

The EAO's Assessment of an Application for Certificate Amendment Amendment #6 – Early Works Amendment

WOLVERINE COAL PROJECT

REQUESTED BY:

CONUMA COAL RESOURCES LTD

May 6, 2020

Pursuant to Section 32 of the Environmental Assessment Act, S.B.C. 2018, c.51

ACRONYMS AND ABBREVIATIONS

Application	Application to amend the Environmental Assessment Certificate
BC	British Columbia
Certificate	Environmental Assessment Certificate
CMMP	Caribou Mitigation and Monitoring Plan
CPD	Certified Project Description of the Environmental Assessment Certificate
EAO	Environmental Assessment Office
EMPR	Ministry of Energy, Mines and Petroleum Resources
ENV	Ministry of Environment and Climate Change Strategy
FLNRORD	Ministry of Forests, Lands, Natural Resource Operations and Rural Development
FNITR	First Nations Independent Technical Review, consisting of Sauleau First Nations and West Moberly First Nations
ha	hectare
HRFN	Halfway River First Nation
IEM	Independent Environmental Monitor
Indigenous Nations	Halfway River First Nation, McLeod Lake Indian Band, Sauleau First Nations, West Moberly First Nations
Km	kilometre
m	metre
MLIB	McLeod Lake Indian Band
Mtpa	Million tonnes per annum
Partnership Agreement	Intergovernmental Partnership Agreement For The Conservation Of The Central Group Of The Southern Mountain Caribou
QP	Qualified Professional
SFN	Sauleau First Nations
TAC	Technical Advisory Committee
VC	Valued Component

WMFN

West Moberly First Nations

EAO'S ASSESSMENT OF AN APPLICATION FOR CERTIFICATE AMENDMENT

WOLVERINE COAL PROJECT

1.0 OVERVIEW OF PROPOSED AMENDMENT

On April 9, 2020, Conuma Coal Resources Ltd. (Conuma) applied to amend Environmental Assessment Certificate (Certificate) #M04-01 for the Wolverine Coal Mine (Wolverine), located approximately 25 kilometres (km) west of Tumbler Ridge, British Columbia. This Amendment is referred to as the 'Early Works Amendment'.

The Wolverine Certificate authorizes the construction, operation, closure, and reclamation of the Perry Creek and East Bullmoose pits; coal processing, storage and load-out facilities; maintenance facilities; a tailings pond and waste dumps; a coal dryer; an explosives magazine; modifications to the Perry Creek Road and the Wolverine Forest Service Road; and a power line.

The Wolverine Certificate was issued on January 13, 2005 and since that time there have been five amendments issued by the Environmental Assessment Office (EAO) (see Table 1).

Conuma also applied for an amendment called the Wolverine-Hermann Amendment on October 29, 2018, which is still under review. The Wolverine-Hermann Amendment proposes to add a third pit and ancillary infrastructure at Conuma's Hermann property, use the existing coal haul route to transfer coal between the Hermann property and the existing Wolverine site, and process Hermann coal at the Wolverine coal processing plant (see Table 1 and [Section 2.0](#) for further detail).

The Hermann property was previously the site of the Hermann Mine Project, a standalone project that was issued Environmental Assessment Certificate #M08-01 on November 24, 2008. In the summer of 2018, Conuma indicated to the EAO that it would seek alternate options for development of their Hermann property, as they would not meet substantial start requirements for the Hermann Mine Project by November 24, 2018. On December 20, 2018, the EAO determined that the Hermann Mine Project was not substantially started and Environmental Assessment Certificate #M08-01 expired.

