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Project Reference Number: 80087

Subject: **Elk Valley Métis Nation Technical Review of NWP Crown Mountain Coking Coal Project Environmental Impact Statement**

1 Introduction

The Elk Valley Métis Nation's (EVMN) wishes to submit the following comments on the Environmental Impact Statement of the Crown Mountain Coking Coal Project. This project, proposed by NWP, a subsidiary of Jameson Resources Limited and Bathurst Resources Limited, aims to develop a coking coal mine in the Elk Valley region.

The Elk Valley Métis Nation (EVMN) represents their members and provides a voice for their Indigenous way of life. The Elk Valley Métis Nation is an established Métis community who have maintained their culture and carried out their unique way of life on the lands in and around the proposed NWP Project.

NWP is proposing to build and operate the Project within the EVMN territory. The Project would produce about 2 million tonnes of coal per year which would be loaded on to rail cars and shipped to the west coast. The Project will be the latest in a series of coal mine developments in the EVMN traditional territory. The cumulative effect of development of coal mines, pipelines, hydro lines, and other industrial developments on the EVMN lands has resulted in the erosion of their ability to undertake traditional activities such as hunting, fishing, and gathering.

The Crown Mountain Coking Coal Project has the potential to create impacts that will negatively affect the traditional lands and resources EVMN members rely on to carry out traditional pursuits.

EVMN have reviewed the mitigation measures proposed in the EIS by NWP to minimize their impact and appreciate these efforts. EVMN has identified specific mitigation, management and monitoring plans proposed by NWP and how EVMN would like to be involved in each of them. EVMN has also identified additional mitigation measures to address unmitigated residual impacts on our Aboriginal rights. EVMN

members have experienced enough mine developments to know that building a mine which produces 2 million tonnes of coal per year, disturbs 850 ha of land and adds highway sized hauling trucks to back country roads, in a culturally important area, needs specific mitigations to address impacts on their Aboriginal Rights. Without the additional mitigations proposed by EVMN, the Project specific impacts will result in an overall significant negative impact on Elk Valley Métis Rights, as protected in Section 35 of the constitution. As EVMN members noted:

> *EVMN Member: That's a huge area (Project Area), it doesn't look very big on the map, but it's huge. I put a lot of hours in there (project area). That area there, that's a huge footprint for environmental. Ya know in just the load out area, the elk winter there. There's herds of 50 to 60 bulls that winter right there in that clear cut every year, religiously, and that's not even the Mine site, ya know, that's just the load out.*
>
> *EVMN Member: This (project footprint and slopes to the west) holds a lot of elk, a lot of elk, a lot of moose, goats, sheep, bears, huckleberries. That's a big impact. A lot of people come to here, as far as you can drive up here ...*

The intent of this review is to highlight the possible issues or concerns that EVMN might wish to raise with NWP or the regulators. Where appropriate, recommendations are made to address an identified issue or concern.

1.1 Indigenous Consultation and Engagement

EVMN would like to acknowledge and thank NWP for their proactive approach to engagement with Indigenous communities and the Elk Valley Metis Nation in particular. From the very early stages of the project, NWP has worked constructively with EVMN to identify, collect and integrate our traditional knowledge into their project design. NWP's support for Traditional Land Use assessments and ongoing meeting and engagement efforts show NWP recognizes and respects EVMN rights as Indigenous peoples. NWP's acknowledgement of EVMN rights aligns the Honourable Jonathan Wilkinson written confirmation to EVMN demonstrating the Federal Governments recognition of our Section 35 rights. With this submission EVMN unequivocally provides the IAAC with notice that we are holders of section 35 and inherent rights as Indigenous peoples, and we expect the IAAC to meet their fiduciary responsibilities and engage with EVMN accordingly.

Regulatory 1: EVMN unequivocally provides the IAAC with notice that we are holders of section 35 and inherent rights as Indigenous peoples, and we expect the IAAC to meet their fiduciary responsibilities and engage with EVMN accordingly.

2 EVMN Technical Review

This technical review focusses on:

- highlighting any assessment conclusions that do not represent EVMN perspective in terms of potential impacts to rights.
- Highlight potential environmental effects, cultural effects and cumulative effects that might affect EVMN ability to exercise constitutionally protected rights.
- Provide recommendations to address potential environmental, cultural and cumulative effects based on an understanding of the community's key concerns.

The comments in the review fall into 3 categories:

1. **Agreement** – A suggested activity (mitigation or monitoring) that EVMN might want to consider in its Agreement negotiations with NWP.
2. **Regulatory** – EMVN recommendation to the regulators, including information requests, regulatory requirements and approval conditions (if the Crown Mountain Coal Mine Project is ultimately approved).
3. **Response** – a deficiency or question on which EVMN recommends that a response of additional information from NWP is provided to EVMN and the regulators, prior to the application being deemed complete by the regulators.

Agreement 1: EVMN would like to work with NWP to discuss and refine the additional mitigations proposed in this report to address the remaining project residual significant impacts on EVMN.

Regulatory 2: EVMN would like to work with the Federal and Provincial regulatory bodies to discuss and refine the additional mitigations proposed in this report to address the remaining residual significant impacts on EVMN.

2.1 Air

2.1.1 Air Quality

Emissions into the air are a key concern for the EVMN Members. Air and water pollutants contribute to members concerns regarding their overall health. NWP also has the potential to affect wildlife health, aquatic health.

Dust from Coal mines, in particular, is a pollutant of concern for the EVMN members. Increased mining activities, more trucks on the roads, and more rail cars taking coal to the west coast, all contribute to the existing dust issues in the Elk Valley.

