

RED MOUNTAIN UNDERGROUND GOLD PROJECT

VOLUME 2 | CHAPTER 3

INFORMATION DISTRIBUTION AND CONSULTATION OVERVIEW

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3 INFORMATION DISTRIBUTION AND CONSULTATION OVERVIEW

3.1 Introduction

The purpose of this chapter is to outline and summarize the information distribution efforts conducted by IDM Mining Ltd. (IDM, the Proponent) in support of the preparation of the Application for an Environmental Assessment / Environmental Impact Statement (Application/EIS) for the Red Mountain Underground Gold Project (the Project). This chapter also provides an overview of IDM's consultation and engagement efforts with government agencies, Aboriginal Groups, community members, stakeholders, and the public.

A full summary of IDM's consultation and engagement efforts with Aboriginal Groups can be found in Chapters 25 (Tsetsaut Skii km Lax Ha), 26 (Métis Nation BC), and 27 (Nisga'a Nation). Chapter 28 contains a full summary of IDM's consultation efforts with community members, stakeholders, and the public. For more information, the Aboriginal and Public Consultation Reports prepared by IDM in compliance with paragraphs 13.1.2 and 16.1.2 of the order issued under Section 11 of the *BC Environmental Assessment Act* (the Section 11 Order; BCEAA) are available in Appendices 27-A and 28-A.

In order to reduce duplication with the above-listed chapters, this chapter focuses on IDM's engagement and consultation efforts with regulatory members of the Working Group formed and co-led by the BC Environmental Assessment Office (EAO) and the Canadian Environmental Assessment Agency (the Agency).

3.2 Regulatory and Policy Setting

3.2.1 Nisga'a Final Agreement

The Project is located within the Nass Area and the Nass Wildlife Area, as set out in the Nisga'a Final Agreement (NFA) and is therefore subject to the terms of the NFA. Pursuant to the NFA, Nisga'a Nation, as represented by Nisga'a Lisims Government (NLG) has Treaty rights to the management and harvesting of fish, wildlife, and migratory birds within the Nass Wildlife Area and the larger Nass Area.

The Nisga'a Final Agreement (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 for Nisga'a Nation and Nisga'a citizens over lands and resources (Nisga'a Lisims Government, no date).

Chapter 10 of the NFA identifies the requirements relevant to the environmental assessment (EA) of proposed activities within Nisga'a Nation's Treaty lands. 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 EA 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).

This information can be found in Chapter 27.

3.2.2 BC Environmental Assessment Act

The Project is reviewable under BCEAA. Section 11 of BCEAA states that the executive director, when determining the scope of the assessment and the procedures and methods for conducting the assessment, may also specify “the persons and organizations, including but not limited to the public, first nations, government agencies and, if warranted in the executive director's opinion, neighbouring jurisdictions, to be consulted by the proponent or the Environmental Assessment Office during the assessment, and the means by which the persons and organizations are to be provided with notice of the assessment, access to information during the assessment and opportunities to be consulted,” (Government of BC, 2002). Pursuant to this, EAO issued a Section 11 Order for the Project in February 2016.

IDM's consultation efforts under the Section 11 Order are summarized in the following locations:

- Aboriginal consultation:
 - Chapter 25 (TSKLH);
 - Chapter 27 (Nisga'a Nation);
 - Aboriginal Consultation Report #1, dated December 2016, available on EAO's Electronic Project Information and Collaboration (EPIC) website;
 - Aboriginal Consultation Report #2, dated September 15, 2017, available in Appendix 27-A; and
 - Table 3.4-1.
- Public consultation:
 - Chapter 28 (Public Consultation);
 - Public Consultation Report #1, dated March 2017, available on EAO's EPIC website;
 - Public Consultation Report #2, dated September 15, 2017, available in Appendix 28-A; and
 - Table 3.4-1.
- Government agency consultation:
 - Section 3.7.

3.2.2.1 Aboriginal Consultation

Nisga'a Nation is listed on Schedule B of the Section 11 Order, signifying that EAO will invite Nisga'a Nation to participate in the Working Group established to review the Project and that EAO will delegate procedural aspects of consultation with Nisga'a Nation to IDM. Paragraph 12.3 of the Section 11 Order lists the procedural aspects of consultation that have been delegated to IDM, including:

- Preparing an Aboriginal Consultation Plan that will guide consultation activities with Nisga'a Nation during the Pre-Application and Application Review phases of the assessment, which will be provided to Nisga'a Nation for review and comment prior to finalization;
- Providing copies of the Application to Nisga'a Nation for information and consultation purposes;
- Identifying any potential effects on Nisga'a Nation Treaty interests under the NFA that are raised by Nisga'a Nation and identifying measures to avoid or mitigate such potential adverse effects and/or to otherwise address or accommodate the concerns of Nisga'a Nation, as appropriate; and
- As directed by the Project Assessment Lead, providing a response to comments received from Nisga'a Nation, to the satisfaction of and within the timeframe specified by the Project Assessment Lead; and
- Within time limits set by the Project Assessment Lead, providing to the Project Assessment Lead and Nisga'a Nation a written summary report of agreements, if any, reached with the Nisga'a Nation within the meaning of paragraphs 8(i) and 10 of Chapter 10 of the NFA.