Table 1: Amendments to Certificate #M04-01 Issued or Underway by the EAO

#	Date Issued	Description
1	April 11, 2006	Increased production capacity from 1.6 to 2.4 million tonnes per annum (Mtpa)
2	May 30, 2007	Transferred ownership of the Certificate
3	February 1, 2010	Amended Condition 1 regarding project modification and reflected a corporate name change of the Certificate Holder
4	November 9, 2012	Updated language regarding consent for transfer of Certificate, to add "Certificate Holder" as a defined term, and to update the Certificate Holder
5	December 13, 2016	Issued to reflect the new Certificate Holder as Conuma Coal Resources Limited
7	<i>Underway (Amendment Application submitted October 29, 2018)</i>	Known as the Wolverine-Hermann Amendment; proposes to incorporate a third pit (Hermann), ancillary infrastructure, coal hauling, and processing of Hermann coal at the Wolverine processing plant

Conuma has requested this amendment (the Early Works Amendment) to the Certificate to perform 'early works' at Conuma's undeveloped Hermann property (see Figure 1). The Early Works Amendment involves site preparation activities in the footprint of water management infrastructure proposed as part of the Hermann-Wolverine Amendment. These site preparation activities would include vegetation clearing; grubbing; soil and overburden salvage and storage; and erosion and sedimentation control measures within the footprint of the proposed Wolverine-Hermann Amendment.

Conuma requested the Early Works Amendment to complete early works in order to efficiently sequence future construction activities in the event that the Wolverine-Hermann Amendment is approved. Conuma also noted that conducting this work early in the seasonal timing window of migratory birds would limit the potential for nesting to occur in the proposed work area and help mitigate potential impacts to migratory birds.

This Early Works Amendment Application requests a total of 34.6 hectares (ha) of disturbance. Of this disturbed area, 24.4 ha of land that has been previously cleared by forestry companies (shown in black hatching on Figure 1). For this amendment, 10.2 ha would require tree clearing and 34.6 ha would require grubbing and stripping. There is an existing forest service road network that will be used to undertake the early works and no additional road construction or modification is proposed.

Conuma noted that no proposed early works activities would occur within 20 metres (m) of watercourses and wetlands, or at an appropriate distance as determined by a Qualified Professional (QP), in order to mitigate effects on aquatic resources. Conuma further noted they would comply with all requirements to avoid trees with migratory bird nests and undertake additional precautionary measures to avoid or mitigate potential effects to birds and other wildlife (as described in [Section 3.3.3](#)).

In addition to Environmental Assessment (EA) approval, the proposed activities of the Early Works Amendment would require other provincial authorizations under the *Mines Act*, the *Forest Act*, and the *Land Act* (see Table 2).

Table 2. Provincial Authorizations Required for Early Works Amendment

#	Statute	Authorization or Permit	Agency	Facility or Infrastructure	Activities
1	<i>Mines Act</i>	Amendment of <i>Mines Act</i> Permit C-223	Ministry of Energy, Mines and Petroleum Resources (EMPR)		Authority for the amended Project which includes grubbing, soil stripping and soil and overburden stockpiling at the Hermann property.
2	<i>Forest Act</i>	Occupant License to Cut (OLTC)	Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD)	OLTCs for site clearing	Timber harvesting associated with site clearing for construction.
3	<i>Land Act</i>	License of Occupation (LOO)	FLNRORD	One LOO for Peace River Coal tenures	Application for mining activities on current Peace River Coal tenures

