



TL'AZT'EN NATION

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PRE-ENGAGEMENT RECORD SUBMISSION

Re: Proposed Baptiste Nickel Project – FPX Nickel Corp.

Submitted without prejudice to:

Impact Assessment Agency of Canada (IAAC)

BC Environmental Assessment Office (EAO)

Date: March 9 2026

1. Purpose of this Submission

This Pre-Engagement Record is submitted by Tl'azt'en Nation in advance of any acceptance, validation, or advancement of an Initial Project Description (IPD) for the proposed Baptiste (Ts'elk'un) Project.

The purpose of this submission is to:

1. Assert Tl'azt'en Nation's jurisdictional position that this project is in core exclusive Tl'azt'en Nation territory
2. Identify procedural fairness concerns.
3. Establish high-impact questions requiring written responses from IAAC and EAO prior to further process advancement.
4. Addressing Federal Jurisdiction over Environmental Assessment process and environmental concerns of Tl'azt'en Nation surrounding project footprint.
5. Addressing the direct Fisheries and hydrological concerns of the project
6. Ensure that any environmental assessment (EA) framework reflects Tl'azt'en's inherent rights, Aboriginal title, governance systems, and Free, Prior and Informed Consent (FPIC) requirements.

This document forms part of Tl'azt'en Nations initial comments

2. Context and Jurisdictional Foundation

(a) Tl'azt'en Title and Jurisdiction

The proposed Baptiste (Ts'elk'un) Project is located entirely within Tl'azt'en Nation's core and exclusively held territory. This territory has been historically and continues to be used by Tl'azt'enne. Countless traditional placenames of lakes waterways, historic trails, cabins are clear evidence of Tl'azt'enne presence and occupation in the area for millenia.

Tl'azt'en Nation has formally affirmed:

- Inherent Aboriginal rights and title over its lands, waters, forests, and minerals.
- Collective ownership and jurisdiction grounded in pre-contact governance systems.

- The October 4, 2024 Proclamation as Tl'azt'en customary law guiding engagement with Crown governments and industry.
- A single-table decision-making model representing Tl'azt'enne and Keyoh systems collectively.
- That Free, Prior and Informed Consent (FPIC) is required for exploration, assessment, and mine development activities in Ts'elk'un.

Tl'azt'en Nation has not provided consent for mineral exploration or mine development in Ts'elk'un.

(b) Environmental Assessment Readiness

Tl'azt'en Nation has clearly communicated that it is not ready to enter an environmental assessment process at this time due to:

- Capacity limitations relative to the scale of the proposed project.
- The magnitude of technical, hydrological, engineering, and tailings risks.
- Insufficient financial resources for independent review.
- The need to align any assessment with Tl'azt'en law and governance systems.

Advancement of an IPD or EA process under these conditions is wholly opposed by Tl'azt'en Nation and identifies serious concerns regarding procedural fairness.

(c) Scale and Long-Term Impacts

The proposed mine includes:

- Open pit mining processing 59 million tonnes of ore per year
- Ore processing facilities.
- A tailings storage facility of extraordinary scale that could reach as high as 90m
- Long-term water management obligations extending beyond the operational life of the project.

This is not a minor exploration proposal. It is a generational, landscape-altering industrial development. It is one of the 10 largest mining facilities in the world, and one of the largest Nickel deposits in North America. The proposed tailings dam, with a potential 90m (270ft) tailings dam wall alone is cause for concern for any of the water species in the area in vicinity.

Any assessment process must reflect this reality.

3. High-Impact Pre-Engagement Questions Requiring Written Response



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Tl'azt'en Nation respectfully requests written responses to the following questions prior to further advancement of the project within the federal or provincial assessment systems.

A. Jurisdiction and Rights Recognition

1. How will IAAC and EAO formally recognize Tl'azt'en Nation as the sole Aboriginal rights and title holder in the defined project footprint and core territory?
2. What mechanisms will be put in place to ensure that participation in an EA process does not prejudice Tl'azt'en's asserted Aboriginal title or jurisdiction?
3. How will UNDRIP commitments be operationalized where a project is located entirely within one Nation's core territory?
4. Will IAAC and EAO formally acknowledge Tl'azt'en's October 4, 2024 Proclamation as part of the assessment record?
5. What safeguards exist to prevent reliance on parallel or alternative tables as a basis for decision-making in respect of Tl'azt'en core lands?