The Nisga'a Consultation Plan, prepared by IDM in compliance with paragraph 12.3.1 of the Section 11 Order, continues to guide IDM's consultation efforts with Nisga'a Nation. The Nisga'a Consultation Plan is available on EAO's EPIC website at:

<https://projects.eao.gov.bc.ca/p/red-mountain-underground-gold/detail>

Tsetsaut Skii km Lax Ha (TSKLH) is listed on Schedule C (notification) of the Section 11 Order. Paragraph 12.2 of the Section 11 Order states that EAO will provide notification to TSKLH at milestones in the EA process so that they may remain informed and have the opportunity to raise any issues with EAO for discussion. EAO did not delegate consultation activities regarding TSKLH to IDM.

3.2.2.2 Public Consultation

Part H of the Section 11 Order outlines the public consultation efforts that EAO will undertake during the Pre-Application and Application Review phases of the EA process. Some of these efforts involve the participation of the proponent, including:

- Within the timeframes established by the EAO Project Assessment Lead, providing the Project Assessment Lead with a Public Consultation Plan, which will be assessed by the Project Assessment Lead to determine if the proposed activities are adequate;
- Participating in EAO-led open houses during public comment periods;
- Making the dAIR and Application available at accessible public locations during the public comment periods; and
- Responding to comments received from the public during the EAO-led public comment periods.

3.2.2.3 Government Agency Consultation

Part D of the Section 11 Order outlines the establishment of the Working Group, comprised of Nisga'a Nation and government bodies identified by the EAO Project Assessment Lead and lists the areas where the Working Group members will provide input on aspects of the EA, including:

- The information required for the EA;
- The conformity of the Application with the Application Information Requirements;
- The information and conclusions in the Application;
- Potential mitigation measures, including those which may be included in certificate conditions;
- Potential adverse effects on Nisga'a Nation Treaty interests set out in the NFA and identify measures to avoid, address, or mitigate such potential adverse effects as appropriate; and
- The draft Assessment Report prepared by EAO.

3.2.3 Canadian Environmental Assessment Act, 2012

The Project is reviewable under the *Canadian Environmental Assessment Act, 2012* (CEAA 2012). The Agency issued the EIS Guidelines for the Project in January 2016.

IDM's consultation efforts under the EIS Guidelines are summarized in the locations listed in Section 3.2.2 with the addition of Chapter 26 for Métis Nation BC (MNBC) and Table 3.4-2.

3.2.3.1 Aboriginal Consultation

Section 5(1)(c) of CEAA 2012 states that the Environmental Impact Statement must assess, with respect to Aboriginal peoples, the potential changes to health and socio-economic conditions; physical and cultural heritage; current use of lands and resources for traditional purposes; and any structure, site or thing that is of historical, archaeological, paleontological, or architectural significance that may be caused by changes to the environment caused by the Project (Government of Canada, 2012).

A key objective of CEAA 2012 is to promote communication and cooperation with Aboriginal peoples, which includes First Nations, Inuit, and Métis. The proponent is expected to engage with Aboriginal Groups that may be affected by the Project as early as possible in the Project planning process. The proponent will provide Aboriginal Groups with opportunities to learn about the Project and its potential effects, make their concerns known about the Project's potential effects, and discuss measures to mitigate those effects. The proponent is strongly encouraged to work with Aboriginal Groups in establishing an engagement approach. The proponent will make reasonable efforts to integrate traditional Aboriginal knowledge into the assessment of environmental effects.

The EIS Guidelines identify Nisga'a Nation, TSKLH, and MNBC as potentially affected by the Project.

3.2.3.2 Public Consultation

The EIS Guidelines state that one of the purposes identified in CEAA 2012 is to ensure opportunities for meaningful public participation during an EA. CEAA 2012 requires that the Agency provide the public with an opportunity to participate in the EA process and an opportunity to comment on the draft EA Report prepared by the Agency. The EIS Guidelines require that the proponent share information about the Project with public, particularly the communities who are most likely to be affected by the proposed Project.

3.3 Consultation Objectives

IDM believes that consultation should be conducted in the spirit of mutual respect, integrity, and transparency. IDM aspires to develop mutually beneficial relationships with Aboriginal Groups, community members, stakeholders, and the public for the life of the Project and beyond. IDM recognizes that honest and open consultation during the EA process is an important step in establishing those relationships.

It is IDM's goal that the consultation activities conducted with Aboriginal Groups, community members, stakeholders, and the public enable interested parties to participate fully in the review process, provide feedback on the proposed Project, and identify concerns regarding the potential effects of the proposed Project on their interests.

IDM notes that the NFA broadly defines consultation as providing notice in sufficient detail and over a reasonable period to allow a party to prepare its views, allowing that party to

present its views, and conducting a full and fair consideration of the views presented. It is IDM's intent to conduct its consultation activities in accordance with this definition.

The primary objectives of IDM's consultation efforts are to:

- Determine how the proposed Project may potentially affect other parties' interests;
- Ensure that other parties (i.e., Aboriginal Groups, community members, stakeholders, and the public) are consulted regarding the potential environmental effects of the Project and potential effects on their interests;
- Address matters of concern or interest raised by Aboriginal Groups, community members, stakeholders, and the public;
- Develop, discuss, and consider, in collaboration with interested parties, measures to avoid, minimize, mitigate, or otherwise accommodate any potential adverse effects of the proposed Project on their interests; and
- Communicate how IDM will respond to issues and concerns raised by Aboriginal Groups, community members, stakeholders, and the public.