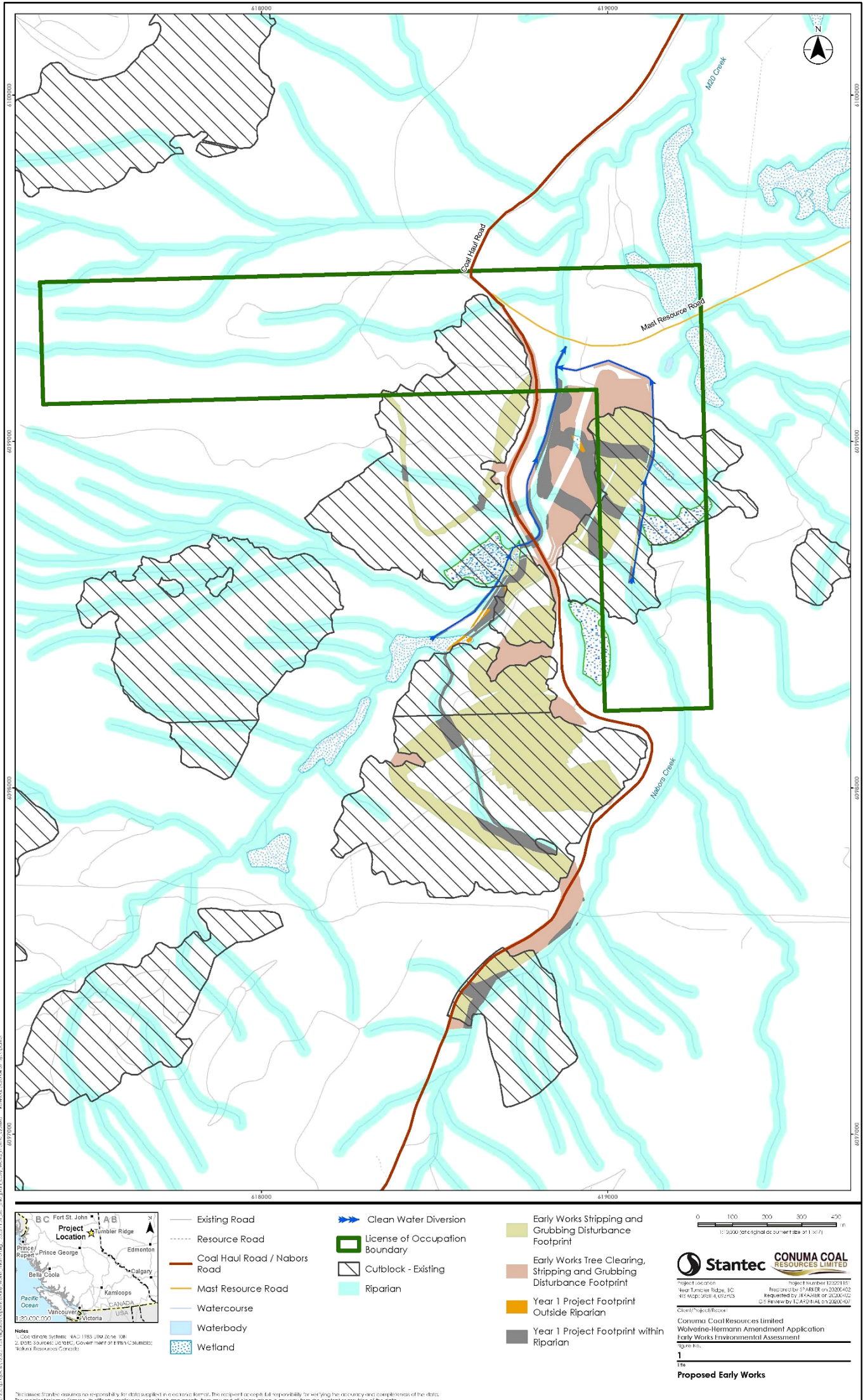


Figure 1. Footprint & Activities of Proposed Early Works Amendment

2.0 AMENDMENT REVIEW PROCESS

On April 9, 2020, Conuma submitted an Application for the Early Works Amendment, which was accepted by the EAO on April 17, 2020 under the *Environmental Assessment Act*, 2018 (the Act). In considering the scope of changes proposed in the Early Works Amendment Application, the EAO categorized the amendment as a “typical amendment”, because:

- It would result in a material but limited change to the Wolverine Coal Project, with approximately 70% of the early works occurring on land that has already been cleared of trees;
- The proposed disturbance would fall outside of the Wolverine project footprint and has the potential to result in adverse effects; and
- The proposed change has the potential to affect Indigenous Nations and their Treaty 8 rights and interests.

The EAO and Conuma consulted with Halfway River First Nation (HRFN), McLeod Lake Indian Band (MLIB), Saulteau First Nations (SFN), and West Moberly First Nations (WMFN) in the review. SFN and WMFN participated in the review jointly as the First Nations Independent Technical Review (FNITR).

Conuma had been engaging with these Indigenous Nations on the proposed amendment prior to formally submitting the Amendment Application to the EAO. The FNITR and MLIB provided letters of support for Conuma to move forward with the provincial authorizations necessary for the proposed early works activities, including the necessary FLNRORD authorizations, in the interest of avoiding the migratory bird window in spring 2020. HRFN also provided a letter of support for clearing activities proposed as part of the Early Works Amendment that would required FLNRORD authorizations (see [Section 4.0](#) for more information).