B. Consent and Decision-Making Authority

6. If Tl'azt'en Nation withholds consent at any stage, how will IAAC and EAO treat that decision within their statutory frameworks?
7. Does either agency consider FPIC determinative where a project is wholly within a single Nation's core territory? If not, what is the legal and policy basis?
8. What process ensures that an EA does not proceed as a procedural formality following IPD submission?
9. Will IAAC and EAO confirm that no permits, authorizations, or approvals will be issued without demonstrable engagement respecting Tl'azt'en's consent position?

C. Timing and Procedural Fairness

10. What authority exists under the Impact Assessment Act or BC Environmental Assessment Act (2018) to pause or delay IPD acceptance where a Nation has formally stated it is not ready to enter assessment?
11. What constitutes procedural fairness where timelines are set unilaterally by a proponent?
12. How will agencies adjust timelines to reflect:
 - The scale of tailings infrastructure,
 - Long-term water management risks,
 - Cultural and salmon reliance concerns?
13. What assurance can be provided that early filing of an IPD will not prejudice future decision-making options?

D. Funding and Capacity

14. What statutory or policy mechanisms allow IAAC and EAO to require proponent-funded independent review capacity?
15. What criteria do agencies use to determine adequate funding levels for Nations reviewing multi-decade, high-risk mine proposals?
16. How will agencies ensure Tl'azt'en Nation is not required to bear disproportionate financial burdens to assess a proponent-driven project?
17. Are agencies prepared to delay advancement until sufficient technical capacity is demonstrably established?

E. Indigenous-Led or Co-Managed Assessment Pathways

18. What precedent exists for Indigenous-led or co-managed environmental assessments under federal or BC legislation?
19. What formal legal pathway exists for recognition of a Tl'azt'en-led assessment as:
 - Primary,
 - Co-determinative,
 - Or incorporated into statutory decision-making?
20. Would IAAC and EAO recognize Tl'azt'en laws, governance processes, and assessment findings as substantive components of final decisions?
21. Are agencies prepared to enter into a government-to-government process design discussion prior to IPD acceptance?

4. Environmental Concerns

1. Impacts to Fish Habitat and Navigable Waters

The project is fully located within the Stuart-Takla Watershed, which are the headwaters of Early and Late Stuart Sockeye.

These waters support:

- Salmon Migration routes – Early and Late Stuart Sockeye, Chinook.
- Resident Fish populations – Nechako White Sturgeon, Rainbow trout, Lake Trout, whitefish, Kokanee
- Important Cultural and Subsistence Fisheries for Tl'azt'en Nation as well as nations all along the Fraser River

Potential Risks include:

- Tailings facility Seepage or Failure – with the disaster of Mt. Polley Tailings Dam failure still fresh in our memory, the failure of this tailings dam would be disastrous to Sockeye and resident populations of fish.



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- Increased sedimentation into Fisheries Sensitive Watersheds – hydrology reports from the Fisheries sensitive Watershed designation show that the watersheds (Sidney and Paula) are highly sensitive to increased sedimentation and habitat loss from industrial activity in all reaches of the watershed and would be detrimental to the spawning beds below.

Cumulative Effects

- This project fails to adequately address the cumulative impacts, of Tl'azt'en Nation Territory. These impacts are associated with a long history of Forestry operations in the region. Along with these, there are many other mining exploration projects located within our territory, these contribute to and expansion in road networks, and mining footprint of the associated projects.
- This project only contributes to the Cumulative Environmental Effects in the Territory, and also at a regional level. Nothing in this IPD acknowledges how to properly assess the Cumulative effects nor does it address how to approach mitigating the problem.
- This project can increase the risk to water quality and quantity for not only the Fish and Wildlife in the area, but to Tl'azt'en Nation as a whole. The size of the tailings pond has potential for water based disaster and dry stacking the tailings should be seriously considered, should this project move forward.

Sockeye Status

- The Early Stuart Sockeye run is one of the longest freshwater migrations of any Pacific Salmon stock. Early Stuart have been federally designated as endangered by the Committee on the Status of Endangered Wildlife. The Early Stuart are currently in a "Red" status under the Wild Salmon Policy, and currently under review for the listing as endangered under the Species at Risk Act (SARA). All of these designations, or potential to be designated highlight the sensitivity and vulnerability of these stocks to disturbances in the spawning habitat and should be considered as a high priority in terms of protection under these Federal legislations.

