description of the process for receiving Working Group input on the dAIR.</p> <p>Refer to Volume 3, Chapters 7 – 22 for a record of input received from government agency representatives on specific VCs, as well as IDM responses.</p>	https://projects.eao.gov.bc.ca/api/document/5886b21fe036fb0105769607/fetch
Finalization of the AIR	The dAIR is revised as required based on review and comments received.	Revisions to the dAIR were made by IDM in consideration of comments received from EAO, Aboriginal Groups, community members, stakeholders, the public, and the Working Group. EAO issued the approved AIR on March 30, 2017.	https://projects.eao.gov.bc.ca/p/red-mountain-underground-gold/docs?folder=19
Completion of baseline studies and information gathering	The Proponent completes appropriate baseline studies, as specified in the AIR, for enabling a description of existing conditions and potential effects.	IDM has completed all baseline studies as required and stipulated in the AIR.	n/a
Application submission	The Proponent submits the Application to EAO.	The Application/EIS has been developed pursuant to the AIR approved by EAO and complies with relevant instructions provided in the Section 11 Order.	n/a

2.3.4.2 Application Review Stage

If the Application is determined to be sufficient during the 30-day Screening Stage, it will enter the Application Review Stage, during which EAO has a maximum of 180 days to complete its review. Working Groups members, Aboriginal Groups, stakeholders, and the public will be asked to provide comment on the Application. The Application is uploaded to EAO's e-PIC website to support public consultation requirements.

During the Application Review Stage, a public comment period of at least 30 days will be held on the Application. The EAO Project Assessment Lead may require an open house(s) to provide the public with an opportunity to review the Application.

IDM will compile, track, and respond to all comments received during the public comment period. Pursuant to Section 15.4 of the Section 11 Order, IDM will respond to all public comments received unless the EAO Project Assessment Lead informs IDM that a comment is not within the scope of the assessment or contravenes EAO's Public Consultation Policy.

Also in accordance with the Section 11 Order, IDM will provide the EAO with a Public Consultation Report within 30 days of the close of the public comment period.

IDM will continue consultation with the Working Group during the Application Review Stage of the EA process. IDM anticipates that this will include further discussions on the results of the effects assessments presented in the Application, additional Working Group meeting(s) to be scheduled by EAO, opportunities to discuss the proposed mitigation measures, and discussions regarding the appropriate conditions of an EAC, should one be issued for the Project.

Aboriginal consultation activities will also continue throughout the Application Review Stage both by the provincial government and IDM. An Aboriginal consultation report will be developed by IDM and submitted to EAO within 120 days of the commencement of the Application Review Stage.

EAO will begin drafting an Assessment Report that documents the findings of the assessment during the Application Review Stage. EAO will also ask IDM to develop a Certified Project Description (CPD) and Table of Conditions in support of the EAC. The CPD contains a description of the physical works of the Project and describes how the Project must be constructed, operated, decommissioned, and reclaimed.

The draft Assessment Report, CPD, and Table of Conditions will be provided to the Working Group, Aboriginal Groups, and IDM for review and comment prior to being finalized. EAO will submit then its report, as well as recommendations from the Executive Director and the draft EAC, to the provincial Minister of the Environment and the Minister of Energy and Mines. At this point the provincial ministers have 45 days to make one of three decisions: issue an EAC, refuse to issue an EAC, or require further study or assessment.

2.4 Federal EA Process

2.4.1 Requirements

The *Canadian Environmental Assessment Act, 2012* (CEAA 2012) and its regulations establish the legislative basis for the federal practice of environmental assessment in most regions of Canada. Section 16(c) of the Regulations Designating Physical Activities (2012) under CEAA 2012, discussed further below, specifies that an EA must be undertaken for a proposed gold mine with a throughput of 600 tpd or more. The Project exceeds this threshold and therefore requires an EA and decision under CEAA 2012.

CEAA 2012 is administered by the Canadian Environmental Assessment Agency (the Agency).

2.4.2 Regulations

CEAA 2012 is supported by two regulations: the Regulations Designating Physical Activities and the Prescribed Information for the Description of a Designated Project Regulations. These are discussed further below, extracted from the Guide to Preparing a Description of a Designated Project under the Canadian Environmental Assessment Act, 2012 (the Agency 2015a).