The EAO convened a Technical Advisory Committee (TAC) with representatives from EMPR, the FNITR, FLNRORD, HRFN, and MLIB, to assist with its review of the Early Works Amendment Application. Requests to agencies to participate in the TAC were based on previous participation in the technical working group for the Wolverine-Hermann Amendment.

Given that the Wolverine-Hermann Amendment was already underway under the previous *Environmental Assessment Act*, 2002 and the information for the Early Works Amendment was largely drawn from the Application for the Wolverine-Hermann Amendment, Conuma's early engagement with Indigenous Nations and provincial agencies provided a basis for a short review period for the proposed Early Works Amendment. As the EAO held a public comment period on the Wolverine-Hermann Amendment and only one issue was raised by the public, the EAO chose not to hold a public comment period on this Early Works Amendment.

The EAO hosted an initial kickoff meeting with the TAC on April 17, 2020, attended by members from EMPR, the FNITR, HRFN, FLNRORD, and MLIB. A second TAC meeting was held on April 23, 2020 to discuss the issues or concerns that TAC members had in their review of the Early Works Amendment Application, as well as Conuma's responses to the issues and comments.

The EAO proposes 12 conditions that were informed by comments from, and developed in consultation with, members of the TAC. A draft of the EAO's Amendment Assessment Report, the proposed conditions, and draft Amendment Certificate were provided to the TAC on April 26, 2020 for review and comment.

Comments were received from all members of the TAC. The EAO held a number of follow-up meetings with individuals commenters and each Indigenous Nation, to better understand and to seek to address comments raised. Key issues are summarized in [Section 3.4](#) of this Report.

2.1. Section 25 Considerations

The assessment of the effects of the Early Works Amendment on Indigenous Nations' Treaty 8 rights and interests, as required under [Section 25\(1\)](#) of the Act, is discussed in [Section 4.1](#) of this report.

The EAO also gave careful consideration of the matters outlined in [Section 25\(2\)](#) of the Act for the Early Works Amendment. The EAO described and evaluated the potential for environmental effects resulting from the Early Works Amendment on Soil Quantity and Quality, Vegetation, and Wildlife and Wildlife Habitat, including the risks and uncertainties associated with those effects and the effects on biophysical factors that support ecosystem function (see [Section 3.0](#) of this report).

Given that the proposed early works activities would result in the loss of 34.6 ha of critical caribou habitat, the EAO considered the consistency of this Early Works Amendment with the federal government's southern mountain caribou recovery strategy¹ and the Intergovernmental Partnership Agreement For The Conservation Of The Central Group Of The Southern Mountain Caribou ('Partnership Agreement')² by consulting with FLNRORD reviewers and Indigenous Nations. While the footprint of the Early Works Amendment does not fall in the moratorium area of the Partnership Agreement, the EAO recognized that the proposed early works activities would contribute to further exceedance of the federal recovery strategy threshold for disturbance of critical caribou habitat, and the subsequent *Mines Act* permitting process required to perform the early works activities may be subject to requirements under the Partnership Agreement.

Given that there will be residual effects to soil quantity and quality, vegetation, and significant adverse effects to caribou within the traditional territories of HRFN, MLIB, SFN, and WMFN, the EAO considered that the early works activities may have disproportionate effects on current and future generations of Indigenous Nations in their ability to practice their traditional ways of life (including hunting, trapping, fishing, plant gathering, and berry picking). Consultation with Indigenous Nations about the effects of these early works on their Nations and rights are further discussed in [Section 4.1](#) of this report.

Given the small footprint (34.6 ha) of the proposed works, the scope of the activities (primarily grubbing and stripping of previously-cleared areas), and TAC feedback received about these effects, the EAO determined that:

- the risk of economic, social, cultural, and health effects resulting from the amendment were low; and
- the early works activities would not result in greenhouse gas emissions that would impact the ability of the Province to meet its targets under the *Greenhouse Gas Reduction Targets Act*; and
- the risk of effects caused by the environment on the early works activities and the risk of accidents and malfunctions were low.