Indigenous Importance of Sockeye to Tl'azt'en and other Dakelh Nations

- Early and Late Stuart Sockeye are of vital importance to Tl'azt'en Nation as a source of healthy sustenance for our communities. In a time when our communities face a high rate of unemployment and increased cost of living, utilizing our traditional foods has never been more vital to help growing healthy families.
- We as Tl'azt'enne has protected Section 35 rights under the Constitution act, and any activity that threatens salmon habitat would have direct impacts on these rights.

- Under the Barricades Treaty of 1911 Tl'azt'en has protected fishing rights which ensures access to these fish stocks for our community fishery.

Air quality concerns

- **Particulate Matter (Dust):** Generated by drilling, blasting, crushing, and transporting materials, this is the primary air quality issue, often containing toxic metals like arsenic and lead.
- **Toxic Gaseous Emissions:** Blasting and processing activities release Nitrogen Oxides, Sulfur Dioxide, and Carbon Monoxide (CO).
- **Diesel Particulate Matter (DPM):** Exhaust from heavy machinery and vehicles, which causes respiratory and cardiovascular issues.

These potential impacts may result in serious harm to fish and fish habitat, which in turn would trigger a federal response under the Fisheries Act and other various Federal Acts. These also protect our aboriginal rights to fish, Furthermore, our aboriginal rights come second only to conservation.

2. Federally Regulated Acts to consider

- Fisheries Act
Potential destruction of fish habitat and water quality and hydrological impacts
- Impact Assessment Act – Major Resource Project
Given the scale of the proposed mining operation, this falls within the federal assessment criteria where significant environmental effects are possible
- Species at Risk Act (SARA)
This project is in close proximity to many SARA listed species (Caribou, Whitebark Pine) including the Nechako White Sturgeon, which has federally protected critical habitat south of this project.
- Navigable Waters Act
This project has the potential to impact navigable waters in the Stuart Trembleur watershed, which is under federal jurisdiction through Transport Canada.
- Migratory Birds Act
The Baptiste area has been identified as core feed and migration corridor for many federally protected bird species including the trumpeter swan

Due to the significant impacts to fish habitat watersheds, climate and indigenous rights, the Baptiste Nickel project warrants a federally led joint impact assessment with the Impact Assessment Agency taking the lead. A substitution agreement will not adequately address any



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of the indigenous rights nor the federally regulated species and habitats within the project footprint.

5. Process Integrity and Risk Considerations

Tl'azt'en Nation is seeking clarity—not confrontation.

However, advancement of an environmental assessment without:

- Clear jurisdictional recognition,
- Defined consent treatment,
- Adequate funding and capacity,
- Agreement on procedural safeguards,

risks:

- Procedural unfairness,
- Reputational harm to regulatory bodies,
- Escalation into formal legal challenge,
- Erosion of public trust in assessment systems.

Early clarity avoids future conflict.

5. Requested Next Steps

Tl'azt'en Nation requires:

1. Written responses to the above questions prior to IPD validation or advancement.
2. Confirmation of whether agencies have discretion to delay accepting the IPD.
3. Recognition that Tl'azt'en Nation is a government body and will be addressed as such.
4. A government-to-government meeting to discuss assessment design before process triggers occur.
5. Written clarification of how FPIC will be treated in this specific project context.
6. Acknowledgement this project is in core exclusive Tl'azt'en Nation Territory
7. Tl'azt'en Nation has displayed continuing and exclusive Aboriginal title interests in this project area.
8. Written clarification that a substitution agreement with BC is not in the best interest of this project.

6. Closing Statement

Tl'azt'en Nation remains committed to structured, lawful, and principled engagement.

This submission is intended to:

- Clarify expectations.
- Protect procedural integrity.
- Ensure alignment with constitutional obligations and UNDRIP commitments.
- Establish a transparent record of Tl'azt'en's position prior to regulatory advancement.

The proposed project represents one of the largest mineral deposits of its kind in North America. Decisions taken at the pre-engagement stage will shape the integrity of the entire process. Tl'azt'en Nation is not opposed to development, as long as it is sustainable and done according to Tl'azt'en Nation cultural and environmental values.

We request timely written response.

Respectfully submitted,

On behalf of Tl'azt'en Nation Council and Keyoh Holders