2.4.2.1 Regulations Designating Physical Activities

A designated project includes one or more physical activities that are listed in the Regulations Designating Physical Activities as well as any physical activity incidental to those listed physical activities. Physical activities for designated projects are listed in a schedule to the Regulations and are divided into three parts, based on whether the Agency, the Canadian Nuclear Safety Commission, or the National Energy Board is responsible for conducting the EA. Project proposals that include physical activities that are listed in the Regulations that meet or exceed the specified thresholds are “designated” projects.

2.4.2.2 Prescribed Information for the Description of a Designated Project Regulations

The designated Project Description must include the prescribed information set out in the Prescribed Information for the Description of a Designated Project Regulations (2012). This includes the following:

- General Information;
- Project Information;
- Project Location Information;
- Federal Involvement;
- Environmental Effects; and
- Summary.

2.4.3 Policies and Guidance Documents

The following is a non-exhaustive list of key federal operational policies and guidance documents that were referred to in the development of the Application/EIS.

Operational Policy Statements

- Assessing Cumulative Environmental Effects under CEAA 2012 (the Agency, 2015b);
- Addressing “Purpose of” and “Alternative Means” under CEAA 2012 (the Agency 2015c);
- Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under CEAA 2012 (the Agency 2015d); and
- Information Requests and Timelines (the Agency 2016).

Technical Guidance

- Guide to Preparing a Description of a Designated Project under CEAA 2012 (the Agency 2015a);
- Technical Guidance for Assessing Cumulative Environmental Effects Under CEAA 2012 (the Agency 2014);
- Technical Guidance for Assessing Physical and Cultural Heritage or any Structure, Site or Thing that is of Historical, Archeological, Paleontological or Architectural Significance under CEAA 2012 (the Agency 2015e); and
- Technical Guidance for Assessing the Current Use of Lands and Resources for Traditional Purposes under the CEAA 2012 (the Agency 2015f).

2.4.4 Process

An EA conducted by the Agency, as per CEAA 2012, must be completed within 365 days. This timeline starts when a notice of the commencement of the EA is posted on the Canadian Environmental Assessment Registry website and ends when the federal Minister of the Environment makes a decision as to whether the designated project is likely to cause significant adverse environmental effects. Timelines may be extended: 1) by the Minister to facilitate cooperation with another jurisdiction (or to allow for other circumstances specific to the Project; and/or 2) by the Governor in Council upon recommendation by the Minister of the Environment. The time it takes for the proponent to respond to a request from the Agency is not counted in the timelines.

Below is a table documenting applicable completed federal milestones. Milestones include, but are not limited to, public comment periods, notice of commencement, and finalization of the Environmental Impact Statement Guidelines. The table also includes links to relevant documents on the Agency’s Canadian Environmental Assessment Registry website (<http://www.ceaa-acee.gc.ca/050/index-eng.cfm>).

Once the EIS is submitted, the Agency conducts completeness and sufficiency reviews to ensure information required by the EIS Guidelines has been provided and that the information provided is sufficient and accurate. A draft environmental assessment report is prepared by the Agency following a public comment period on the EIS and any revisions to the EIS by the proponent. A second comment period is held on the Agency's draft assessment report and the Agency's environmental assessment report is then finalized and submitted to the federal Minister of the Environment to inform his or her decision. If the Minister's decision is that the Project is likely to cause significant adverse environmental effects, the matter is referred to the Governor in Council (Cabinet) who will then decide if the likely significant adverse environmental effects are justified in the circumstances (the Agency 2017).

The EA decision statement issued by the federal Minister of the Environment includes the determination of whether the Project is likely to cause significant environmental effects (the Agency 2017). If the Minister's decision is that the Project is not likely to cause significant adverse environmental effects or if the Project is likely to cause significant adverse environmental effects that have been determined by the Governor in Council to be justified in the circumstances, the conditions with respect to mitigation measures and a follow-up program that the proponent must comply with for the proposed project are set out in the environmental assessment decision statement issued by the Minister.