Sensory disturbances from industrial developments are a concern for EVMN. As mentioned previously, the area around the NWP Project is well used by Elk Valley Métis Nation members, as well as by non-aboriginal land users. Part of what makes this particular area so unique, is the low levels of industrial pollutants and sensory disturbances. Forestry is periodically active in the area, but the EVMN members noted that the area along Grave Creek Road and all the branch roads are great for traditional use, as they are still relatively untouched and peaceful. The NWP Project would substantively change this current situation and result in sensory disturbance. EVMN members noted that some animals will adapt to the noise but the experience of being in the area is diminished and results in yet another piece of EVMN traditional territory being impacted by industry.

EVMN citizens are concerned with the cumulative effects assessment, as it appears to have limitations in both scope and data availability, particularly regarding future projects and operations in the Atmospheric Regional Study Area (RSA). The low level of confidence assigned to the significance determination for

future cumulative effects suggests that the potential for additive or synergistic impacts with other current or foreseeable developments may not be fully understood or accounted for.

While the dispersion model predictions indicate localized elevated levels of ambient criteria air contaminants near sensitive receptors, the assessment of how these exceedances might specifically impact human health, wildlife, and vegetation at these receptors seems to be underexplored. The significance of these impacts, particularly on EVMN members requires more detailed examination.

Agreement 2: EVMN would like to be involved in the Air Quality Monitoring Plan. For example, EVMN would like to have input on the location of monitoring sites, receive annual summaries of air quality monitoring and be able to have a voice in any adaptive management process for the air quality monitoring.

EVMN has concerns about the impacts of increased noise and vibration levels on wildlife behavior, breeding, foraging, migration patterns and traditional land use. EVMN noted that two human receptors showed noise levels in exceedance of guidelines, and we are concerned with the large uncertainties in extending Human values around nuisance noise and noise impact to local wildlife. Despite the overall noise limits, certain operations or equipment (like back-up beepers and clanging pipes) can produce noise at specific frequencies. These sounds might not significantly affect the total noise level (dBA) but can still be audible and potentially annoying outside the project's boundary. As a result, NWP may be in compliance with noise regulations, but there would still be audible noises that can impact EVMN in the area.

Regulatory 3: EVMN would also like to work with the IAAC and BCEAO on a regional study of the impact of mining (including noise and vibration) on wildlife in the Elk Valley.

Agreement 3: EVMN would like to be actively engaged in the design and implementation of the Noise and Vibration Plans and monitoring Plan.

2.2 Water

For the Elk Valley Métis Nation the lakes, creeks and rivers near the Project are important. Harriet Lake, and the two smaller lakes to the north are commonly used. Fishing in Grave Creek, that parallels the proposed service corridor and site access road, is also common. There is also fishing at the mouth of the West Alexander Creek as it flows into the Alexander Creek. The creeks in the area are also closely associated with ground water and in several locations the groundwater contains sulphur, and when it comes out of the ground it forms salt-licks which the animals use. Members are familiar with several salt-licks in the Project area. EVMN members are concerned with many of the water related impacts (ground water, surface water, fish health, etc.).

> *EVMN Member: "I've been to all three of them, but Harriet Lake, I think that's the one that is the first bigger one. There used to be a frying pan hanging on a tree. You go up there till you catch a fish, almost every cast, as long as you had a Martin lure or something ... yeah."*

The effects of mining in the area on selenium levels in local waterways is a key concern for EVMN members. Members are aware that selenium leaching out of mine sites is happening. Some members work are mines which have developed saturated backfill mitigation plans, but no one has actually seen an official results of how well it is working. EVMN members have also seen reports from Environment and Climate Change Canada that says In the Elk Valley mines, waste rock piles runoff into natural waterbodies and leaches selenium, nitrate and other contaminants, resulting in concentrations of selenium and nitrate within the Elk River watershed significantly exceed water quality guidelines (ECCC Jan 2022). In addition to Selenium, members are also worried about nitrates leaching into the water. EVMN members have worked directly on these programs at existing mines, and they are familiar with the challenges a new mine faces. The Project will also change drainage patterns around the project site, with water runoff from the Mine site being stored in-pit as much as practicable.

Emissions into the water are a key concern for the Elk Valley Métis Nation. The land, lakes and rivers that the Project will impact are still viewed by community members as being relatively clean. The concern is that with increased industrial development, there will be more air and water emissions and that those emissions will negatively affect the Elk Valley Métis Nation health and the health of the animals and fish in the area.

2.2.1 Groundwater

EVMN concerns related to Groundwater are similar to those identified in other mines in the Elk Valley, specifically:

- The potential influence of mine spoil or waste rock on groundwater quality, especially concerning the possible release of selenium (Se).
- The implications of pit dewatering on groundwater quantity, encompassing the dynamics between surface water and groundwater. This includes potential decreases in groundwater levels, the halting of spring discharges, diminished creek flows, and the possibility of negative environmental consequences.
- The risk posed by the accidental discharge of chemicals at the mine which could detrimentally alter groundwater quality.
- The likelihood of residues from blasting operations affecting groundwater quality.

EVMN is concerned with the potential for bioaccumulation of contaminants in the food chain, impacting fish and wildlife, as these are traditional resources members use. While significant effects within the Grave Creek catchment are not anticipated due to the project's relatively small area, the long-term sustainability of water resources for future generations is a concern for EVMN, especially in light of the potential cumulative impacts from this and other developments in the region over time.

