

**IN THE MATTER OF THE ENVIRONMENTAL ASSESSMENT ACT S.B.C. 2002, c.43  
(ACT)  
AND  
AN ENVIRONMENTAL ASSESSMENT OF THE  
HVC 2040 PROJECT  
ORDER UNDER SECTION 11**

**WHEREAS:**

- A. Teck Highland Valley Copper Partnership (Proponent) proposes to develop the HVC 2040 project (proposed Project) near Logan Lake, B.C.
- B. The proposed Project would be in the traditional territories of Indigenous Nations, as identified by those Nations;
- C. The proposed Project constitutes a reviewable project, pursuant to Part 3 Section 8(1) of the Reviewable Projects Regulation (B.C. Reg. 370/02), as the proposed Project's area of disturbance exceeds 750 hectares of land not previously permitted for disturbance and the proposed Project's production capacity exceeds 75,000 tonnes per year of mineral ore;
- D. The proposed Project may have the potential to adversely affect Indigenous Nations or the rights recognized and affirmed by section 35 of the *Constitution Act*, 1982;
- E. The Executive Director has delegated to the undersigned, certain powers and functions under the Act, including the power to issue Orders under Section 11 of the Act; and
- F. On September 6, 2019, the Environmental Assessment Office issued an Order under Section 10(1)(c) of the Act, stating that the proposed Project requires an environmental assessment certificate and that the Proponent may not proceed with the proposed Project without an assessment.

**NOW THEREFORE:**

Pursuant to Section 11 of the Act, I order that the environmental assessment of the proposed Project be conducted according to the scope, procedures and methods set out in Schedule A to this Order.



---

Andrew Green  
Project Assessment Director

Dated November 21, 2019

Enclosures: Schedule A  
Schedule B  
Schedule C

**SCHEDULE A TO ORDER UNDER SECTION 11 OF THE BC ENVIRONMENTAL  
ASSESSMENT ACT, 2002**

**SCOPE, PROCEDURES AND METHODS FOR THE ENVIRONMENTAL  
ASSESSMENT OF THE PROPOSED HVC 2040 PROJECT**

**Contents**

**PART A – GENERAL PROVISIONS**

1. DEFINITIONS

**PART B – SCOPE OF THE PROPOSED PROJECT**

2. ON-SITE AND OFF-SITE COMPONENTS

**PART C – SCOPE OF THE ASSESSMENT**

3. SCOPE OF THE ASSESSMENT

**PART D – THE WORKING GROUP AND AGENCY CONSULTATION**

4. THE WORKING GROUP

**PART E – ASSESSMENT PROCEDURES – PRE-APPLICATION STAGE**

5. VALUED COMPONENTS
6. APPLICATION INFORMATION REQUIREMENTS
7. PREPARING AND SUBMITTING THE APPLICATION
8. APPLICATION EVALUATION
9. APPLYING FOR CONCURRENT PERMITTING

**PART F – ASSESSMENT PROCEDURES – APPLICATION REVIEW STAGE**

10. PREPARING THE ASSESSMENT REPORT
11. MINISTERIAL REFERRAL AND DECISION

**PART G – CONSULTATION WITH INDIGENOUS NATIONS**

12. CONSULTATION WITH INDIGENOUS NATIONS
13. PROPONENT REPORTING

**PART H – PUBLIC CONSULTATION**

14. PRE-APPLICATION STAGE
15. APPLICATION REVIEW STAGE
16. PROPONENT REPORTING
17. PUBLIC NOTIFICATION OF PUBLIC COMMENT PERIODS

**PART I – PROVIDING ADDITIONAL INFORMATION**

18. ADDITIONAL INFORMATION

## **PART A – GENERAL PROVISIONS**

---

### **1. DEFINITIONS**

“**Aboriginal Interests**” means asserted or determined aboriginal rights, including title, and treaty rights as recognized and affirmed under Section 35 of the *Constitution Act, 1982*.

“**Act**” has the same meaning as on page 1 of the Order.

“**Application**” means an application by the Proponent for an environmental assessment certificate for the proposed Project, made under Section 16 of the Act.

“**Application Information Requirements**” means the information that must be included in an Application, pursuant to Sections 11(2) and 16(2) of the Act and section [6](#) of this Schedule.

“**Application Review Stage**” means that part of the environmental assessment that occurs after an Application has been accepted for review.

“**Assessment Report**” means the report, as defined in Section 1 of the Act, and referred to in section [10](#) of this Schedule.

“**Citxw Nlaka’pamux Assembly**” is an Indigenous entity that represents Ashcroft Indian Band, Boston Bar First Nation, Coldwater Indian Band, Cook’s Ferry Indian Band, Nicomen Indian Band, Nooaitch Indian Band, Shackan Indian Band and Siska Indian Band, in agreements with the Proponent and with the Province of British Columbia.