Table 2.4-1: Federal Environmental Assessment: Steps Taken prior to the EIS Submission and Related Project Milestones (based on information provided by the Agency (2017))

Task	Description	Task Description and Milestones for the Project	Document Links on Canadian Environmental Assessment Registry Website
Submission of Project Description	Project Description is developed by the proponent and provided to the Agency as per the Prescribed Information for the Description of a Designated Project Regulations.	IDM submitted the Project Description of a Designated Project in September, 2015.	n/a
Project Description accepted	The Agency accepts the Project Description once it is considered to be complete.	The Project Description of Designated Project was posted to the Registry on September 28, 2015.	http://www.ceaa-acee.gc.ca/050/documents/p80093/102727E.pdf
Comment period on Project Description	A summary of the Project Description is posted on the Canadian Environmental Assessment Registry website as well as a notice of a 20-day public comment period on the designated project and its potential for causing adverse environmental effects.	The public comment period on the Project Description was initiated on September 28, 2015, and continued through to October 19, 2015.	http://www.ceaa-acee.gc.ca/050/document-eng.cfm?document=102724
Determining whether an Environmental Assessment is required	Within 45 days of posting the notice of consideration (and including the 20-day public comment period), the Agency must determine whether an environmental assessment is required. A notice of the Agency's decision will be posted on the Registry.	The Agency commenced an EA under CEAA 2012 on November 12, 2015.	http://www.ceaa-acee.gc.ca/050/document-eng.cfm?document=103798
Preparation of draft Environmental Impact Statement (EIS) Guidelines	The Agency prepares and posts draft EIS Guidelines to the Registry website.	Draft EIS Guidelines were issued by the Agency on November 12, 2015. The public was invited to comment on the draft EIS guidelines for a period of 30 days.	http://www.ceaa-acee.gc.ca/050/document-eng.cfm?document=103801

Task	Description	Task Description and Milestones for the Project	Document Links on Canadian Environmental Assessment Registry Website
Comment Period on draft EIS Guidelines	The public is provided an opportunity to comment on the proposed studies, methods, and information required in the EIS.	<p>A public comment period on the Project’s draft EIS Guidelines was held between November 12 and December 12, 2016.</p> <p>Refer to Volume 4, Chapter 28 (Public Consultation) and Appendix 28-A for a record of public consultation undertaken to date, including comments received and IDM responses.</p>	<p>http://www.ceaa-acee.gc.ca/050/document-eng.cfm?document=103800</p>
Final EIS Guidelines issued	Final EIS guidelines are issued in consideration of comments from the public, Aboriginal Groups, and input from relevant federal departments.	<p>The final EIS Guidelines were issued to IDM on January 22, 2016. The EIS Guidelines identified the Project scope as including the following project components and activities:</p> <ul style="list-style-type: none"> • Underground mine including portals, stopes, and underground works and activities; • Surface mill and mineral processing activities including effluent treatment and discharge; • Waste rock, overburden, topsoil, low grade ore, and ore storage and stockpiles; • Tailing management facility and activities including dam, pond, and drainage control; • Water management infrastructure and activities including diversions and treatment (if applicable); • Storage and manufacture of explosives and blasting activities; • Reagent and fuel storage and handling; • Water supply and distribution (industrial and drinking); • Sewage and septic works; • Borrow areas; • Concrete batch plant; • Site clearing, earthmoving, and leveling activities; • Access road construction or improvement; 	<p>http://www.ceaa-acee.gc.ca/050/document-eng.cfm?document=104671</p>

Task	Description	Task Description and Milestones for the Project	Document Links on Canadian Environmental Assessment Registry Website
		<ul style="list-style-type: none"> • Power supply including power lines, rights-of-way, and step-down facilities; • Transportation of doré, employees, equipment and supplies on the mine access road to the connection with Highway 37A; and • Administrative and support facilities including offices, assay lab, warehouse, and mine dry and maintenance facilities. 	
Completion of environmental studies	The Proponent completes baseline studies as specified in the EIS Guidelines and for enabling a description of existing conditions and potential effects.	IDM has completed all baseline studies as required and stipulated in the EIS Guidelines.	n/a
Submission of EIS	The Proponent submits the EIS to the Agency.	The Application/EIS has been developed pursuant to the EIS Guidelines provided by the Agency January 22, 2016.	n/a