3.0 SUMMARY OF ISSUES AND EFFECTS

3.1. Valued Components & Potential Effects

Conuma considered 15 valued components (VCs) in the effects assessment for the Early Works Amendment. The following VCs were scoped out of the assessment by Conuma, as they were not expected to interact with the early works activities or any potential effects were assessed to be low in magnitude and short duration.

- *Air Quality*: The fugitive dust emissions related to exposed soil and the short-term increase in greenhouse gas (GHG) emissions due to vehicle and equipment are predicted to be low magnitude.
- *Noise*: The proposed location of the activities are relatively isolated and the scope of activities is limited. With the implementation of the Wildlife Management Plan, the potential effects of noise on wildlife would be effectively managed.

¹ Government of Canada. *Recovery Strategy for the Woodland Caribou, Southern Mountain population (Rangifer tarandus caribou) in Canada - 2014 [Final]*. Accessed at <https://www.registrelep-sararegistry.gc.ca/default.asp?lang=En&n=5837FBB5-1&offset=1&toc=show>

² Government of Canada. *Intergovernmental partnership agreement: central group Southern Mountain Caribou*. February 21, 2020. Accessed at <https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/conservation-agreements/intergovernmental-partnership-conservation-central-southern-mountain-caribou-2020.html>

- *Surface Water Quantity, Surface Water Quality, Groundwater, Aquatic Resources, Fish and Fish Habitat:* The Early Works Amendment does not propose any works within 20 m of any watercourse, wetland, or riparian area and is not expected to interact with VCs related to water. Other potential effects (e.g. potential changes in surface water quality due to release of total suspended solids and accidental release of hydrocarbon such as diesel fuel, oil or lubricants) would be effectively managed by a Erosion and Sediment Control Management Plan and Emergency Response Plan.
- *Land Use:* With the implementation of mitigation measures and the Erosion and Sediment Management Plan, effects on tenured and non-tenured land are anticipated to be low in magnitude.
- *Socio-Community:* Effects on population, demand from in-migrating workers, traffic volumes, and use of infrastructure and services are all predicted to be negligible, given the low magnitude of expenditures associated with the proposed early works.
- *Economy and Unemployed:* Effects on employment, regional business, and economy are unlikely to be affected given the small workforce and low expenditures associated with proposed early works.
- *Human Health:* Proposed early works activities would not have a reasonable potential to affect human health, including the inhalation of criteria air contaminants and the inhalation of metals contained in coal dust.
- *Cultural and Heritage Resources:* None of the 447 subsurface tests performed identified cultural heritage resources. Mitigation measures, including a chance find protocol, are in place to avoid or mitigate potential effects in the unlikely event of an unanticipated interaction.