“**Cumulative Effects**” means the residual effects of the proposed Project that have the potential to interact with the effects of other past, present or reasonably foreseeable projects or activities.

“**Environmental Assessment Certificate**” means an environmental assessment certificate issued under Section 17 of the Act.

“**Environmental Assessment Office**” means the office continued under Section 2 of the Act.

“**Executive Director**” has the same meaning as executive director in Section 1 of the Act.

“**Electronic Project Information Centre**” means the project information centre continued under Section 25 of the Act and operated as a website maintained by the Environmental Assessment Office.

“**Indigenous Engagement and Collaboration Plan**” means a plan developed by the Proponent in consultation with Indigenous Nations, and determined to be adequate by the Project Assessment Lead, which outlines how the Proponent will undertake procedural aspects of consultation with Indigenous Nations on behalf of the Crown during the environmental assessment.

**“Indigenous Engagement and Collaboration Report”** means a report about the activities specified in the Indigenous Engagement and Collaboration Plan, meeting the requirements of section 13 of this Schedule.

**“Indigenous Nation”** means an Indigenous entity identified in Schedule B or C of this Order.

**“Ministers”** has the same meaning as Ministers in Section 1 of the Act.

**“Nlaka’pamux Nation Tribal Council”** is an Indigenous entity that represents Boothroyd Indian Band, Boston Bar First Nation, Lytton First Nation, Oregon Jack Creek Band, Skuppah Indian Band and Spuzzum First Nation.

**“Order”** means this Order, which is issued under Section 11 of the Act, including all schedules.

**“Pre-Application Stage”** means that part of the environmental assessment that occurs after an Order under Section 10 of the Act has been issued and before an Application has been accepted for review.

**“Project Assessment Lead”** means an employee of the Environmental Assessment Office who has been delegated certain authorities to conduct the environmental assessment of the proposed Project by the Executive Director under the Act.

**“Proponent”** has the same meaning as on page 1 of the Order.

**“Proposed Project”** has the same meaning as on page 1 of the Order.

**“Public Consultation Plan”** means a plan which outlines how the Proponent will undertake consultation with the public during the environmental assessment, meeting the requirements of Part H of this Schedule.

**“Public Consultation Report”** means a report required under section 16 of this Schedule.

**“Valued Components”** means specific environmental, economic, social, heritage, cultural or health attributes that may be potentially impacted by the proposed Project and that will be assessed during the environmental assessment.

**“Working Group”** means a technical advisory group established under section 4 of this Schedule.

## **PART B – SCOPE OF THE PROPOSED PROJECT**

---

### **2. ON-SITE AND OFF-SITE COMPONENTS**

**2.1** The location of the proposed Project is shown on Figure 1.

**2.2** Pursuant to Section 11(2)(a) of the Act, the main on-site and off-site facilities, components and activities of the proposed Project are:

**2.2.1** Extension of existing Highmont and Valley open pits;

- 2.2.2** Changes to existing processing facilities to increase average production rate to approximately 175,000 tonnes per day;
  - 2.2.3** The following facilities, components and activities, where associated with the facilities, components and activities in Section 2.2.1 or 2.2.2 of this Schedule:
    - a) Extension of existing waste rock dumps;
    - b) Increased tailings storage and capacity at the existing Highland Tailings Storage Facility;
    - c) Upgrades to existing Highmont and Valley pit infrastructure;
    - d) Upgrades to existing water and tailings infrastructure;
    - e) Increased average mine and mill production; and
    - f) Increased annual average volume of water use;
  - 2.2.4** New and upgraded power supply from the Nicola Substation to the Highland Valley Copper Mine;
  - 2.2.5** Any facility, component or activity of the Bethlehem Extension Project, as approved by the May 27, 2019 *Mines Act* Permit M-11 amendment, that is necessary to the proposed Project;
  - 2.2.6** Potential relocation and use of a portion of Highway 97C and proximate BC Hydro power infrastructure, north of the Highland Tailings Storage Facility; and
  - 2.2.7** Operation of facilities, components and activities of the existing Highland Valley Copper Mine during the period of operation of the facilities, components and activities in Sections 2.2.1 through 2.2.3 of this Schedule.
- 2.3** Exploration activities or activities required to prepare the Application are not part of the reviewable project for the purposes of the assessment.