2.5 Nisga'a Final Agreement

The Project is within the Nass Area and the Nass Wildlife Area, as set out in the Nisga'a Final Agreement (NFA). The NFA is a treaty and land claims agreement within the meaning of sections 25 and 35 of the *Constitution Act, 1982*, and is a tri-partite agreement between Nisga'a Nation, Canada, and BC. The NFA confirms Nisga'a Nation's right to self-government, grants NLG the authority to make laws, and grants a number of Treaty rights to Nisga'a Nation and Nisga'a citizens over lands and resources (Nisga'a Lisims Government no date). Nisga'a Nation holds Treaty rights to harvest and manage wildlife, fish, and migratory birds within the Nass Area and Nass Wildlife Area.

BC and Canada, in undertaking the EA of the Project, are required to comply with Chapter 10 of the NFA. In compliance with Chapter 10 of the NFA, IDM has conducted extensive engagement and consultation efforts with NLG. IDM has also conducted the assessments required under paragraphs 8(e) and 8(f) of Chapter 10 of the NFA.

The NFA confirms Nisga'a Nation's right to self-government, grants NLG the authority to make laws, and grants a number of Treaty rights for Nisga'a Nation and Nisga'a citizens over lands and resources (Nisga'a Lisims Government, no date).

The NFA divides Nisga'a Nation's treaty lands into four main categories:

- Nisga'a Lands, which comprise of approximately 1,992 square kilometres (km²) of land in the Nass Valley that Nisga'a Nation owns in fee simple. Nisga'a Nation owns all mineral resources on or under Nisga'a Lands, all submerged lands within Nisga'a Lands, and all forest resources on Nisga'a Lands;
- Category A and B Fee Simple Lands, which are lands outside of Nisga'a Lands that Nisga'a Nation owns in fee simple;
- The Nass Area, 28,838 km² of land where Nisga'a Nation holds Treaty rights to harvest and manage migratory birds; and
- The Nass Wildlife Area, 16,101 km² of land nested within the Nass Area where Nisga'a Nation holds Treaty rights to harvest and manage wildlife (SC 2000, c. 7: Nisga'a Final Agreement Act, 2000).

These areas are represented in Figure 2.5-1. The Project is within the Nass Area and the Nass Wildlife Area and is not within Nisga'a Lands. Nisga'a Nation's Treaty rights to harvesting and managing fish, wildlife, and migratory birds within the Nass Area and the Nass Wildlife Area are set out in Chapters 8 and 9 of the NFA.

Chapter 8 identifies Nisga'a Nation's treaty rights to harvest fish and aquatic plants (the Nisga'a fish entitlements), subject to measures that are necessary for conservation and legislation enacted for the purposes of public health or public safety. Notwithstanding the Nisga'a fish entitlements, the chapter describes the Nisga'a fish allocation that is set out as a

percentage of the total allowable catch. Nisga'a fish entitlements and fish allocations described in the chapter include:

- Nass salmon (i.e., chinook, chum, coho, sockeye, and pink salmon originating in the Nass Area);
- Nass steelhead (i.e., summer and winter runs originating in the Nass Area); and
- Non-salmon species and aquatic plants in the Nass Area (for domestic purposes), including:
 - Dungeness, tanner, and king crab;
 - Halibut;
 - Prawns and shrimp;
 - Herring;
 - Aquatic plants used in the herring roe-on-kelp fishery (i.e., all marine and freshwater plants, including kelp, marine flowering plants, benthic and detached algae, brown algae, red algae, green algae, and phytoplankton);
 - Eulachon; and
 - Intertidal bivalves.

Nisga'a fish entitlements and fish allocations are not based on traditional past or current use.

The chapter also outlines NLG's authority to enact conservation and public health and safety legislation with respect to fish and aquatic plants and to participate in the general commercial fishery. The chapter establishes the structure and processes necessary for NLG and the Minister responsible for the management of fisheries and fish habitat to co-manage the conservation and harvest of fish and aquatic plants (SC 2000, c. 7: Nisga'a Final Agreement Act, 2000).