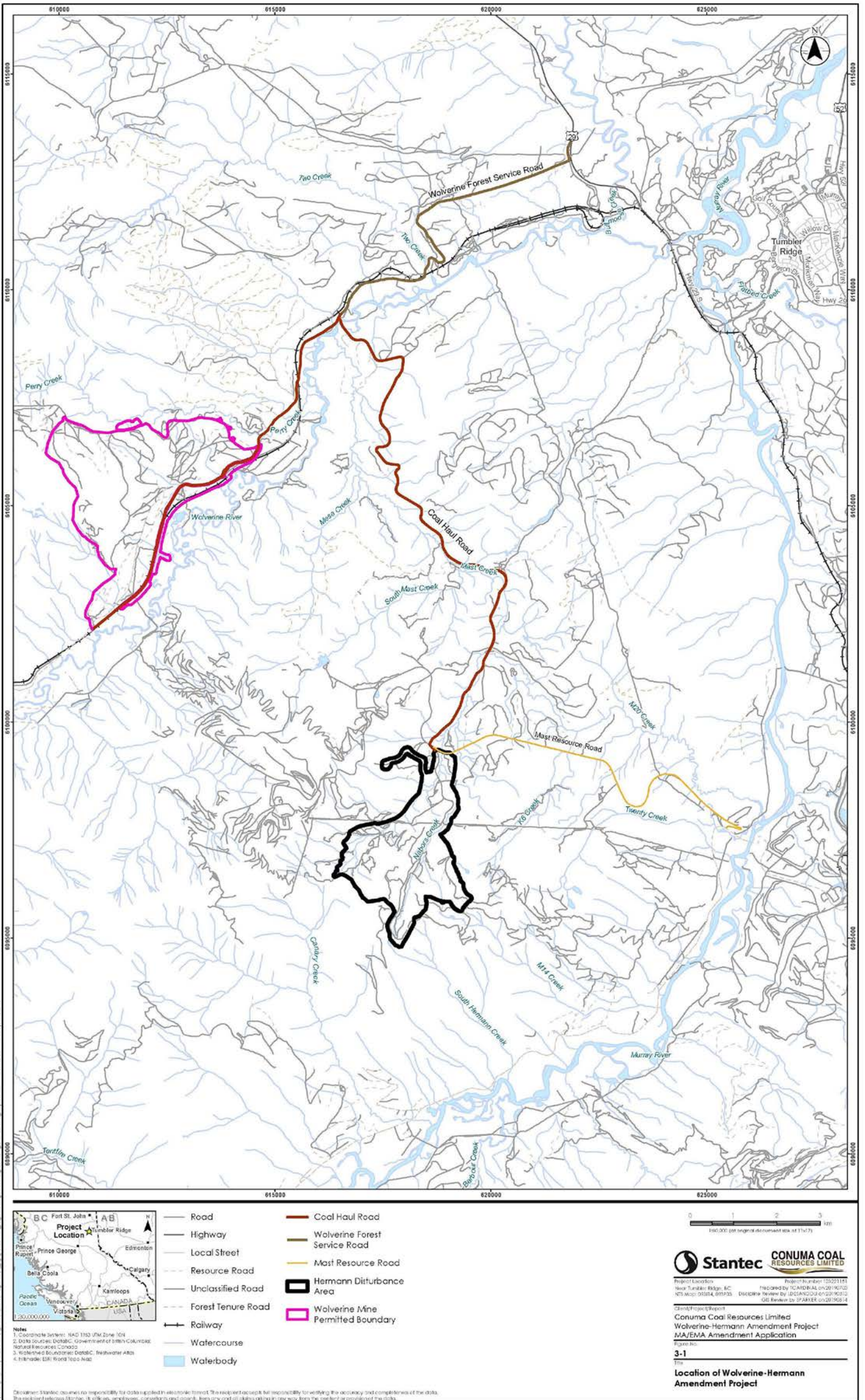
The Amendment Application noted that three VCs had the potential for residual effects and were consequently carried forward in the assessment of the Early Works Amendment. Assessed VCs include Soil Quantity and Quality, Vegetation, and Wildlife and Wildlife Habitat. Rationale for inclusion of each of these VCs and the potential effects identified by Conuma are outlined in Table 3.

Table 3. VCs Included in Assessment of the Early Works Amendment

VC	Rationale for Inclusion	Potential Effects
Soil Quantity and Quality	Proposed activities have the potential to result in changes to Soil Quantity and/or Quality that affects the reclamation suitability of the soils.	<ul style="list-style-type: none"> • Temporary removal of soils from the productive land base • Effects on soil properties due to stockpiling (e.g., reduction of biological activity in soil stockpiles, changes in organic matter content and chemistry of surface soils due to mixing with subsurface horizons) • Loss of soils due to erosion, effects of dust and particulate matter deposition
Vegetation	Potential adverse effects have the potential to occur as a result of vegetation clearing, grubbing and topsoil salvage associated with the proposed early works.	<ul style="list-style-type: none"> • Change in abiotic conditions including indirect effects on hydrological conditions (e.g. drainage patterns and water quality and/or quantity) • Change in structure and composition that can result in indirect effects on edge areas adjacent to disturbances and areas of activity (e.g. from dust, windthrow)
Wildlife and Wildlife Habitat	Potential adverse effects have the potential to occur as a result of vegetation clearing and ground disturbance, sensory disturbance, and increased traffic volume.	<ul style="list-style-type: none"> • Direct and indirect change in habitat availability, change in movement, change in mortality risk, and change in wildlife health

3.2. Assessment Boundaries

The effects assessments for each VC were conducted within the Hermann Disturbance Area (HDA), which is the proposed location of the footprint of the Wolverine-Hermann Amendment. The HDA is approximately 26 km away from the Wolverine Mine (see Figure 2). The 34.6 ha area proposed for disturbance in the Early Works Amendment is contained within the HDA.