## **PART C – SCOPE OF THE ASSESSMENT**

---

### **3. SCOPE OF THE ASSESSMENT**

- 3.1** Pursuant to Section 11(2)(b) of the Act, the scope of the assessment for the proposed Project will include consideration of:
  - 3.1.1** potential positive and negative direct and indirect environmental, economic, social, heritage, cultural and health effects of the proposed Project, including adverse Cumulative Effects, and practicable means to avoid, minimize or otherwise address potential negative or adverse effects; and
  - 3.1.2** potential adverse effects of the proposed Project on all Indigenous Nations and their Aboriginal Interests, and, to the extent appropriate, ways to avoid, minimize or otherwise address such potential effects. Such consideration

will include available Indigenous Knowledge and Indigenous methods, as defined by the relevant Indigenous Nation.

## **PART D – THE WORKING GROUP AND AGENCY CONSULTATION**

---

### **4. THE WORKING GROUP**

- 4.1** The Environmental Assessment Office will establish a Working Group comprised of Indigenous Nations identified in Schedule B of this Order and government agencies identified by the Project Assessment Lead. The Working Group will focus on the scope of the proposed Project and assessment and will provide input as requested by the Project Assessment Lead on aspects of the environmental assessment, including:
- 4.1.1** the information required for the environmental assessment, including the collection and analysis of data and Indigenous Knowledge;
  - 4.1.2** Valued Components proposal(s);
  - 4.1.3** draft Application Information Requirements;
  - 4.1.4** whether an Application contains the information required by the Application Information Requirements;
  - 4.1.5** the information, assessments and conclusions in an Application;
  - 4.1.6** potential effects of the proposed Project;
  - 4.1.7** potential practicable means to avoid, minimize or otherwise address potential negative or adverse effects, including means which may be included in Environmental Assessment Certificate conditions;
  - 4.1.8** potential effects on all Indigenous Nations and their Aboriginal Interests, and ways to avoid, minimize or otherwise address such potential effects; and
  - 4.1.9** the draft Assessment Report, draft certified project description and proposed conditions of an Environmental Assessment Certificate.
- 4.2** The Project Assessment Lead may form sub-committees of the Working Group to discuss specific issues in the environmental assessment.
- 4.3** When required by the Project Assessment Lead, the Proponent must participate in meetings of the Working Group or any sub-committees.
- 4.4** The Proponent must consult with Indigenous, federal, provincial and local government agencies, including through the Working Group, as required by the Project Assessment Lead.
- 4.5** The Proponent must prepare and submit to the Project Assessment Lead and Working Group members, within any set time limits, responses to comments received from any Working Group member.

## **PART E – ASSESSMENT PROCEDURES – PRE-APPLICATION STAGE**

---

### **5. VALUED COMPONENTS**

- 5.1** Within a timeframe established by the Project Assessment Lead, the Proponent must prepare a proposal that sets out the Valued Components it proposes to be considered in the preparation of the draft Application Information Requirements, having regard to the requirement to assess the potential of the proposed Project to result in positive and negative direct and indirect environmental, economic, social, heritage, cultural and health effects, and to result in potential effects on all Indigenous Nations and their Aboriginal Interests.
- 5.2** The Proponent must submit the draft Valued Components proposal to the Project Assessment Lead, who will make it available to the Working Group, all Indigenous Nations and the public, for review and comment.
- 5.3** The Project Assessment Lead will review the draft Valued Components proposal and the Proponent must amend the draft Valued Components proposal as requested by the Project Assessment Lead. This may include incorporation of any comments from the Working Group, Indigenous Nations or the public that the Project Assessment Lead determines are relevant.
- 5.4** The Project Assessment Lead will seek consensus on the Valued Components, with Indigenous Nations identified in Schedule B of this Order, in accordance with Section [12.1](#) of this Schedule.
- 5.5** The Valued Components and the methods for how the effects on Valued Components will be defined and assessed must be included in the draft Application Information Requirements prepared pursuant to Section [6](#) of this Schedule.

### **6. APPLICATION INFORMATION REQUIREMENTS**

- 6.1** In accordance with this Order and any additional guidance provided by the Project Assessment Lead, the Proponent must prepare draft Application Information Requirements.
- 6.2** The Proponent must submit the draft Application Information Requirements to the Project Assessment Lead, who will make them available to the Working Group and all Indigenous Nations, for review and comment.
- 6.3** The Proponent must respond to comments received from Indigenous Nations and Working Group members in the form specified by, and to the satisfaction of, the Project Assessment Lead.
- 6.4** The Proponent must prepare and submit a revised draft Application Information Requirements, as required by the Project Assessment Lead.
- 6.5** The Project Assessment Lead will seek consensus on the Application Information Requirements, including Indigenous Knowledge requirements,



with Indigenous Nations identified in Schedule B of this Order, in accordance with Section [12.1](#) of this Schedule.