To ensure that consultation with Aboriginal Groups, community members, stakeholders, and the public is conducted in the spirit of mutual respect, integrity, and transparency, IDM commits to:

- Providing accessible and understandable Project information in sufficient detail and dialogue opportunities in a timely manner and in a suitable format;
- Allowing parties sufficient time to review Project documentation and prepare their views; and
- Considering and, wherever practicable, incorporating feedback received from or providing a rationale of why such feedback was not incorporated.

It is IDM's intention to use the consultation activities conducted with Aboriginal Groups, community members, stakeholders, and the public to build and establish meaningful relationships that facilitate dialogue regarding issues, concerns, and potential benefits, which endures beyond the EA process and throughout the life of the Project. This includes the promotion of sustainable local and regional benefits and Project-related training, employment, and contracting opportunities.

These objectives are reflected in the Project's Nisga'a Nation and Public Consultation Plans, which are available on EAO's EPIC website.

3.4 Consultation Requirements

3.4.1 Provincial Consultation Requirements

Aboriginal and public consultation requirements for the provincial EA process are set out in BCEAA and the Public Consultation Policy Regulation. The Regulation includes provisions for giving public notice, providing public access to information, establishing formal public comment periods, and engaging the public. These requirements are reflected in the Section 11 Order issued for the Project by EAO on February 10, 2016.

Table 3.4-1 summarizes IDM's Aboriginal and public consultation obligations under the Section 11 Order. Table 3.4-1 includes both EAO-led consultation efforts as well as procedural aspects of consultation that have been delegated to the proponent.

Table 3.4-1: Provincial Consultation Requirements under the Section 11 Order

Section #	Requirement Under the Section 11 Order	Proponent Action(s)
12.3.1	Within specified timelines, IDM will provide to the Project Assessment Lead an Aboriginal Consultation Plan that will guide consultation activities with Nisga'a Nation during the Pre-Application and Application Review Stages of the assessment.	IDM prepared the Nisga'a Consultation Plan to guide consultation activities with Nisga'a Nation during the Pre-Application and Application Review stages of the assessment. The Plan is available on EAO's website.
12.3.2	Prior to submitting the Aboriginal Consultation Plan to the Project Assessment Lead, the Proponent must provide the draft Plan to Nisga'a Nation and must advise the Project Assessment Lead how Nisga'a Nation were consulted and what feedback was provided when submitting the Aboriginal Consultation Plan to the Project Assessment Lead. The Project Assessment Lead will assess the Aboriginal Consultation Plan and determine whether the proposed activities are adequate. The Project Assessment Lead may order additional consultation activities within prescribed time limits.	IDM provided NLG with a draft version of the Nisga'a Consultation Plan on March 10, 2016. NLG provided comments and feedback on April 29 and May 16, 2016. IDM provided NLG and EAO with a table summarizing the feedback received and how it was incorporated into the final document. EAO accepted the Plan in May 2016.
12.3.3	The Proponent will provide copies of the Application to Nisga'a Nation for information and consultation purposes	A draft version of Chapter 27, which includes the 8(e) and 8(f) assessments required under the NFA, was provided to NLG on May 17 and 25, 2017. Further dialogue on the assessments were held in July, August, and September 2017. During the Application Review phase, IDM will ensure that copies of the Application/EIS are available to NLG representatives as well as to Nisga'a citizens.

Section #	Requirement Under the Section 11 Order	Proponent Action(s)
12.3.4	In the Application, the Proponent will identify any potential impacts on Nisga'a interests under the NFA that are raised by Nisga'a Nation and identify measures to avoid or mitigate such potential adverse effects and/or to otherwise address or accommodate the concerns of Nisga'a Nation, as appropriate.	Chapter 27 outlines the potential effects of the Project on Nisga'a Nation Treaty rights as well as the measures IDM proposes to avoid, minimize, manage, or otherwise address those potential effects.
12.3.5	As directed by the Project Assessment Lead, the Proponent will provide a response to comments received from Nisga'a Nation, to the satisfaction of and within the timeframe specified by the Project Assessment Lead.	IDM's responses to NLG's comments have been compiled in the Working Group comment-tracking table.
12.3.6	Within time limits set by the Project Assessment Lead, the Proponent will provide to the Project Assessment Lead and Nisga'a Nation, a written summary report of agreements, if any, reached with the Nisga'a Nation within the meaning of paragraphs 8(i) and 10 of Chapter 10 of the NFA.	IDM has included a written summary of agreements reached with NLG in its Aboriginal Consultation Reports.
12.3.7	The Proponent will advise the Project Assessment Lead as early as practicable if circumstances arise which, in the Proponent's view, prevent the Proponent from implementing the consultation activities with Nisga'a Nation outlined in the Aboriginal Consultation Plan, in which case the Project Assessment Lead may require the Proponent to undertake alternative or additional activities.	To date, IDM's consultation efforts with NLG have been productive and meaningful.
13.1	<p>The Proponent must provide the Project Assessment Lead with Aboriginal Consultation Reports, consistent with the approved Aboriginal Consultation Plan, at the following times:</p> <ul style="list-style-type: none"> • Within 30 days of the deadline for Nisga'a Nation and the Working Group to provide comments on the draft Application Information Requirements (dAIR); • At the time of submission of the Application; • 120 days after the commencement of the Application Review Stage; and • At any other time specified by the Project Assessment Lead. 	<p>IDM provided the first Aboriginal Consultation Report (focusing on consultation on the dAIR) to EAO in December 2016.</p> <p>The second Aboriginal Consultation Report is available in Appendix 27-A.</p> <p>IDM will submit the third Aboriginal Consultation Report during the Application Review phase, as required by the Section 11 Order.</p> <p>To date, EAO has not requested any additional reports.</p>