3.3. Effects Assessment

3.3.1. Soil Quantity & Quality

The proposed Early Works Amendment would involve ground disturbance across 34.6 ha of land, the conservation of soil (soil salvage), and stockpiling soil for eventual reclamation. The temporary removal of soils from the land base may result in changes to both soil quantity and soil quality while it is being stored.

In terms of quantity, it is possible that soils on the land base or in stockpiles may be lost through erosion, or through handling and transportation during the early works activities. During reclamation, Conuma would replace soils and re-contour the area to resemble pre-disturbance conditions.

In terms of quality, it is possible that the chemistry, organic matter content, and biological activity of the soils may be affected due to stockpiling. The soil may also be compacted, displaced, or affected by dust and particulate matter deposition. To mitigate these effects, Conuma proposed a series of measures outlined in Table 4.

Table 4. Proposed Mitigations for Soil Quantity and Quality

VC	Proposed Mitigations		
Soil Quantity and Quality	<ul style="list-style-type: none"> • Soil salvage of suitable topsoil and overburden and maximize occurrence of direct soil placement during salvage • Implement erosion control measures, including netting or tackifiers, blankets, hydro-seeding, seed-impregnated mats, organic mulches (i.e., certified straw, wood fibre, peat moss, wood chips) and bark or brush matting where erosion occurs 	<ul style="list-style-type: none"> • Spread coarse woody debris on slopes to control erosion • Avoid unstable terrain for soil stockpiles • Cap historically disturbed mine areas that fall within the Hermann Component with salvaged overburden • Prevent contamination with hydrocarbons, heavy metals, and other bioavailable trace elements 	<ul style="list-style-type: none"> • Avoid salvage of unsuitable soils as reclamation material (e.g., > 70% coarse fragment content) • Control stripping depths to avoid over-stripping and admixing of lower quality subsoil materials (stony or gravelly subsoils, chemically unfavorable overburden, and bedrock) with good quality topsoil materials • Limit or avoid soil salvage and soil replacement operations during excessively wet conditions

Through the evaluation of the Amendment Application and discussions with the TAC, the EAO concludes that the residual effects to Soil Quantity and Quality would be moderate to high magnitude after mitigation. The EAO also notes that some of these effects may not be completely reversible. To further mitigate these effects, the EAO proposes the Soil and Vegetation Management condition (Condition 11), outlining specific mitigation measures to be implemented during construction of the early works and to the satisfaction of a QP and of the EAO. The EAO also proposes a condition requiring the development of a Site Maintenance and Reclamation Plan (Condition 12), which would include measures to manage site stability, run-off, stormwater, and erosion and sediment. Additional information about key issues and conditions can be found in [Section 3.4](#).

3.3.2. Vegetation

The proposed early works activities involve 34.6 ha of grubbing (removal of trees, shrubs, stumps and other material) and stripping (removal of soil and rock). Activities also include 10.2 ha of tree clearing, while the remaining early works footprint has been previously cleared by forestry companies.

Consequently, the early works activities would result in direct vegetation loss over an area of 34.6 ha. There may also be indirect effects resulting from changes in abiotic conditions affecting vegetation development (e.g. hydrological conditions) and from changes in the structure or composition of vegetation communities in the edge areas adjacent to disturbances and areas of activity (e.g. deposition of dust).

Conuma’s assessment of Vegetation included eight subcomponents, which are rare plants, wetland ecosystems, riparian ecosystems, ecological communities of conservation concern (red- and blue-listed), old forests, forest capability, black huckleberry habitat, and plants of cultural significance.

To mitigate potential effects, Conuma proposed a series of measures outlined in Table 5.