- 6.6** Upon approval of the revised draft Application Information Requirements, the Project Assessment Lead will issue the final Application Information Requirements to the Proponent.

## **7. PREPARING AND SUBMITTING THE APPLICATION**

- 7.1** The Proponent must prepare an Application in accordance with the final Application Information Requirements and must submit it to the Project Assessment Lead for evaluation and decision on whether to accept the Application for review.
- 7.2** Prior to submitting an Application to the Project Assessment Lead under Section [7.1](#) or [8.2](#) of this Schedule, the Proponent must ensure that copies of the Application in the required formats have been delivered to the members of the Working Group and Indigenous Nations identified in Schedule B of this Order, as specified by the Project Assessment Lead.

## **8. APPLICATION EVALUATION**

- 8.1** The Project Assessment Lead, with input from the Working Group and seeking consensus with Indigenous Nations identified in Schedule B of this Order in accordance with Section [12.1](#) of this Schedule, will evaluate and decide whether an Application contains the information required by the Application Information Requirements.
- 8.2** If, in the opinion of the Project Assessment Lead, the Application does not include the information required by the Application Information Requirements, the Project Assessment Lead will identify the deficiencies in writing to the Proponent and the Proponent may revise the Application to address the deficiencies and submit a revised Application.
- 8.3** If the Application is accepted for review, the Project Assessment Lead will advise the Proponent, and the Proponent must supply any additional paper or electronic copies of the Application specified by the Project Assessment Lead.

## **9. APPLYING FOR CONCURRENT PERMITTING**

- 9.1** The Proponent, if applying for concurrent review of one or more applications for approval under other enactments, pursuant to Section 4 of the Concurrent Approval Regulation (B.C. Reg. 371/2002), must submit the request to the Project Assessment Lead within 30 days after the Project Assessment Lead issues the final Application Information Requirements to the Proponent.

## **PART F – ASSESSMENT PROCEDURES – APPLICATION REVIEW STAGE**

---

### **10. PREPARING THE ASSESSMENT REPORT**

- 10.1** The Project Assessment Lead will prepare an Assessment Report, taking into consideration the Proponent's Application and any additional information and input provided by the Working Group, Indigenous Nations and the public.
- 10.2** The Project Assessment Lead will provide members of the Working Group, all Indigenous Nations, the public and the Proponent an opportunity to comment, within timelines established by the Project Assessment Lead, on a draft Assessment Report, draft certified project description and proposed conditions of an Environmental Assessment Certificate.
- 10.3** In accordance with Section [12.1](#) of this Schedule and within established timelines, the Project Assessment Lead will seek consensus with Indigenous Nations identified in Schedule B of this Order, on the draft Assessment Report, draft certified project description and proposed conditions of an Environmental Assessment Certificate.

### **11. MINISTERIAL REFERRAL AND DECISION**

- 11.1** The Project Assessment Lead will advise the Proponent, Indigenous Nations, the Working Group and the public of the date that the final Assessment Report is referred to the Ministers.
- 11.2** Prior to referral, the Project Assessment Lead will request from Indigenous Nations identified in Schedule B of this Order, any decisions by Indigenous Nation governing authorities in regard to approval or rejection of the proposed Project. Any such decisions will be conveyed to the Ministers with the referral package.
- 11.3** At the time of referral, the Project Assessment Lead will, in coordination with other regulatory authorities, produce a list of issues to be further addressed in permitting.
- 11.4** The Project Assessment Lead will seek consensus on the list of issues to be further addressed in permitting, with Indigenous Nations identified in Schedule B of this Order, in accordance with Section [12.1](#) of this Schedule.
- 11.5** The Environmental Assessment Office will make the final Assessment Report available to the public after a decision has been made by the Ministers under Section 17(3)(c) of the Act.
- 11.6** In accordance with Section 17(4) of the Act, the Project Assessment Lead will deliver to the Proponent the decision of the Ministers and the Environmental Assessment Certificate, if granted. The Project Assessment Lead will inform all Indigenous Nations and members of the Working Group of the Ministers' decision.