Section #	Requirement Under the Section 11 Order	Proponent Action(s)
13.2	The Proponent must submit its Aboriginal Consultation Reports to Nisga'a Nation for review and comment prior to submitting the reports to the Project Assessment Lead and must advise the Project Assessment Lead how Nisga'a Nation was consulted and what feedback was provided when submitting the Aboriginal Consultation Report to the Project Assessment Lead.	Draft versions of the first and second Aboriginal Consultation Reports were provided to NLG on October 3, 2016, and May 25, 2017, respectively. IDM has provided NLG and EAO with tables summarizing NLG's feedback and how it was incorporated into the final reports.
14.1	The Proponent must, within timelines established by the Project Assessment Lead, provide the Project Assessment Lead with a Public Consultation Plan.	EAO accepted and finalized IDM's Public Consultation Plan in April 2016. The Plan is available on EAO's EPIC website.
14.3	During the Pre-Application Stage of the assessment, the Project Assessment Lead will provide a public comment period of at least 30 days on the dAIR.	EAO led a public consultation period on the dAIR from October 5 to November 4, 2016.
14.4	The Project Assessment Lead may require an open house(s) to provide the public with an opportunity to review the dAIR. At the direction of the Project Assessment Lead, the Proponent may be required to attend one or more of these open houses.	EAO led an open house in Stewart during the public comment period on the dAIR on October 12, 2016. IDM was pleased to attend this open house, to provide Stewart community members with Project information, and get the opportunity to hear feedback directly from Stewart community members. In addition to the EAO-led public open house in Stewart, IDM hosted community open houses in Gitwinksihlkw and Gitlaxt'aamiks on October 13 and 19, 2016, respectively, to share Project information with Nisga'a citizens.
14.5	The Proponent must make the dAIR available at accessible public locations as specified by the Project Assessment Lead, and the Project Assessment Lead will make the dAIR on the Electronic Project Information Centre.	During the public consultation period on the dAIR (Oct 5 to Nov 4, 2016), IDM made electronic or hardcopies (depending on stated preferences) of the dAIR accessible to the public at the following locations: <ul style="list-style-type: none"> • The lobby of the King Edward Hotel in Stewart; • The Stewart Public Library; • Gingolx Village Government Office; • Nisga'a Lisims Government Office; • Gitlaxt'aamiks Village Government Office; • Gitwinksihlkw Village Government Office; and • Laxgalts'ap Village Government Office.

Section #	Requirement Under the Section 11 Order	Proponent Action(s)
14.7	The Proponent must respond to public comments received pursuant to section 14.6 of this Order, unless the Project Assessment Lead informs the Proponent that a comment: (a) is not within the scope of the assessment, or (b) contravenes Environmental Assessment Office’s Public Comment Policy.	IDM provided responses to all comments received during the public comment period on the dAIR in the Public Consultation Report dated March 2017.
15.1	During the Application Review Stage, the Project Assessment Lead will provide for a public comment period of at least 30 days on the Application.	IDM looks forward to EAO’s initiation of the public comment period on the Application during the Application Review Stage.
15.2	The Project Assessment Lead may require an open house(s) to provide the public with an opportunity to review the Application. At the direction of the Project Assessment Lead, the Proponent may be required to attend one or more open houses.	IDM looks forward to the EAO-led open house during the public comment period on the Application during the Application Review Stage. IDM also intends to host open houses in Gingolx and Laxgalts’ap during this time.
15.3	The Proponent must make the Application available at accessible public locations as specified by the Project Assessment Lead, and the Project Assessment Lead will make the Application available on the Electronic Project Information Centre.	As outlined in the Public Consultation Plan, IDM will ensure that copies of the Application are accessible for the public’s review during the Application Review public comment period.
15.5	The Proponent must respond to public comments received pursuant to section 15.4 of this Order, unless the Project Assessment Lead informs the Proponent that a comment: (a) is not within the scope of the assessment, or (b) contravenes Environmental Assessment Office’s Public Consultation Policy.	IDM looks forward to receiving and responding to public comments received during the Application Review public comment period.
16.1	The Proponent must provide the Project Assessment Lead with Public Consultation Reports, at the following times: <ul style="list-style-type: none"> • Within 30 days of the close of a public comment period; • At the time of submission of the Application; and • At any other time specified by the Project Assessment Lead. 	IDM submitted the first Public Consultation Report to EAO in March 2017. The second Public Consultation Report is available in Appendix 28-A. IDM will submit the third Public Consultation Report during the Application Review phase, as required by the Section 11 Order. To date, EAO has not requested any additional reports.