The potential changes in groundwater quality due to contact water runoff, seepage from mine disturbed areas,

Response 1: EVMN would like to meet with NWP and further discuss the management and discharge of sediment pond water and how it will be managed to avoid impacts on local drinking water sources.

The follow-up strategy and monitoring program proposed by NWP is important to help maintain the confidence of EMVN members harvesting resources in the area. The involvement of EVMN in the

monitoring efforts and the development of adaptive management strategies would ensure that our concerns are directly addressed and that mitigation measures are culturally appropriate and effective.

Agreement 4: EVMN would like to be engaged in the design of the Site Water Management Plan and receive regular updates on results and adaptive management steps.

2.2.2 Surface Water Quantity

The project's impact on both the Alexander and Grave Creek due to construction, operational activities, and water withdrawals could affect areas of cultural significance, traditional use, or ecological importance to the EVMN. Grave Creek, in particular, is an important waterway for EVMN. The withdrawal of water from Grave Creek for process make-up water and the construction of the Grave Creek Reservoir could lead to reduced streamflow's, affecting water availability for the EVMN's use and potentially impacting aquatic ecosystems downstream. Any potential changes to it are a key concern as alterations in streamflow characteristics could impact fish populations, aquatic habitats, and the overall ecosystem health vital for the EVMN's subsistence activities, such as fishing, hunting, and plant gathering.

Changes in surface water-groundwater interactions due to the project could affect groundwater recharge areas and, subsequently, surface water bodies that are crucial for the EVMN. The potential for reduced downgradient streamflow and the effects of treated wastewater release increasing downgradient streamflow are another key area that must be monitored. NWP states in the EIS that there will be no significant impacts, but there is moderate uncertainty associated with the prediction, and therefore EVMN want to be active participants in relevant monitoring programs.

Although transboundary effects into Alberta and the United States are deemed not to occur by the EIS, the cumulative impacts of this project with existing and foreseeable developments within the Elk River watershed could have broader implications for water resources. These cumulative impacts, especially in the context of climate change and existing pressures from mining, forestry, and hydroelectric activities are a key area of concern for EMVN and our ability to use the waterways for traditional purposes.

Regulatory 4: EVMN request that IAAC work with the community to integrate our members and their traditional knowledge into regional studies and monitoring programs (including surface water quantity) that Federal or Provincial government undertake in the Elk Valley.

2.2.3 Hydrology Assessment Methods

The use of stochastic precipitation, temperature, and solar radiation inputs to mimic historical climate introduces uncertainty in the model predictions. While this approach provides a range of possible outcomes, it may not capture extreme weather events or sudden climate shifts accurately. For EVMN who use local water resources, underestimating the impact of extreme conditions could lead to inadequate preparation and response strategies. EVMN appreciates that NWP used the climate change scenarios based on the RCP8.5 trajectory, which is a high greenhouse gas concentration trajectory, but would still like to be involved in the mitigation and monitoring programs associated with this. While the model simulates surface water quantity changes, the complexity of groundwater-surface water interactions creates uncertainty in the findings from EVMNs perspective.

Response 2: EVMN would like to better understand how NWP considered this interaction, especially when it comes to pit dewatering.

As with other sections of the review. EMVN appreciates the work NWP has done in considering impacts in the RSA, but EMVN is still very concerned about the larger basin wide cumulative impacts for surface and groundwater. EMVN request that IAAC meaningfully involve EVMN specialists into regional cumulative effects studies, monitoring and management programs (See Regulatory Request #4)

2.2.4 Surface Water Quality

In relation to surface water quality the EVMN recognizes the list of Mitigation Measures NWP will implement to reduce impacts, however we also note the assessments confidence ranking as "moderate". Given the life span of the project and reclamation work, and the potential for cumulative impacts over time, the EVMN would like to be involved in the monitoring and management plans for surface water. As discussed in the groundwater section, changes in surface water quality from surface water – groundwater interactions could have broader ecological impacts, affecting not only aquatic life but also terrestrial ecosystems and species that depend on these water sources. The EVMN are concerned about how these interactions are modeled and mitigated, particularly in areas of steep topography and complex hydrogeology. Similar to the comments in the section on Terrain, the challenging topography of the project site makes these mitigation measures more difficult from EVMN perspective.

The EIS also notes seasonal variability in the concentrations of certain parameters (cadmium, cobalt and selenium), with higher concentrations in winter. The EVMN have concerns about the project's impact on surface water quality during extreme weather events, such as heavy rainfall or rapid snowmelt, which could exacerbate runoff and pollutant loading.

The EIS includes a description of diverting clean, non-contact water away from sediment ponds and using impermeable liners to minimize seepage. EVMN has concerns regarding the long-term integrity of these ponds, their capacity to handle storm events, and the potential for overflow or failure, leading to significant water quality impacts.

Response 3: EVMN would like to have further discussion with NWP to understand how they modeled these extreme events, the integrity of the ponds and the impact on these parameters?

Agreement 5: EVMN would like to be engaged in the design and implementation of water quality monitoring plans. Our traditional knowledge and connection to the land could offer valuable insights into the effective monitoring and management of water quality impacts.

2.2.5 Fish and Fish Habitat

The information on impacts to fish and fish habitat due to the Crown Mountain Coal Mine project provides a view of the potential adverse effects and interactions across different project phases. The EVMN have concerns in a few areas such as unplanned spills, equipment malfunctions, and accidents.

NWP has proposed a good plan for management of unplanned events, such as spills and equipment malfunctions, but it does underscore the importance of emergency response plans and risk mitigation strategies and the EVMN want to be involved in those processes, especially as many of our members actively harvest around the project site.