## **PART G – CONSULTATION WITH INDIGENOUS NATIONS**

---

### **12. CONSULTATION WITH INDIGENOUS NATIONS**

**12.1** Following the issuance of this Order, the Environmental Assessment Office will undertake the following consultation activities with Indigenous Nations identified in Schedule B of this Order:

- 12.1.1** the Environmental Assessment Office will seek to develop a collaboration plan with the Lower Nicola Indian Band that sets out the process by which the Environmental Assessment Office and the Lower Nicola Indian Band would work together during the environmental assessment of the proposed Project, including with respect to information sharing, timing, consultation and consensus-seeking;
- 12.1.2** the Environmental Assessment Office will seek to develop a collaboration plan with the Citxw Nlaka’pamux Assembly. The collaboration plan would set out the process by which the Environmental Assessment Office and the Citxw Nlaka’pamux Assembly would work together during the environmental assessment and the “Citxw Nlaka’pamux Assembly Environmental Assessment Strategy” for the proposed Project, including with respect to information sharing, timing, consultation and consensus-seeking;
- 12.1.3** the Environmental Assessment Office acknowledges that the Nlaka’pamux Nation Tribal Council will conduct an Indigenous-led approval process for the proposed Project. The Environmental Assessment Office will seek to develop a communications agreement with the Nlaka’pamux Nation Tribal Council, to set out how the Environmental Assessment Office and the Nlaka’pamux Nation Tribal Council would communicate and share information between the environmental assessment and the Nlaka’pamux Nation Tribal Council approval process. The communications agreement would establish mechanisms to share information to reduce duplication in the respective processes and to coordinate assessment requirements and timelines where possible;
- 12.1.4** the Environmental Assessment Office will seek to develop a collaboration workplan with the Kanaka Bar Indian Band. The workplan would set out the process by which the Environmental Assessment Office and the Kanaka Bar Indian Band would work together during the environmental assessment of the proposed Project, including with respect to information sharing, timing, consultation and consensus-seeking; and
- 12.1.5** the Environmental Assessment Office will seek to reach a Memorandum of Understanding and workplan with the Stk’emlúpsenc te Secwepemc Nation. The Memorandum of Understanding and workplan would set out the process by which the Environmental Assessment Office and the Stk’emlúpsenc te Secwepemc Nation would work together during the environmental assessment and any Stk’emlúpsenc te Secwepemc Nation

review of the proposed Project, including with respect to information sharing, timing of the assessment and review, consultation and consensus-seeking.

**12.2** If the Environmental Assessment Office becomes aware of an Indigenous review process for the proposed Project, the Environmental Assessment Office will communicate with the relevant Indigenous Nation with respect to the potential coordination of the environmental assessment and the Indigenous review process, and to understand any decisions by the Indigenous Nation governing authorities in regard to approval or rejection of the proposed Project.

**12.3** Following the issuance of this Order, in addition to the consultation activities in Sections [12.1](#) and [12.2](#) of this Schedule, the Environmental Assessment Office will provide the following opportunities to all Indigenous Nations:

**12.3.1** share information with the Indigenous Nation at the following Project milestones, so that the Indigenous Nation can be informed of the progress of the environmental assessment and have the opportunity to raise any issues to the Environmental Assessment Office for discussion:

**12.3.1.1** issuance of any order under the Act;

**12.3.1.2** commencement of any public comment period;

**12.3.1.3** approval of the Valued Components proposal;

**12.3.1.4** approval of the final Application Information Requirements;

**12.3.1.5** acceptance of an Application and commencement of its review;

**12.3.1.6** referral of the final Assessment Report to the Ministers; and

**12.3.1.7** decision on the Application;

**12.3.2** Provide the Indigenous Nation the opportunity to comment on:

**12.3.1.1** draft Valued Components proposal;

**12.3.1.2** draft Application Information Requirements;

**12.3.1.3** Application; and

**12.3.1.4** draft Assessment Report, draft certified project description and proposed conditions of an Environmental Assessment Certificate;

**12.3.2** at the request of an Indigenous Nation, meet to discuss how the proposed Project may affect the Indigenous Nation or its Aboriginal Interests, and to the extent appropriate, ways to avoid, minimize or otherwise address potential effects;

**12.4** Consultation with Lower Similkameen Indian Band, Okanagan Indian Band, Penticton Indian Band, Upper Nicola Band and Okanagan Nation Alliance is expected to focus on the potential effects of the proposed Project new and upgraded power supply on the Indigenous Nation or its Aboriginal Interests.

**12.5** The Environmental Assessment Office will implement additional measures for consultation and accommodation with any Indigenous Nation, where appropriate.

**12.6** The Proponent will conduct the following activities:

**12.6.1** within specified timelines, provide to the Project Assessment Lead an Indigenous Engagement and Collaboration Plan that will guide engagement and collaboration activities with all Indigenous Nations during the Pre-Application and Application Review Stages of the assessment;

**12.6.2** prior to submitting the Indigenous Engagement and Collaboration Plan to the Project Assessment Lead, the Proponent must provide the draft Plan to all Indigenous Nations. When submitting the Indigenous Engagement and Collaboration Plan to the Project Assessment Lead, the Proponent must advise the Project Assessment Lead how Indigenous Nations were consulted about the Indigenous Engagement and Collaboration Plan and what feedback they provided;