Section #	Requirement Under the Section 11 Order	Proponent Action(s)
17.1	<p>Prior to the start of any formal public comment period, the Proponent, by means acceptable to the Project Assessment Lead, must provide public notice of:</p> <ul style="list-style-type: none"> • The availability of the dAIR or Application for public review and comment and the time limits for the formal public comment period provided for in this Order; and • The date, time, and location of any open houses held. 	<p>Prior to the start of the dAIR public comment period, IDM, with approval from the EAO Project Assessment Lead, published a notice of public comment period and open house in local newspaper publications, hardcopy flyers, online postings, and social media. The notice included the availability of the dAIR for public review, the time limits for the public comment period, and the date, time, and location of the open house in Stewart.</p>
17.2	<p>The Proponent must obtain approval from the Project Assessment Lead for the content, format, and publication schedule for newspaper advertisements required under section 17.1 of this Order.</p>	<p>Prior to publishing the notice of public comment period and open house during the dAIR public comment period, the EAO Project Assessment Lead approved the content, format, and publication schedule of the notice.</p>
17.3	<p>When one or more notices of an event are to be given, then, in accordance with section 5 of the Public Consultation Policy Regulation (B.C. Reg. 373/02), the first notice must appear:</p> <ul style="list-style-type: none"> • In the case of a formal public comment period, at least seven days prior to the date on which the formal public comment period commences; or • In the case of an open house, at least seven days prior to the date on which an open house is scheduled. 	<p>The notice of public comment period and open house for the dAIR public comment period was published on September 28 and 30, 2016, which was more than seven days prior to the start of the public comment period (October 5).</p>

3.4.2 Federal Consultation Requirements

The federal consultation requirements are outlined in the EIS Guidelines issued for the Project by the Agency, dated January 27, 2016. Table 3.4-2 summarizes IDM's Aboriginal and public consultation obligations under the EIS Guidelines. Table 3.4-2 includes both consultation efforts led by the Agency as well as guidelines for engagement efforts led by the proponent.

Table 3.4-2: Federal Consultation Requirements under the EIS Guidelines

Section #	Requirement under the EIS Guidelines	Proponent Action(s)
Part 1, sec 2.2	The Agency will provide the public with an opportunity to participate in the EA and an opportunity to comment on the draft EA Report.	The Agency has made Project information available on the Canadian Environmental Assessment Registry website (http://www.ceaa-acee.gc.ca/050/details-eng.cfm?evaluation=80093) and has, to date, led two public comment periods.
Part 1, sec 2.2	The proponent is required to provide current information about the project to the public and especially to the communities likely to be most affected by the project.	IDM has proactively shared Project information with Aboriginal Groups, community members, stakeholders, and the public through open houses, meetings and discussions, the Project website (RedMountainProject.com), community newsletters, and social media.
Part 1, sec 2.3	The proponent is expected to engage with Aboriginal Groups that may be affected by the project as early as possible in the project planning process. The proponent will provide Aboriginal Groups with opportunities to learn about the project and its potential effects, make their concerns known about the project's potential effects and discuss measures to mitigate those effects. The proponent is strongly encouraged to work with Aboriginal Groups in establishing an engagement approach. The proponent will make reasonable efforts to integrate traditional Aboriginal knowledge into the assessment of environmental effects.	IDM has proactively engaged with Nisga'a Nation, TSKLH, and MNBC throughout the EA process. Details of this engagement can be found in Chapters 25 (TSKLH), 26 (MNBC), and 27 (Nisga'a Nation), as well as Appendix 27-A (Aboriginal Consultation Report #2). As Nisga'a Nation holds Treaty rights under the NFA, NLG has expressed to IDM that studies to integrate traditional Aboriginal knowledge into the Application/EIS is not appropriate. Due to the level of engagement determined by the Agency for TSKLH and MNBC, IDM has not conducted primary studies to integrate TSKLH's or MNBC's traditional Aboriginal knowledge into the Application/EIS. Traditional Aboriginal knowledge has been included in the Application/EIS where that knowledge is publicly available in relevant secondary sources.
Part 1, sec 2.3	In providing information to the Agency, the proponent will respect any confidentiality commitments made to Aboriginal Groups.	To date, the Aboriginal Groups have not made IDM aware of any sensitive or confidential information relevant to the Application/EIS.
Part 1, sec 3.3.2	The final list of VCs to be presented in the EIS will be completed according to the evolution and design of the Project and reflect the knowledge acquired on the environment through public consultation and Aboriginal engagement.	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 and dAIR. 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.