Chapter 9 identifies Nisga'a Nation treaty rights to harvest wildlife and migratory birds in the Nass Wildlife Area and Nass Area, respectively, and to enact conservation and public health and safety legislation with respect to wildlife and migratory birds. Nisga'a citizens have the right to harvest any wildlife species that is not designated in accordance with the NFA for domestic purposes. For species that are designated, Nisga'a citizens have the right to harvest that designated species in accordance with the wildlife allocation, which is determined in accordance with the formula set out in the NFA. Wildlife species designated under the NFA are moose, grizzly bear, and mountain goat. The chapter also addresses responsibilities regarding trapping and guide outfitting and the management and trade (barter and the sale) of marine wildlife (SC 2000, c. 7: Nisga'a Final Agreement Act, 2000).

Chapter 10 identifies the requirements relevant to the environmental assessment of proposed activities within lands identified under the NFA. Paragraph 8 specifically sets out the required activities to be conducted in addition to the relevant environmental assessment legislation for a given proposal. The activities include:

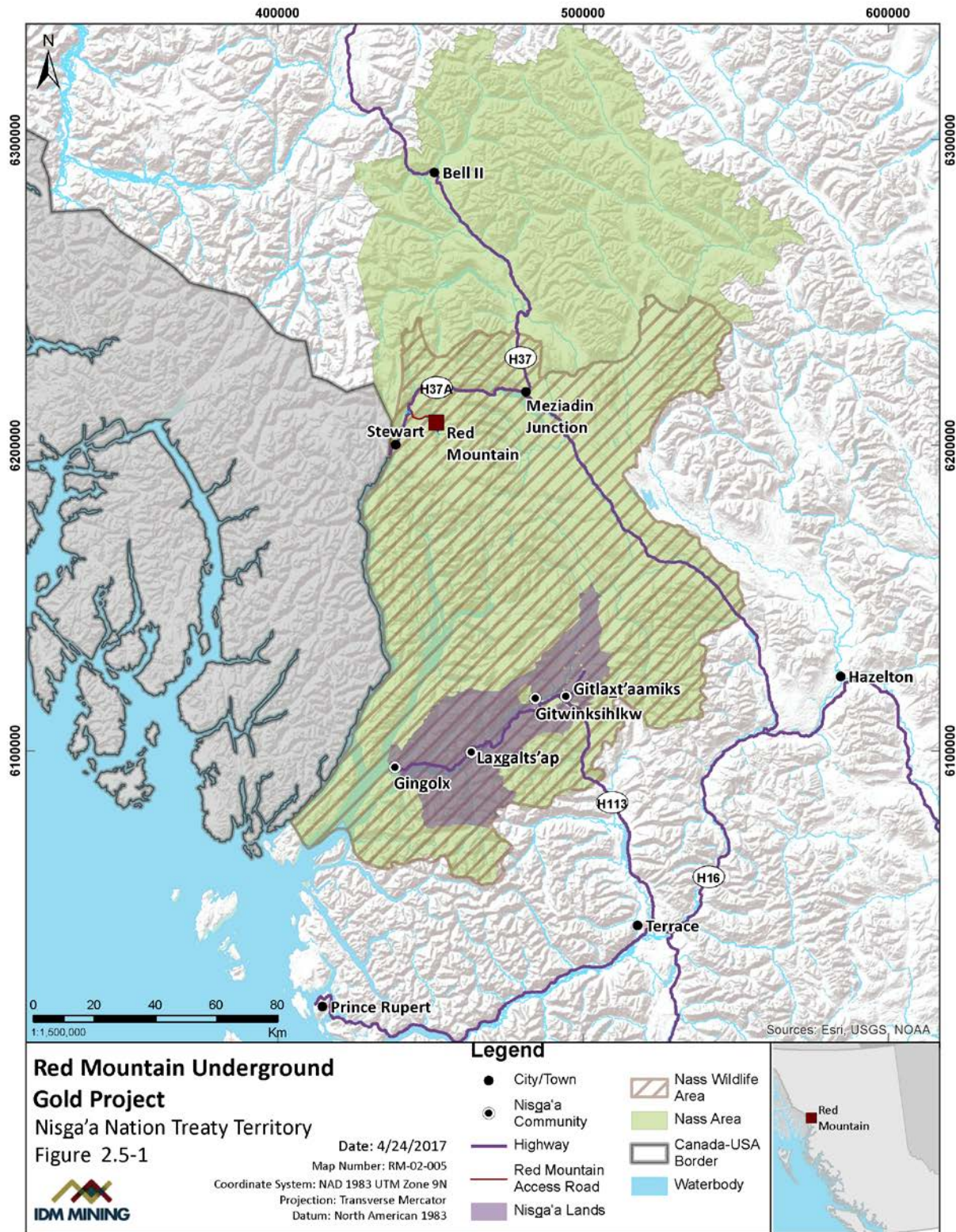
- 8(a): coordinating, to the extent possible, the environmental assessment requirements placed by the Parties upon a project proponent;
- 8(b): requiring the project proponent to provide information or studies, as appropriate, about the project, its potential environmental effects, and the measures that can be taken to prevent or mitigate those effects;
- 8(c): ensuring that all information relevant to the assessment of the project is available to the public, other than information that is required to be kept confidential under applicable law;
- 8(d): providing for public participation in the assessment process, including public notice of the project, an opportunity to make submissions, and, when deemed appropriate by the Party conducting the assessment, public hearings conducted by an independent review panel;
- 8(e): assessing whether the project can reasonably be expected to have adverse environmental effects on residents of Nisga'a Lands, Nisga'a Lands, or Nisga'a interests (as set out in the NFA) and, where appropriate, make recommendations to prevent or mitigate those effects;
- 8(f): assessing the effects of the project on the existing and future economic, social, and cultural well-being of Nisga'a citizens who may be affected by the project;
- 8(g): setting out time periods within which the assessor must make its recommendation in respect of whether or not the project should proceed;
- 8(h): providing recommendations, based on the assessment, to the Party or Parties with decision-making authority over the project, in respect of whether the project should proceed;
- 8(i): taking into account any agreements between the project proponent and Nisga'a Nation or a Nisga'a Village concerning the effects of the project; and
- 8(j): requiring the assessment to be conducted and completed by a Party before that Party issues final approval (SC 2000, c. 7: Nisga'a Final Agreement Act, 2000).