**12.6.3** the Project Assessment Lead will assess the Indigenous Engagement and Collaboration Plan and determine whether the proposed activities are adequate. The Project Assessment Lead may order additional activities and deadlines;

**12.6.4** in the Application, identify potential effects of the proposed Project on all Indigenous Nations and any concerns raised by any Indigenous Nation, and identify ways to avoid, minimize or otherwise address potential effects and concerns raised, as appropriate;

**12.6.5** as directed by the Project Assessment Lead, provide a response to comments received from any Indigenous Nation, to the satisfaction of and within the timeframe specified by the Project Assessment Lead; and

**12.6.6** implement additional measures for consultation and accommodation of any Indigenous Nation and revise the Indigenous Engagement and Collaboration Plan, where required by the Project Assessment Lead.

**12.7** The Project Assessment Lead may, at any time, notify the Proponent that one or more Indigenous entity will be added to Schedule B or C of this Order, and in doing so may identify any modifications to any of the procedures and obligations contained in this Order, having regard to the status of existing procedures and obligations at the time the additions are made.

### **13. PROPONENT REPORTING**

**13.1** The Proponent must provide the Project Assessment Lead and all Indigenous Nations with Indigenous Engagement and Collaboration Reports, consistent with the approved Indigenous Engagement and Collaboration Plan, at the following times:

- 13.1.1** 60 days after the deadline for Working Group comments on the Application Information Requirements;
  - 13.1.2** at the time of submission of an Application;
  - 13.1.3** 100 days after the commencement of the Application Review stage; and
  - 13.1.4** at any other time specified by the Project Assessment Lead.
- 13.2** The Proponent must submit the relevant portion of each draft Indigenous Engagement and Collaboration Report to each Indigenous Nation for review and comment prior to submitting the report to the Project Assessment Lead. When submitting an Indigenous Engagement and Collaboration Report to the Project Assessment Lead the Proponent must advise the Project Assessment Lead how such Indigenous Nations were consulted about the Indigenous Engagement and Collaboration Report and what feedback they provided.
- 13.3** Indigenous Engagement and Collaboration Reports must:
- 13.3.1** summarize the efforts undertaken by the Proponent to consult with Indigenous Nations in accordance with the approved Indigenous Engagement and Collaboration Plan, and also summarize the efforts undertaken by the Proponent to consult with any other Indigenous entities, if directed to do so by the Project Assessment Lead;
  - 13.3.2** identify the feedback and information received during engagement and collaboration;
  - 13.3.3** identify the potential effects of the proposed Project on Indigenous Nations and identify any concerns raised by any Indigenous Nation;
  - 13.3.4** identify how the potential effects of the proposed Project on Indigenous Nations, and any concerns raised by any Indigenous Nation will be avoided, minimized or otherwise addressed, as appropriate;
  - 13.3.5** identify any feedback from Indigenous Nations regarding their views on the adequacy of the contents of the Indigenous Engagement and Collaboration Report; and
  - 13.3.6** outline next steps or future engagement and collaboration activities, other than those outlined in the approved Indigenous Engagement and Collaboration Plan.

## **PART H – PUBLIC CONSULTATION**

---

### **14. PRE-APPLICATION STAGE**

- 14.1** The Proponent must, within timelines established by the Project Assessment Lead, provide the Project Assessment Lead a Public Consultation Plan.
- 14.2** The Project Assessment Lead will assess the Public Consultation Plan and determine if the proposed activities are adequate. The Project Assessment

Lead may order that additional consultation activities be undertaken within time limits set by the Project Assessment Lead.

- 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 Valued Components proposal referred to in Section [5](#) of this Schedule.
- 14.4** The Project Assessment Lead may require one or more open house(s) to provide the public with an opportunity to review the Valued Components proposal.
- 14.5** On the direction of the Project Assessment Lead, the Proponent may be required to attend an open house(s).
- 14.6** The Proponent must make the Valued Components proposal available at accessible public locations as specified by the Project Assessment Lead, and the Project Assessment Lead will make the Valued Components proposal available on the Electronic Project Information Centre.
- 14.7** During a public comment period, the public may comment on the Valued Components proposal by providing comments through the Environmental Assessment Office's website.
- 14.8** The Proponent must respond to all public comments received pursuant to Section [14.7](#) of this Schedule, except comments that the Project Assessment Lead informs the Proponent:
  - (a) are not within the scope of the assessment, or
  - (b) contravene the Environmental Assessment Office's Public Comment Policy.
- 14.9** The Environmental Assessment Office will post all public comments received pursuant to Section [14.7](#) of this Schedule to the Electronic Project Information Centre within seven days of being received, except comments within the conditions referred to in Section [14.8\(a\)](#) or [14.8\(b\)](#) of this Schedule.