The EIS has a detailed description of phases of project interactions revealing both direct (e.g., construction of sediment ponds within West Alexander Creek) and indirect (e.g., changes in water quantity affecting habitat availability) habitat losses. The EVMN would like additional discussion with NWP on offsetting and restoration plans and specifically to have some input on how these losses will be compensated and what measures will be taken to ensure the long-term viability of affected fish populations.

The EIS anticipates significant instream habitat loss in West Alexander Creek due to mine design and changes in water quantity. Despite the proposal for offsetting measures, EVMN have concerns about the feasibility and effectiveness of these measures to fully compensate for the loss of a critical habitat for species like the Westslope Cutthroat Trout (WCT), which holds cultural significance. EVMN is concerned about the appropriateness of offsetting to compensate for the complete removal of WCT home range in West Alexander Creek and notes the limited offsetting opportunities in the local area and the requirement for further consultation with DFO and Indigenous groups to assess feasibility. The impact on fish habitat highlights the importance for EVMN involvement in the Fish and Fish Management Plan and in working with Federal and Provincial governments to fully engage and integrate EVMN into regional aquatic monitoring programs (See Regulatory #5).

Agreement 6: EVMN would like to be engaged in the design of the Fish and Fish Management Plan and receive regular updates on results and adaptive management steps.

One of EVMN biggest concerns is the bioaccumulation of cadmium and selenium and the long-term impacts on fish health and the aquatic food web. EVMN would like to be involved in ongoing monitoring and mitigation strategies and would like additional information from NWP on how other contaminants of potential concern are being assessed and not just those considered to bioaccumulate. EMVN request that IAAC meaningfully involve EVMN into regional cumulative effects studies, monitoring and management programs related to water quality and fish habitat. EVMN would also like regular updates on NWP water quality monitoring and water treatment measures to ensure no exceedances of protective thresholds for aquatic life (See Agreement #6).

Regulatory 5: EVMN requests that a regional aquatic study be developed with the IAAC, through their funding programs implement, in the Elk Valley

EVMN members frequently note the large amount of calcite precipitation in streams downstream from existing mines (eg. Fording River) and the negative impact this has on fish and fish habitat and reduced habitat for spawning areas. The EMVN do not want to see the same problems occur downstream of Crown Mountain Project and would like additional clarity on the specific measures planned to manage calcite

loads and monitor their impacts on streambed structure and aquatic life. EVMN have also noted the increase in sediment downstream from coal mines and are concerned about the potential for increased sedimentation and Total Suspended Solids (TSS) during construction, operations, and reclamation phases. The EIS notes the need for comprehensive sediment management practices, and the EVMN would like to be informed of the sediment control measures will implement to minimize impacts on water quality and fish habitat.

Agreement 7: EVMN would like to be engaged in the design and implementation of water quality monitoring plans (including sediment management).

Agreement 8: EVMN requests support from NWP to help secure private land that has similar biodiversity (including aquatic characteristics) in another part of the Elk Valley so members can use it in place of the aquatic resources lost to the Project.

2.3 Biodiversity

Elk Valley Métis Nation members still rely on a healthy biophysical environment for their traditional harvesting practices and to maintain their Métis culture. EVMN members are concerned about a variety of biodiversity related issues, including vegetation and wildlife. EVMN have already experienced the impacts cumulative industrial activity is having on biodiversity and their ability to hunt and gather. The EVMN believe that industrial development affects wildlife and the way migratory species (ungulates and waterfowl) move across the landscape. Given the cumulative extent of industrial development in, and being planned for the area, EVMN are worried there will be fewer plants and animals to harvest and species that do adapt to the industrial development will be in different locations and have different characteristics, all of which will affect the transfer of indigenous knowledge among EVMN generations. As an example, EVMN has a particular concern for the Grave Creek Road, which will have highway sized trucks driving down it every 5 minutes, every day, all year long. Some plants and animals may adapt to living near the open mine, but the EVMN members experience is that ungulates, in particular, will be more frequently hit by haul trucks on roads.

Having a better understanding of the cumulative effects on biodiversity is important to the EVMN. The construction of the mine and associated facilities is expected to physically remove and fragment plant and animal habitat throughout the project area.

> *EVMN Member: Exactly. Now we've got ... Well, look at the mines … and now there's going to be another, yeah, you'll just connect it all one day, hey … so as soon as we lose that, then what's happening, … it's like everybody's in the same thing. It's like the (Métis) level of frustration's just rising up, hey? and another little spot gets tied up and another little thing here gets lost and it's just, well … and you don't get it back.*

2.3.1 Landscapes and Ecosystems

The EIS describes potential changes to the abundance and distribution of vital ecosystems such as avalanche chutes, grasslands, riparian habitats, old growth and mature forests, and wetlands. These areas contain important ecosystems that are crucial for biodiversity, provide habitat for wildlife, and offer essential ecosystem services.

The Grasslands, specifically around the load out area, are important to EVMN as it is an active traditional hunting area for members. The specific loss of 2.78 ha during construction and pre-production and an additional 9.67 ha during operations raises concerns about the reduction in biodiversity, ecosystem services, and the cultural values associated with these lands. As well the introduction and spread of invasive plant species due to ground disturbances, vehicle movements and rail cars, pose a substantial threat to the integrity of grassland ecosystems. EVMN have noted that invasive species drastically alter the composition and structure of these ecosystems, outcompeting native vegetation, and leading to long-term ecological changes. This not only affects the biodiversity and health of the grasslands but can also impact the traditional use of these areas by the EVMN.