Through the Section 11 Order issued by EAO and the Guidelines for the Preparation of an Environmental Impact Statement pursuant to CEAA 2012 (the EIS Guidelines) issued for the Project by the Agency, each discussed more below, certain procedural aspects of consultation have been delegated to IDM. These aspects include:

- Consultation with Nisga'a Nation, as represented by Nisga'a Lisims Government, as outlined in paragraph 8(b);
- The assessments under paragraphs 8(e) and 8(f); and
- Consideration of agreements between IDM and Nisga'a Nation entities, as outlined in paragraph 8(i).

All of these aspects are included in Chapter 27.

Figure 2.5-1: Nisga'a Nation Treaty Territory



2.6 Participation by Government, Aboriginal Groups, and the Public

2.6.1 Government Agency Engagement and Consultation

IDM has consulted extensively with government agencies both through the EAO-led Working Group and also through regular correspondence with provincial and federal regulatory agencies. IDM's engagement with government agencies has included:

- Providing Project overview information to Working Group members to facilitate their understanding of the proposed Project and its potential effects;
- Hosting site visits to further enable understanding of the Project in context of the existing environment;
- Engaging in dialogue to better understand government agencies' scope and areas of interest in order to be able to best provide information in response to their needs;
- Responding to questions and feedback received through the Working Group; and
- Participating in Working Group meetings.

Written comments received from government agencies and IDM's responses are summarized in comment-tracking tables maintained by EAO. Feedback relevant to specific VCs and the EA methodology is also summarized in the Application/EIS.

IDM will continue to consult with government agencies during the Application Review Stage, including providing the Working Group with copies of the Application/EIS, providing written responses to comments and questions, and attending Working Group meetings to address questions and present project information.

Further information on consultation with the Working Group can be found in Volume 2, Chapter 3. Refer to Volume 3, Chapters 7 – 22 for a record of input received from government agency representatives on specific VCs and ICS, as well as IDM responses.