Section #	Requirement under the EIS Guidelines	Proponent Action(s)
Part 1, sec 3.3.3	The proponent is encouraged to consult with the Agency, federal and provincial government departments and agencies, local government, and Aboriginal Groups, and take into account public comments when defining the boundaries used in the EIS.	<p>NLG, the Agency, federal and provincial government departments and agencies, and local government are all active members of the Working Group and have had many opportunities to review and provide feedback on the boundaries used in the Application/EIS through the development of the dAIR.</p> <p>Aboriginal Groups and the public were provided with the opportunity to review and provide feedback on the boundaries used in the Application/EIS through the EAO-led public comment period on the dAIR.</p>
Part 1, sec 4.2	The proponent will provide Aboriginal Groups the opportunity to review and provide comments on the information used for describing and assessing effects on Aboriginal peoples prior to submitting the EIS to the Agency (further information on engaging with Aboriginal Groups is provided in Part 2, Section 5 of this document), and summarize their comments in a section of the EIS. Where there are discrepancies in the views of the proponent and Aboriginal Groups on the information to be used in the EIS, the EIS will document these discrepancies and the rationale for the proponent’s selection of information.	<p>IDM provided TSKLH, MNBC, and NLG with draft copies of Chapters 25, 26, and 27 (respectively) on May 17 (to NLG) and May 25 (to TSKLH, MNBC, and NLG), 2017. IDM also provided TSKLH and MNBC with draft versions of the assessment of Project effects on their Current Use of Lands and Resources for Traditional Purposes (CULRTP) on May 25, 2017.</p> <p>Further dialogue with NLG on Chapter 27 occurred in July, August, and September 2017.</p> <p>IDM has considered all feedback received from the Aboriginal Groups and has prepared tables summarizing the feedback received and IDM’s response.</p> <p>The Application/EIS includes a table summarizing the feedback received and IDM’s response.</p>
Part 1, sec 4.3.2	The proponent will incorporate into the EIS the community and Aboriginal traditional knowledge to which it has access or that is acquired through Aboriginal and public engagement activities, in keeping with appropriate ethical standards and obligations of confidentiality. Agreement should be obtained from Aboriginal Groups regarding the use, management and protection of their existing traditional knowledge information during and after the EA.	<p>NLG has expressed to IDM that studies to integrate traditional Aboriginal knowledge into the Application/EIS are not needed or appropriate.</p> <p>Due to the level of engagement determined by the Agency for TSKLH and MNBC, IDM has not conducted primary studies to integrate TSKLH’s or MNBC’s traditional Aboriginal knowledge into the Application/EIS.</p> <p>Traditional Aboriginal knowledge has been included in the Application/EIS where that knowledge is publicly available in relevant secondary sources.</p>

Section #	Requirement under the EIS Guidelines	Proponent Action(s)
Part 1, sec 4.4	<p>The proponent will provide copies of the EIS and its summary for distribution, including paper and electronic versions in an unlocked, bookmarked, searchable PDF format, as directed by the Agency. The proponent must confirm that all members of the working group have received a copy of the EIS prior to the document being sent to the Agency.</p>	<p>IDM will ensure that Aboriginal Groups, the Agency, and Working Group members receive copies of the Application/EIS in their preferred format (i.e., hardcopy or electronic).</p>
Part 2, sec 5	<p>For the purposes of developing the EIS, the proponent will engage with Aboriginal Groups that may be affected by the project, to obtain their views on:</p> <ul style="list-style-type: none"> • Effects of changes to the environment on Aboriginal peoples (including health and socio- economic issues; physical and cultural heritage, including any structure, site or thing that is of historical, archaeological, paleontological or architectural significance; and current use of lands and resources for traditional purposes), and • Potential adverse impacts of the project on potential or established Aboriginal or treaty rights, and related interests. 	<p>IDM provided TSKLH, MNBC, and NLG with draft copies of Chapters 25, 26, and 27 (respectively) on May 17 (to NLG) and May 25 (to TSKLH, MNBC, and NLG), 2017. IDM also provided TSKLH and MNBC with draft versions of the assessment of Project effects on their Current Use of Lands and Resources for Traditional Purposes (CULRTP) on May 25, 2017.</p> <p>Further dialogue with NLG on Chapter 27 occurred in July, August, and September 2017. IDM has considered all feedback received from the Aboriginal Groups and has prepared tables summarizing the feedback received and IDM’s response.</p> <p>The Application/EIS includes a table summarizing the feedback received and IDM’s response.</p>
Part 2, sec 5	<p>The EIS will include:</p> <ul style="list-style-type: none"> • Views expressed by Aboriginal Groups on the effectiveness of the mitigation or accommodation measures; • Views expressed by Aboriginal Groups on past, present or future Aboriginal fisheries; • Any other comments, specific issues and concerns raised by Aboriginal Groups and how they were responded to or addressed; • Changes made to the project design and implementation directly as a result of discussions with Aboriginal Groups; and • Any additional issues and concerns raised by Aboriginal Groups in relation to the environmental effects assessment or the potential adverse impacts of the project on potential or established Aboriginal or treaty rights, and related interests. 	<p>The draft documents provided to TSKLH, MNBC, and NLG include information on the proposed mitigation measures and IDM’s assessment of potential effects on Aboriginal fisheries.</p> <p>IDM has considered all feedback received from the Aboriginal Groups and has prepared tables summarizing the feedback received and IDM’s response.</p> <p>The Application/EIS includes a table summarizing the feedback received and IDM’s response.</p>