As described for the grasslands, the introduction and/or spread of invasive species facilitated by project activities, along with sediment and dust deposition, have the potential to disrupt plant physiological processes. EVMN is concerned this will lead to reduced vegetation vigor, loss of vegetation cover or entire species, and increased erosion risks. Such alterations in the riparian habitats' composition and structure could severely affect the biodiversity and ecological integrity of these areas, impacting the services they provide to wildlife as well as their cultural significance to the Elk Valley Métis.

Regulatory 6: EVMN requests support from IAAC to secure access to crown land that has similar biodiversity (including grasslands) in another part of the valley so members can use it in place of the lost land from the Project.

NWP proposed mitigation measures, such as minimizing disturbance, implementing soil and water management plans, controlling invasive species, and restoration efforts during the reclamation phase, are good steps towards mitigating these impacts. However, EVMN notes the EIS lists the effectiveness of these measures as low to moderate confidence level. This uncertainty underscores the importance of adaptive management strategies and continuous monitoring to ensure the protection and restoration of riparian habitats to support biodiversity, and ecological functions that support EVMN harvesting and cultural activities.

The EIS notes the project activities, including logging, clearing, and grubbing as well as the alterations in water quantity due to water management practices, are expected to significantly impact riparian habitats. The anticipated reduction in the total area of riparian habitat, especially due to direct overlap with the project footprint and changes in water quantity that affect the soil moisture regime, could lead to a shift in the vegetation community towards species favoring drier conditions. This effect not only reduces the habitat's ecological function and biodiversity but also impacts the cultural and harvesting value of these areas for the EVMN.

Agreement 9: For protection against invasive species, EVMN would like to be engaged in the development of the plan for managing invasive species.

EVMN request that NWP provide information on plans to minimize changes in water flow and maintain natural water levels essential for healthy riparian zones. If these are already in the EIS, please direct us to that section.

Agreement 10: For all the Landscape and Ecosystems issues, EVMN would like to be involved in the development, implementation, and review of monitoring and mitigation with NWP.

2.3.2 Soil and Terrain

The EIS discusses the potential for soil compaction and erosion, especially from heavy machinery in areas with limited or no vegetative cover. This is a potential concern to EVMN as it relates to water infiltration, vegetation regrowth, and the overall landscape's ability to support traditional land use practices post-project. The EIS discusses the potential for increased metal concentrations in soil due to project activities, which is a key concern for EVMN, as there can be increased risks associated with soil contamination, including pathways to the food chain, impacts on wildlife and human health, as they have a direct relation to EVMN especially along the creek that runs north out of the project footprint and into Grave Creek. These areas are actively harvested for medicine and berries by EVMN members and we are concerned about potential increased metal concentration in these vegetative areas specifically.

Agreement 11: EVMN would like to receive regular updates, especially during the reclamation phases, and have the ability to work with NWP to make adjustments to the reclamation plan to maximize post-project traditional land use.

EVMN notes the EIS makes the distinction between productive upper soil and underlying parent material and its importance for preserving soil fertility. However, the efficiency of soil and biomass salvage, especially considering the depth and method of segregation, could impact the long-term recovery of local flora and fauna, which are integral to EVMN for cultural, medicinal, and harvesting purposes. These are some of the unique challenges that exist with the soil management given the terrain at the project site. The EIS discusses modifications to terrain and the increased risk of geohazards, including landslides and mass movement, and the potential for these to affect not just the project area but also surrounding lands and waterways that are of cultural and subsistence importance to EVMN. EVMN would like to be notified of any landslides or mass movements during the life of the project. The relocation and stockpiling of soil, along with changes in ecosystem composition and abundance, could impact cultural landscapes and the availability of medicinal plants, wildlife, and other resources vital to EMVN. EMVN would like to be actively involved in Environmental Monitoring Programs to help ensure the preservation of our traditional territory.

Agreement 12: EVMN would like to be actively involved in Environmental Monitoring Programs to help ensure the preservation of our traditional territory.

2.3.3 Vegetation

The assessment acknowledges the presence of listed and sensitive plant communities and species, including culturally significant plants. The EVMN are concerned about the protection of these plants, which hold cultural, medicinal, or traditional significance. NWP has suggested good mitigation, but EVMN notes that in in the assessment, despite mitigation measures, not all effects on vegetation Valued Components (VCs) can be restored to baseline conditions, indicating long-term impacts on vegetation diversity and ecosystem functions, these will be a long-term impact on EMVN rights.

EVMN notes the direct loss of the Gg12 (Rough fescue, bluebunch wheatgrass, yarrow, clad lichens ecological community) near the load out area. Some of these communities are actively harvested by EMVN members in that area. This loss, although quantified as small (0.21% loss within the LSA) still represents a permanent change to an actively harvested traditional medicine and highlights EVMNs concerns about the Project. No matter how conscientious NWP is with the Project design and development of mitigation measures, it is impossible to build a large-scale coal mine in the Elk Valley without directly impact EMVN rights.

The EIS outlines how site clearing, grubbing, and soil salvaging activities not only lead to the direct loss of plant communities but also to alterations in the remaining ecological communities' composition and structure. This has the potential to lead to the introduction of invasive plant species, which can further degrade the integrity of these communities. EVMN would like to be engaged on the vegetation management plans and annual reporting.

Agreement 13: EVMN would like to be engaged on the vegetation management plans and annual reporting.