2.6.2 Aboriginal Engagement and Consultation

Through the Section 11 Order, EAO has directed IDM to engage and consult with Nisga'a Nation, as represented by NLG, on the potential effects of the Project on Nisga'a Nation Treaty rights and measures to avoid, minimize, mitigate, or otherwise address those potential effects. The EIS Guidelines issued for the Project by the Agency also identify Tsetsaut Skii km Lax Ha (TSKLH) and Métis Nation BC (MNBC) as Aboriginal Groups whose Aboriginal Interests may be less affected by the proposed Project. The EIS Guidelines direct IDM to share key EA documents with NLG, TSKLH, and MNBC and to ensure their views on the potential effects of the Project on their Treaty rights and Aboriginal Interests and IDM's proposed mitigation measures are heard and recorded.

IDM believes that consultation with Aboriginal Groups should be conducted in the spirit of mutual respect, integrity, and transparency.

IDM has been engaging with NLG on the proposed Project since IDM acquired the Red Mountain Property in May 2014. IDM's engagement and consultation efforts with NLG have included:

- Engagement on Valued Component selection;
- Consultation on the draft Nisga'a Consultation Plan required under the Section 11 Order;
- Providing capacity funding to support NLG's meaningful participation in the EA process;
- Hosting site visits to enable understanding of the Project in context of the existing environment;
- Consultation on the draft Aboriginal Consultation Reports required under the Section 11 Order;
- Consultation on the draft Application Information Requirements (dAIR) through the EAO-led Working Group;
- Hosting community open houses in two Nisga'a villages during the EAO-led public comment period on the dAIR;
- Providing Project information to Nisga'a citizens through newsletters, social media, and the Project website (RedMountainProject.com);
- Providing copies of environmental baseline study reports in order to facilitate NLG's understanding of the potential effects of the Project in context of the current conditions in the Project area;
- Consultation on draft sections of the Application/EIS, including the assessments required under 8(e) and 8(f) of the NFA; and
- Responding to questions, concerns, and issues raised by NLG representatives in a timely and coherent manner.

IDM will continue to engage with NLG throughout the Application Review Stage of the EA, as outlined in the Nisga'a Consultation Plan, including further consultation on the results of the 8(e) and 8(f) assessments and more open houses in the Nisga'a Villages.

Further information on NLG engagement can be found Volume 4, Chapter 27.

Further information on consultation with TSKLH and MNBC can be found in Volume 4, Chapters 25 and 26, respectively. Aboriginal Consultation Report #2 is provided in Appendix 27-A. These documents contain a summary of comments received from Aboriginal Groups and IDM's responses.

2.6.3 Public Engagement and Consultation

IDM proactively engages with community members, stakeholders, and the public in the spirit of respect and integrity to build and maintain constructive and mutually beneficial relationships. The Section 11 Order, the EIS Guidelines, and the Public Consultation Plan prepared by IDM in compliance with the Section 11 Order guide IDM's consultation efforts with community members, stakeholders, and the public, which have included:

- Introductory letters to key stakeholders providing information about the proposed Project and a point of contact for questions and concerns;
- A community website (RedMountainProject.com) containing Project information and a community email address (community@idmmining.com) for questions and comments;
- Publication of community newsletters to share Project information and development progress;
- A public comment period led by the Agency on the Project Description and potential effects of the Project on the environment;
- A public comment period led by the Agency on the draft EIS Guidelines for the Project;
- A public comment period led by EAO on the dAIR;
- An EAO-led open house in Stewart during the public comment period on the dAIR;
- Discussions with national, provincial, regional, and municipal political leaders regarding the proposed Project; and
- Discussions with overlapping tenure holders on the potential effects of the Project on their tenured interests.

The Regional District of Kitimat-Stikine (RDKS) has been an active member of the EAO-led Working Group. The District of Stewart was also invited to join the Working Group.

A full summary of IDM's consultation activities with community members, stakeholders, and the public can be found in Volume 4, Chapter 28 (Public Consultation) and in the Public Consultation Report #2 (Appendix 28-A). These documents contain a summary of comments received from the public and IDM's responses.

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