Section #	Requirement under the EIS Guidelines	Proponent Action(s)
Part 2, sec 5.1	<p>In preparing the EIS, the proponent will ensure that Aboriginal Groups have access to timely and relevant information on the project and how the project may adversely impact them. The proponent will structure its Aboriginal engagement activities to provide adequate time for Aboriginal Groups to review and comment on the relevant information. Engagement activities are to be appropriate to the groups' needs and should be arranged through discussions with the groups. The EIS will describe all efforts, successful or not, taken to solicit the information required from Aboriginal Groups to support the preparation of the EIS.</p>	<p>IDM has made relevant environmental baseline studies, including wildlife and fisheries related studies, available to NLG to support a full and common understanding between NLG and IDM of the existing environmental conditions in the Bitter Creek valley.</p> <p>IDM has followed-up with the Aboriginal Groups regarding the draft documents provided to facilitate their review within a reasonable window of time.</p> <p>IDM's consultation efforts during this process have been included in the Application/EIS.</p>
Part 2, sec 5.1	<p>The proponent will ensure that views of Aboriginal Groups are recorded and that Aboriginal Groups are provided with opportunities to validate the interpretation of their views. The proponent will keep detailed tracking records of its engagement activities, recording all interactions with Aboriginal Groups, the issues raised by each Aboriginal Group and how the proponent addressed the concerns raised. The proponent will share these records with the Agency.</p>	<p>The Application/EIS includes a summary of the feedback received from Aboriginal Groups on the draft chapters of the Application/EIS and IDM's response.</p> <p>The Application/EIS also includes a summary of IDM's consultation and engagement efforts with Aboriginal Groups in Chapters 25, 26, and 27 and in Appendix 27-A.</p>
Part 2, sec 5.1.1	<p>The proponent will hold meetings with the Nisga'a Nation and facilitate these meetings by making key EA summary documents (e.g. baseline studies, EIS, key findings, plain language summaries) accessible. The proponent will ensure there are sufficient opportunities for individuals and groups to provide oral input in the language of their choice. The proponent will ensure that the Nisga'a Nation's views are heard and recorded.</p>	<p>IDM has been proactively engaging and consulting with Nisga'a Nation since acquiring the Project in May 2014. This has included providing relevant environmental baseline study reports and draft chapters of the Application/EIS for NLG's review and comment.</p> <p>To date, no Nisga'a citizen has requested the opportunity to provide oral input in a language other than English.</p> <p>A summary of NLG's feedback and IDM's responses has been included in the Application/EIS.</p>

Section #	Requirement under the EIS Guidelines	Proponent Action(s)
Part 2, sec 5.1.1	<p>In order to assist Canada in fulfilling its obligations under the <i>Nisga'a Final Agreement</i>, the proponent will assess the adverse environmental effects on residents of Nisga'a Lands, Nisga'a Lands, or Nisga'a interests as set out in paragraph 8(e), Chapter 10 of the <i>Nisga'a Final Agreement</i> and, where appropriate, will make recommendations to prevent or mitigate those effects. For the purposes of the 8(e) assessment, effects to ecological environment, human health and treaty right to use will be included. The proponent will also assess 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 as set out in paragraph 8(f), Chapter 10 of the <i>Nisga'a Final Agreement</i>.</p>	<p>The 8(e) and 8(f) assessments are included in Chapter 27 (Nisga'a Nation).</p>
Part 2, sec 5.1.1	<p>The proponent will develop a Nisga'a Work Plan, in consultation with the Nisga'a Nation that describes how the proponent will complete the above described 8(e) and 8(f) assessments, taking into account the Economic, Social and Cultural Impact Assessment Guidelines dated November 2010. ... This work plan will be submitted to the Agency for approval with sufficient time prior to the submission of the Environmental Impact Statement to allow for the proponent to address any changes that may be requested by the Agency.</p>	<p>IDM consulted with NLG on the development of the Nisga'a Work Plan, and during that consultation NLG suggested that the dAIR should contain sufficient detail on the 8(e) and 8(f) assessments that an additional Work Plan would be unnecessary. In response to that feedback, IDM proceeded with including detail on the approach and methodology to be used for the 8(e) and 8(f) assessments in sections 12.3 and 12.4 of the dAIR. The Agency has informed IDM that it has no opposition to superceding the requirement for a Nisga'a Work Plan with the information contained in the dAIR.</p>
Part 2, sec 5.1.2	<p>There are additional Aboriginal Groups that are expected to be less affected by the project and its related effects. The proponent will make key EA summary documents (e.g. draft/final EIS, key findings, plain language summaries) accessible to these Aboriginal Groups and ensure their views are heard and recorded. These Aboriginal Groups include:</p> <ul style="list-style-type: none"> • Tsetsaut/Skii km Lax Ha; and • Métis Nation BC. 	<p>IDM provided TSKLH and MNBC with draft copies of Chapters 25 and 26, respectively, and a draft version of the assessment of Project effects on their CULRTP on May 25, 2017.</p> <p>IDM has considered all feedback received from the Aboriginal Groups and has prepared tables summarizing the feedback received and IDM's response.</p> <p>The Application/EIS includes a table summarizing the feedback received and IDM's response.</p>
Part 2, sec 6.1.8	<p>The EIS will also indicate how input from Aboriginal Groups was used in establishing the baseline conditions related to health and socio-economics, physical and cultural heritage and current use of lands and resources for traditional purposes.</p>	<p>IDM has considered all feedback received from the Aboriginal Groups and has prepared tables summarizing the feedback received and IDM's response.</p> <p>The Application/EIS includes a table summarizing the feedback received and IDM's response.</p>

3.5 Aboriginal Consultation

Chapters 25, 26, and 27 provide a summary of IDM's consultation efforts with Nisga'a Nation, TSKLH, and MNBC, including issues raised and IDM's responses. Further details are available in IDM's Aboriginal Consultation Reports, dated December 2016 and September 15, 2017.