As mentioned in the air section previously, EVMN knows that coal mines create dust and that dust affects them throughout the valley. The Vegetation section notes that dust generation from construction and transportation activities can affect plant vigour indicate a broader impact on plant health and ecosystem functionality, beyond just the physical loss of plant communities. This could have cascading effects on habitat value and ecosystem services provided by these plant communities. EVMN reiterate our request that IAAC work with the us to integrate EVMN and our traditional knowledge into regional studies and monitoring programs that Federal or Provincial government undertake Elk Valley.

2.3.4 Wildlife

The EVMN note that NWP has completed a comprehensive wildlife and wildlife habitat assessment for the Crown Mountain Coal Mine, and again thank NWP for the quality of the assessment they have completed. Based on the review , EVMN are very concerned with the potential loss wildlife communities within the Terrestrial Local Study Area (LSA). Hunting is such an important traditional use activity for EVMN members in the Elk Valley, it can not be overstated how any impacts on wildlife would impact our way of life.

> *EVMN Member: Well, my son will be hunting this year. He's just turned 10, so he'll be about fourth generation Metis hunting in this valley, and he'll be shooting this year to.*

EVMN Member: A lot of times, we take her (daughter) out, because when she was younger, we'd go out in the evenings because kids get to hunt in the evenings and we hunt in the mornings. We shot that elk that time, it was in the Alexander (Creek area).

The potential for habitat loss and degradation could affect key ungulates that EVMN members harvest, as well as impacting carnivores, bats, birds and amphibians. The impacts of sensory disturbances (e.g., noise, light) and disruption to wildlife movement due to increased traffic, construction activities, and the presence of new infrastructure is also a key concern. There is also the increased risk of wildlife mortality, particularly from vehicle collisions in areas identified as Mitigation Emphasis Sites (MES) that EVMN are concerned about.

In relation to Ungulates, the EIS provides a specific quantification of habitat loss for each ungulate species. EVMN are very concerned about the proportion of high-quality habitat that will be lost for each species, and the long-term effects of habitat alteration, and whether reclamation efforts can effectively restore or mitigate these losses. Based on the EIS it is not clear to EVMN that the loss of high-quality habitat will be reversed and this would have a long-term impact on EMVN ability to harvest ungulates. Noise and sensory disturbances, especially from operations, could also affect ungulates. This could alter behavior, reduce habitat effectiveness, and potentially lead to displacement or avoidance of critical areas by ungulates which EMVN members actively harvest. Similarly, the potential for the project to disrupt essential movement corridors for ungulates is a concern. Any impacts on seasonal migrations, daily movements, and the broader disruption of ungulates movement patterns, especially for species like bighorn sheep and mountain goats that have specific habitat needs for movement is a major concern to EVMN. The assessment identifies specific mortality risks associated with the project, including vehicle collisions and increased hunter access post-closure. EVMN would like to like to be engaged on the wildlife management plans, including post-operations. EVMN reiterate our request that IAAC work with the us to integrate EVMN and our traditional knowledge into regional studies and monitoring programs, including wildlife studies, that Federal or Provincial governments undertake in the Elk Valley.

Regulatory 7: EVMN would also like to work with the IAAC and BCEAO on a regional study of the impact of mining (wildlife habitat) on wildlife in the Elk Valley.

Agreement 14: EVMN requests support from NWP to help secure private land that has similar biodiversity (including grasslands, soil, vegetation and wildlife characteristics) in another part of the Elk Valley so members can use it in place of the land lost to the Project.

2.4 Social, Economic and Cultural

EVMN members are a people born out of the fur trade and therefore have always had some involvement in the wage economy. The EVMN members are actively involved for generations in the local wage economy through their work at the mines and supporting service industries. Participation in the regional economy is an important contributor to the EVMN members way of life. The Crown Mountain Project is expected to generate numerous jobs, highlighting the importance of agreements with NWP for training, employment, and addressing Indigenous rights impacts. The project's workforce needs could strain local

housing, services, and increase recreational land use, potentially affecting traditional practices. EVMN advocates for collaborative efforts with NWP and regulatory bodies to mitigate impacts on their rights and land use. NWP has been very constructive in its relationship with EVMN so far, and we anticipate this will lead to successful discussion on a long-term agreement for the Crown Mountain Coking Coal Project.

2.4.1 Economic

The EVMN are extremely interested in the economic impacts of Crown Mountain Coal Mine. The Project is expected to result in positive effects on employment, income, and training, with NWP stating that a significant portion of the workforce will be drawn from the local study area. EVMN is concerned with the assertion by NWP, that 65% of the Construction Planning, Construction, and Pre-Production labour force and 85% of the Operations labour force will be drawn from the LSA. Over the 3 years of construction, this would equate to an annual average of 213 workers (FTE) hired directly by NWP and another 68 jobs (FTE) created through indirect and induced effects. The experience of existing coal mines is that they have a difficult time finding even a few dozen new workers, it seems very unlikely to EVMN, that NWP will be able to find 213 workers for 3 years of construction from the LSA. What EVMN experiences with other mines shows, is that NWP will need to bring in the majority their workers in from outside the LSA, and those workers will need to find accommodation in the area. As there is already a very tight housing market, the addition of several hundred NWP workers looking for housing will create a significant impact on the local social environment and the EVMN members.

Agreement 15: EVMN requests the NWP add a "Housing and Accommodation Management Plan" to their project and that EVMN is a fully involved partner in its development and implementation, with the ability to provide direct input into the plan.

EVMN appreciates the inclusion of local and Indigenous employment targets, but again, the target should be set in close consultation with EVMN, to ensure EVMN shares in the economic benefits of the Project, as a component of the accommodation for impacts our Section 35 Rights and Interests by the Project.