## **15. APPLICATION REVIEW STAGE**

- 15.1** During the Application Review Stage, the Project Assessment Lead will provide for a public comment period of at least 45 days on the Application.
- 15.2** The Project Assessment Lead may require one or more 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 an open house(s).
- 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.
- 15.4** During a public comment period, the public may comment on the Application by providing comments through the Environmental Assessment Office's website.

- 15.5** The Proponent must respond to all public comments received pursuant to Section [15.4](#) of this Schedule, except comments that the Project Assessment Lead informs the Proponent:
- (a) are not within the scope of the assessment, or
  - (b) contravene the Environmental Assessment Office's Public Comment Policy.
- 15.6** The Environmental Assessment Office will post all public comments received pursuant to Section [15.4](#) of this Schedule to the Electronic Project Information Centre within seven days of being received, except comments within the conditions referred to in Section [15.5\(a\)](#) or [15.5\(b\)](#) of this Schedule.
- 15.7** The Project Assessment Lead will post a draft Assessment Report and draft certified project description and proposed conditions of an Environmental Assessment Certificate to the Electronic Project Information Centre for a public comment period of at least 30 days.
- 15.8** The Project Assessment Lead may revise the Assessment Report, draft certified project description, or proposed conditions of an Environmental Assessment Certificate, and/or direct the Proponent to provide a response, as a result of public comments received pursuant to Section [15.7](#) of this Schedule.

## **16. PROPONENT REPORTING**

- 16.1** The Proponent must provide the Project Assessment Lead with Public Consultation Reports, at the following times:
- 16.1.1** 60 days after the close of a public comment period;
  - 16.1.2** submission of an Application; and
  - 16.1.3** any other time specified by the Project Assessment Lead.
- 16.2** The Public Consultation Reports must include:
- 16.2.1** a description of the results of the activities outlined in the Public Consultation Plan;
  - 16.2.2** a summary of consultations with the public that the Proponent has already carried out in relation to the proposed Project;
  - 16.2.3** information, comments, concerns, and questions received from the public within the scope of the environmental assessment, and how the concerns were addressed; and
  - 16.2.4** proposed next steps for public consultation activities.
- 16.3** The Project Assessment Lead may require the Proponent to undertake additional public consultation activities within a time limit set by the Project Assessment Lead.



## **17. PUBLIC NOTIFICATION OF PUBLIC COMMENT PERIODS**

- 17.1** Prior to the start of any formal public comment period, other than a public comment period on the draft Assessment Report, the Proponent, by means acceptable to the Project Assessment Lead, must provide public notice of:
- 17.1.1** the availability for public review and comment, of either the Valued Components proposal or an Application, and the time limits for the formal public comment period; and
  - 17.1.2** the date, time and location of any open houses held.
- 17.2** The Proponent must obtain approval from the Project Assessment Lead for the content, format and publication schedule for advertisements required under Section [17.1](#) of this Schedule.
- 17.3** In the case of a Public Comment period on the draft Assessment Report, the project Assessment Lead will coordinate public notice of:
- 17.3.1** the availability for public review and comment of the draft Assessment Report and the time limits for the formal public comment period; and
  - 17.3.2** the date, time and location of any open houses.
- 17.4** When one or more notices of an open house or public meeting 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 by the earlier of:
- (a) seven days before the start of a formal public comment period; or
  - (b) seven days before the date on which an open house or public meeting is scheduled.
- 17.5** The Environmental Assessment Office will make information and records listed in Section 6 of the Public Consultation Policy Regulation (B.C. Reg. 373/02), that pertain to the assessment of the proposed Project, available to the public through the Electronic Project Information Centre.