3.6 Public Consultation

Chapter 28 provides a summary of IDM's consultation efforts with community members, stakeholders (including overlapping tenure holders), and the public, including issues raised and IDM's responses. Further details are available in IDM's Public Consultation Reports, dated March 2017 and September 15, 2017.

3.7 Government Agency Consultation

The majority of IDM's consultation with government agencies was conducted through the Working Group established and led by EAO.

As outlined in Section 4 of the Section 11 Order, EAO established a Working Group comprised of representatives from local, regional, provincial, and federal government agencies and departments (including NLG).

Section 4.2 of the Section 11 Order notes that the EAO Project Assessment Lead may form sub-committees of the Working Group to discuss specific issues in the EA. To IDM's knowledge, the EAO Project Assessment Lead did not form sub-committees of the Working Group to discuss specific issues.

In compliance with Section 4.4 of the Section 11 Order, IDM consulted with federal, provincial, and local government agencies through the Working Group.

3.7.1 Working Group Membership

The Working Group members as of September 2017 are:

- Alaska Department of Natural Resources, Ministry of Environment;
- BC Environmental Assessment Office, Ministry of Forests, Lands, and Natural Resource Operations;
- Canadian Environmental Assessment Agency, Ministry of Transportation and Infrastructure;
- Canadian Wildlife Service, Regulatory Affairs, Natural Resources Canada;

- District of Stewart, Nisga'a Lisims Government;
- Environment Canada, Northern Health;
- Fisheries and Oceans Canada, Regional District of Kitimat-Stikine;
- Health Canada, Regional Economic Operations, Economic Development Division;
- Ministry of Community, Sport, and Cultural Development, US Environmental Protection Agency, Region 10; and
- Ministry of Energy and Mines.

3.7.2 Consultation Summary

3.7.2.1 Initial Consultation

EAO and the Agency co-established the Working Group in February 2016, shortly after issuing the Section 11 Order.

The first Working Group meeting was held on March 3, 2016, in Vancouver. Prior to the meeting, and on advice from EAO, IDM representatives proactively contacted Working Group members to introduce IDM and the proposed Project. During the March 3 meeting, EAO and the Agency provided an overview of the anticipated EA processes and Working Group members were able to discuss preliminary questions regarding the Project's design. Working Group members each outlined the mandate of their respective organizations to ensure that IDM, EAO, the Agency, and other Working Group members had a common understanding of each member's interests and scope. IDM also provided a preliminary overview of environmental baseline studies conducted to date.

3.7.2.2 VC Selection and dAIR

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.

During the Working Group's review of the initial dAIR, IDM hosted a site visit of the Red Mountain Property for Working Group members on July 27 and EAO scheduled a second Working Group meeting in Terrace on July 28, 2016. At EAO's request, IDM attended the Working Group meeting and provided information on the proposed Project and the status of the effects assessment, including an update on environmental baseline studies, IDM's responses to Working Group comments received to date, IDM's proposed assessment methodology, and the final selection of valued and intermediate components.

EAO requested that the Working Group provide comments on the initial dAIR by August 12, 2016. On September 12, IDM provided responses to all Working Group comments received

and provided a revised dAIR for the Working Group's review. A second round of Working Group comments on the revised dAIR were received in October and November 2016. IDM issued a third revision of the dAIR on December 14. Further Working Group comments were received in January, February, and March 2017, which resulted in IDM's final revisions to the dAIR and the EAO's acceptance of the final AIR in March 2017. Comments from Working Group members and IDM's responses were compiled into comment-tracking tables. In compliance with Section 4.5 of the Section 11 Order, IDM provided responses to all comments received from Working Group members.

During the revisions of the dAIR, IDM held targeted, topic-focused discussions with Working Group members to ensure that IDM's responses and revisions adequately addressed Working Group members' concerns and questions.

3.7.2.3 Application/EIS

During the development of the Application/EIS, EAO facilitated meetings between IDM and key Working Group members to provide the opportunity for IDM to present information on the effects assessments results. These meetings were held in June 2017, and feedback received has been considered in the finalization of the Application/EIS.

A preliminary version of the Application/EIS was provided to Working Group members (via EAO) on July 17, 2017, and Working Group members were asked to provide screening-level feedback on the Application/EIS to ensure it met the requirements of the AIR and of the EIS Guidelines. IDM received Working Group members' feedback through EAO on August 15, 2017, and has incorporated that feedback into the final Application/EIS.

3.7.2.4 Upcoming Consultation

IDM looks forward to continuing consultation with the Working Group during the upcoming Screening/Conformity Review and Application Review phases of the EA process. IDM anticipates that this will include further discussions on the results of the effects assessments presented in the Application/EIS, a third Working Group meeting to be scheduled by EAO, opportunities to discuss the proposed mitigation measures, and discussions regarding the appropriate conditions of an Environmental Assessment Certificate, should one be issued for the Project.

3.8 References

Government of BC. (2002). *BC Environmental Assessment Act*.

Government of Canada. (2012). *Canadian Environmental Assessment Act*.

Nisga'a Lisims Government. (no date). *Nisga'a Nation*. Retrieved January 17, 2017, from www.nisgaanation.ca.

Personal Communication with M. Griffin. (2016, July 29). Meeting with Mansell Griffin. Gitlaxt'aamiks, BC.

SC 2000, c. 7: *Nisga'a Final Agreement Act*. (2000, April 13).