While the Project is expected to generate substantial economic benefits through direct, indirect, and induced effects. EVMN are very interested in NWPs commitment to develop and encourage opportunities for Indigenous capacity building, direct and indirect employment. Indirect employment, though EVMN business partnerships is likely to be the most effective way to ensure that the EVMN receive economic benefits from the project. EVMN-specific funding programs or investments ensure that the economic impact of equity-seeking groups is positively focused and more closely meets the best estimates provided in the EIS.

Agreement 16: EVMN requests NWP, prior to the start of construction, to develop an EVMN-specific agreement for contracting during construction, operation and reclamation phases.

As mentioned previously, beyond economic factors, the influx of workers and changes to the local economy could impact the social fabric and cultural practices of the EVMN. EVMN want to ensure that economic development for the region does not come at the expense of cultural preservation and EVMN community cohesion.

2.4.2 Social

The description of the construction workforce in the EIS is a concern for EMVN. As EMVN experience with other industrial developments in the Elk Valley, with a similar sized workforce, is that they place a strain on a variety of services, in particular temporary accommodations. Experience from construction projects in the previous 3 years shows that closer to 75% of the workforce must be sourced from outside the LSA. The EIS makes and assumption that only 45% of the construction workforce will have to come from outside the LSA, EVMN is very concerned that the social and economic impact sections are based on this assumption. EVMN believes the influx of construction workers into the LSA will be far bigger than has been assessed by NWP. EVMN request that NWP develop a Housing and Accommodation Management Plan and that EMVN is actively involved in the ongoing management of this plan (see Agreement 10). EVMN would also like to see NWP develop a Socio-Economic Monitoring and Management Program, to ensure that social and economic impacts (positive and negative) are occurring as predicted and if they are not, that adaptive management steps are taken. EVNM wants to be fully engaged and involved in the Socio-Economic Monitoring and Management Program.

Agreement 17: EVMN requests that NWP develop a Socio-Economic Monitoring and Management Program, including a process for adaptive management. EVNM wants to be fully engaged and involved in the Socio-Economic Monitoring and Management Program.

For operations, the EIS makes the assumption that about 85% of their 329 operations staff will be sourced from the LSA. EVMN is very concerned with this assumption, as it has not been the experience of other coal mines in the Elk Valley. In fact, EVMN would estimate that only 15% of the 329 operations jobs would be filled by workers who already reside in the LSA, and that the economic and social impacts should have been calculated based on about 280 workers being sourced from outside the LSA. Given the high cost of housing, what the existing coal mines are noting is that workers would like to work at the current mines, but there is nowhere for them to live, so the current mines are indicating they are several hundred workers short. If there were a few hundred workers available to work at coals mines in the LSA they would already be hired by the current mines. EVMN request that NWP develop a Housing and Accommodation Management Plan and that EMVN is actively involved in its design and management (See Agreement 15). EVMN would also like to see NWP develop a Socio-Economic Monitoring and Management Program, to ensure that social and economic impacts (positive and negative) are occurring as predicted and if they are not, that adaptive management steps are taken (See Agreement 17).

EVMN is very concerned with the statement in the EIS that there will be adequate temporary accommodation for the expected workforce from outside the LAS. The discussion of rooms in Sparwood, is concerning, as EVMN believe it is unrealistic to assume any significant number of rooms will be available at the hotels in Sparwood during construction. The other impact which EVMN would like NWP to assess, is the impact of mine workers occupying hotel space and not leaving rooms for recreation users or other visitors. Sparwood and Elkford town councils have both raised this concern in housing meetings with EVMN over the past 2 years.

The housing discussion is also concerning to EVMN as the assessment does not show a true understanding of the housing situation in the Elk Valley. The pricing of lots and their locations are relevant factors that should have been more fully evaluated in the EIS. There is also the major issue of not enough builders in the Elk Valley as a key limiting factor in the addressing housing. The discussion of affordability of housing

in the EIS is useful but does not connect the impact of the Crown Mountain Coal Mine on this already critical situation. EVMN would highlight this section as clear indication that the Housing and Accommodation and the Socio-economic management and monitoring programs mentioned previously must be developed with full involvement of EVMN and other relevant stakeholders.

Similar to the section on housing, the sections on Infrastructure, Community Health and Well-being and Public-Safety are based on population impacts from the project which EVMN has noted do not seem realistic. The ability of NWP to draw workers who are already in the LSA is not the experience of other mines and industrial developments in the Elk Valley. Therefore, EVMN asserts that the impact assessment for all these sections would be understated.

EVMN would like to provide an update to some of the information presented on our community in the EIS (Section 18.5.3.2.5). As of January 2024, the EVMN is no longer a chartered member of the MNBC. EVMN unequivocally provides NWP and the IAAC with notice that we are holders of section 35 and inherent rights as Indigenous peoples. The Elk Valley Métis Nation is a rights-holding Nation, independent of the Métis Nation of British Columbia. EVMN unequivocally provides the IAAC with notice that we are holders of section 35 and inherent rights as Indigenous peoples, and we expect the IAAC to meet their fiduciary responsibilities and engage with EVMN accordingly (See Regulatory #1)

2.4.3 Land Use

The Project's footprint overlaps with some of the key roads and trails that EVMN members use to access the bush for traditional harvesting. Changes to access along any of these roads and trails would have a significant negative impact on our Indigenous rights to harvest and to use the area for cultural purposes. Access routes from the mine site to the load out area will see increased vehicle traffic, especially the trucks hauling the coal. These routes are actively used by EVMN members now and the project will have a significant impact on their ability to use the roads. A key concern is the potential for NWP to not follow through on their commitment to keep these access roads open to EVMN Members. The closure of any of these access roads or trails would have a very significant negative impact on EMVN aboriginal rights and result in long-term irreversible loss of our rights and way of life.