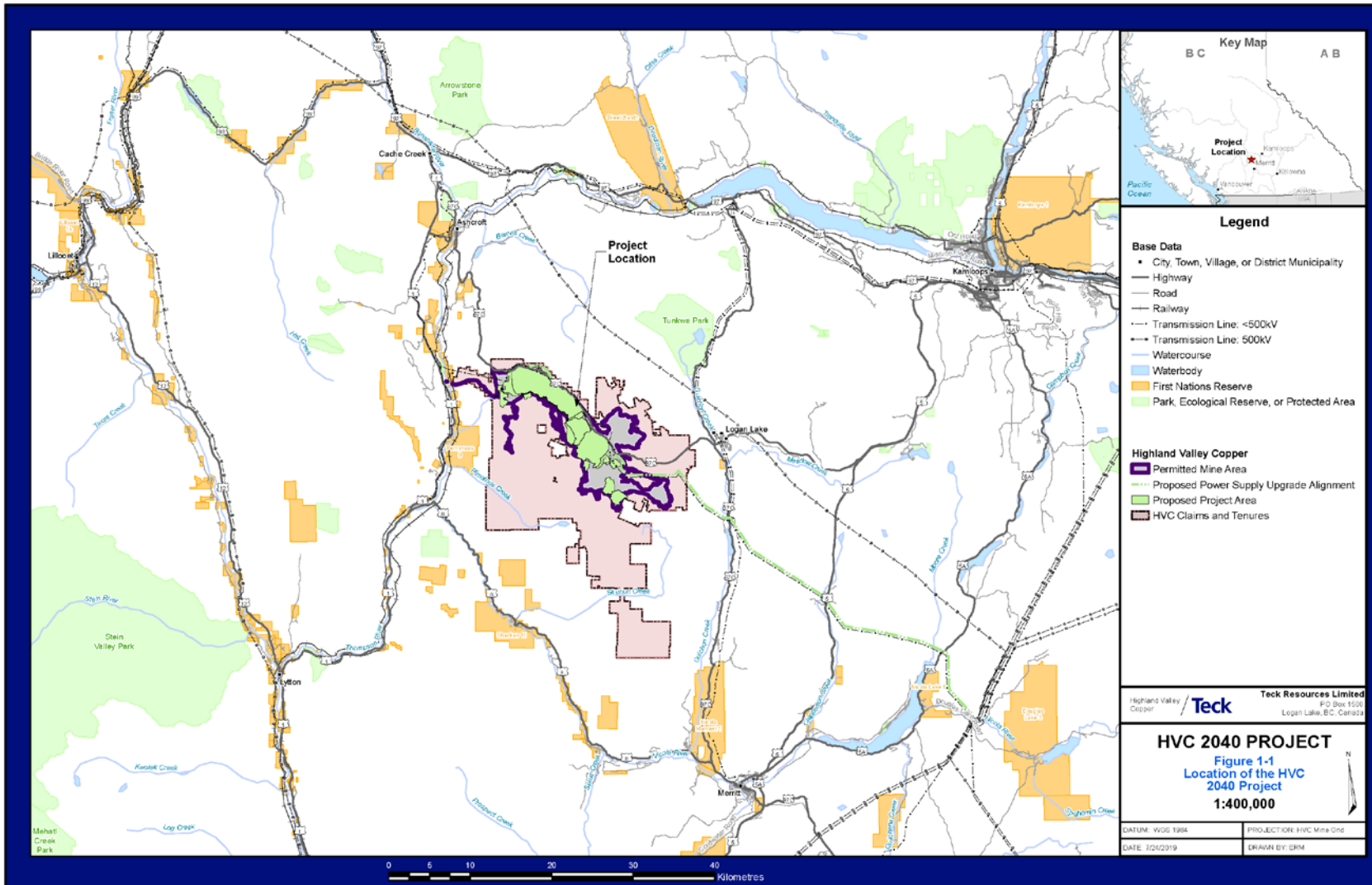
## **PART I – PROVIDING ADDITIONAL INFORMATION**

---

### **18. ADDITIONAL INFORMATION**

- 18.1** Without limiting any of the requirements in this Order, the Proponent must, at the request of the Project Assessment Lead, provide the Project Assessment Lead with any information or address any issues that the Project Assessment Lead considers necessary in order to complete the environmental assessment of the proposed Project.

Figure 1. Location Map



**SCHEDULE B TO ORDER UNDER SECTION 11 OF THE BC ENVIRONMENTAL  
ASSESSMENT ACT, 2002**

Nlaka'pamux, including:

Lower Nicola Indian Band

Ashcroft Indian Band, Boston Bar First Nation, Coldwater Indian Band, Cook's  
Ferry Indian Band, Nicomen Indian Band, Nooaitch Indian Band, Shackan Indian  
Band, Siska Indian Band  
(represented by Citxw Nlaka'pamux Assembly)

Boothroyd Indian Band, Boston Bar First Nation, Lytton First Nation, Oregon Jack  
Creek Band, Skuppah Indian Band, Spuzzum First Nation  
(represented by Nlaka'pamux Nation Tribal Council)

Kanaka Bar Indian Band

Stk'emlupsemc te Secwepemc Nation consisting of Tk'emlúps te Secwépemc and  
Skeetchestn Indian Band

**SCHEDULE C TO ORDER UNDER SECTION 11 OF THE BC ENVIRONMENTAL  
ASSESSMENT ACT, 2002**

Syilx, including:

Lower Similkameen Indian Band, Okanagan Indian Band, Penticton Indian Band  
and Upper Nicola Band  
(Okanagan Nation Alliance)

Bonaparte Indian Band