> *EVMN Member 1: We are talking access too, because as soon as they build a road like that, and I know you're not allowed to drive up anywhere there's a haul track.*
>
> *EVMN Member 2: Well, they said they're not going to use haul trucks. They're using highway trucks.*
>
> *EVMN Member 1: It doesn't matter. When was the last time any of these mines let you go up any of their roads. Once they got ahold of them and they started working on them, you don't get them back. Do you see with Line Creek, they shut the back of the park. They actually guided us through for a few years, or two years, maybe we got two years. But then they shut us out.*

Agreement 18: EVMN requests that NWP reaffirm their commitment to allow EVMN members to have access to the Grave Creek Road, throughout the life of the Crown Mountain Coking Coal Project. The commitment would be part of an access agreement between NWP and EVMN that would specify the process for access and additional mitigation if access is ever stopped.

Agreement 18: EVMN requests that NWP negotiate a long-term benefits agreement with EVMN to address impacts on our members culture and way of life.

Regulatory 7: EVMN the Federal government engage fully with EVMN to develop mitigation and off-set agreements to accommodate the impact on our Section 35 rights.

NWP will be using the Grave Creek Road to truck coal from the coal conveyor belt near and stockpile area down the Road to a load out area near the rail line. The Grave Creek Road is an essential access route into Métis hunting and harvesting areas. Any restrictions to access along that road would be a highly significant impact. Although NWP has no plans to restrict access along the Grave Creek Road, EVMN members have experience with other developments, where companies promised to keep roads open, but then closed after the project approvals, sighting safety or cost issues. EVMN are very concerned this could happen again with Grave Creek Road (See Agreement 18).

Regulatory 8: EVMN requests that the Federal and Provincial governments work with EVMN to create a Regional Indigenous Access Management Advisory Committee, to provide Indigenous communities on changes to access and to provide them a voice in the access management decisions.

2.4.4 Human and Eco Health

The potential for chemical contaminants to be released into the environment, affecting air, water, soil, and food quality, is a concern for EVMN. Even with moderate to high confidence levels in the assessments, EVMN are worried about the long-term exposure risks and cumulative impacts on health, especially considering traditional lifestyles and subsistence practices. EVMN would like to work with NWP on a community-based health monitoring program for community members who use the lands around the Project.

The EIS states no significant cumulative health effects, EVMN is concerned about the broader impacts of not just this project but also other developments in the area. The EVMN would like to work with the Federal Government on a regional Indigenous Land Users Health Study.

Even though the EIS predict no significant health impacts, EVMN members do not have confidence in these statements, as they have experienced over the years, that projects will often make statements like this when the apply for approvals, even thought impacts are definitely felt by the Metis members. The regional health studies with the federal government would help address these concerns.

Beyond the health assessment, EVMN are concerned about how changes in the environment will affect the Metis social fabric and cultural practices of our members. This includes potential impacts on cultural use areas, community health and cohesion, and the transmission of traditional knowledge. The cultural impacts of the Project would be mitigated within the long-term benefits agreement with NWP.

2.5 Monitoring and Management Plans

EVMN is familiar with other mine developments and understands that adjustments to major project designs occur, but we want a voice in how those changes are considered and to have our input meaningfully considered prior to a final decision on changes are made by NWP.

Regulatory 9: EVMN requests that IAAC commit to notify EVMN of any requested changes by NWP to the Crown Mountain Coking Coal Project, and that prior to those changes being approved by the Crown that EVMN has a voice in how those changes are considered and have our input meaningfully considered prior to a final decision on changes are made.

EVMN would like to have a voice in the environmental monitoring and management plans listed below.

Full involvement and direct input

- Access Management Plan
- Traffic Control Plan
- Indigenous Engagement and Reporting Plan
- Indigenous Impact Management Plan
- Noise and Vibration Management Plan
- ** Housing and Accommodation Management Plan*
- ** Socio-Economic Monitoring and Management Program*

Receive information and have a voice in the Plans

- Air Quality,
- Fish and Fish Management,
- Site Water Management Plan;
- Vegetation and Ecosystem management,
- Wildlife management
- Health and Safety

Receive updates and provide feedback, as needed

- Ecological Restoration Plan;
- Erosion and Sediment Control Plan;
- Landform Design and Reclamation Management Plan;
- Soil Management Plan;
- Spill Prevention, Control, and Countermeasures Plan;
- Waste Management Plan;
- Mine Emergency Response Plan
- Health and Safety Management Plan
- Communication and Reporting
- Community Relations and Communications Plan;
- Compliance Reporting Plan;

As an alternative to having multiple agreements with EVMN for different monitoring and management programs, EVMN would be willing to have discussions with NWP and IAAC on the establishment of a EVMN Community Based Monitoring Program. The monitoring programs listed throughout this document could be combined into program that ensures EVMN's meaningful involvement. These programs would focus on issues of concern to the EVMN that are identified in this review. In addition to the programs mentioned in the previous sections, the community would like to establish a process where issues or concerns can be identified by the Métis community and then NWP and EVMN can work through a process to see if a community-based approach to monitoring would be a viable way to identify changes that affect Métis traditional land use.

We look forward to dialogue and actions regarding our concerns, agreements, regulatory and responses listed in this document.

Yours sincerely,

Jean Sulzer, President, Elk Valley Métis Nation