Table 5. Proposed Mitigations for Vegetation

VC	Proposed Mitigations		
<p>Vegetation</p>	<ul style="list-style-type: none"> • Clearly delineate extent of permitted clearing boundaries with approved and standardized flagging • Clearly map and mark machine-free areas and riparian management setbacks under guidance of a QEP for areas where vegetation clearing is not required • Approve clearing plans by Environmental Manager or designate(s) 	<ul style="list-style-type: none"> • Progressive re-establishment of vegetation cover as soon as possible following clearing or soil disturbance to limit the risk of soil erosion, vegetation loss, introduction and spread of invasive plants • In the event a rare plant (known or suspected) is detected through chance encounter, install a highly visible snow fencing buffer surrounding the plant or plant community 	<ul style="list-style-type: none"> • Prior to clearing, undertake staff training and orientation regarding plant species on the BC Blue and Red-list (CDC 2019) in consultation with a QP • Conduct regular monitoring to identify newly introduced invasive plant species and report suspected areas where plants may be introduced to the Environmental Manager or environmental staff

The EAO considered the relatively low quality of baseline vegetation and that approximately 70% of the area has been previously cleared. Through the evaluation of the Amendment Application and discussions with the TAC, the EAO concludes that there would be residual adverse effects of low magnitude over the long term to these sub-components due to the direct loss of vegetation. Residual effects due to changes to hydrological conditions (low magnitude over the long term) and to abiotic conditions (low magnitude over the medium term) are also anticipated.

To further mitigate these effects, the EAO proposes the Soil and Vegetation Management condition (Condition 11), outlining specific mitigation measures to be implemented during construction of the early works and to the satisfaction of a QP and to the EAO. The EAO has also proposed a condition requiring the development of a Site Maintenance and Reclamation Plan (Condition 12), which would include measures for invasive plants, as well as the means by which to reforest the area during reclamation. The EAO has also proposed conditions (Condition 10.3.d and 10.4) requiring vegetation surveys be conducted for rare plants, vegetation species at risk, and ecosystems of conservation concern, as well as a requirement for buffers surrounding any wildlife habitat feature, which includes rare plants, vegetation species at risk, or ecosystem of conservation concern identified during pre-construction surveys.

3.3.3. Wildlife and Wildlife Habitat

Wildlife and Wildlife Habitat would be affected by the Early Works Amendment due to loss of habitat from vegetation clearing and ground disturbance, sensory disturbance, and increased traffic volume. Potential direct and indirect effects to Wildlife and Wildlife Habitat include change in habitat availability, change in movement, change in mortality risk, and change in wildlife health.

Conuma’s assessment of Wildlife and Wildlife Habitat included nine subcomponents: ungulates, large predators and furbearers, non-furbearer and small mammals, bats, birds, reptiles and amphibians, terrestrial invertebrates, species of conservation concern and important wildlife features and sensitive areas.

For the assessment of change in mortality risk, change in movement and change in wildlife health, Conuma assessed the potential effects by species groups. For the assessment of change in habitat availability, Conuma selected focal species and species groups, including woodland caribou, mountain goat, moose, Rocky Mountain elk, grizzly bear, wolverine, fisher, American marten, bats (little brown myotis and northern myotis), bird species of conservation concern (olive-sided flycatcher and barn swallow), bird species associated with wetland and riparian ecosystems, western toad and Mead’s sulphur.

To mitigate potential effects on Wildlife and Wildlife Habitat, Conuma proposed a series of measures outlined in Table 6.

Table 6. Proposed Mitigations for Wildlife And Wildlife Habitat

VC	Proposed Mitigations		
Wildlife and Wildlife Habitat	<ul style="list-style-type: none"> • Limit felling of trees and vegetation clearing to least amount of area required to accommodate activity • Adhere to setbacks from riparian areas and other environmentally sensitive areas • Use existing clearings, trails, and roads • Undertake a pre-disturbance survey to identify wildlife habitat features, consulting with the Province on survey requirements and appropriate mitigation measures • Report discovery of nests that are protected year-round under the <i>Wildlife Act</i> and of wildlife habitat features • Consider timing windows for caribou and mountain goat when planning construction activities • Manage and appropriately dispose of sewage, food wastes, and wastes associated with mechanical maintenance and repairs 	<ul style="list-style-type: none"> • Maintain vegetation cover as screening adjacent to areas of concentrated activity • Reduce noise by inspecting and maintaining exhaust systems; completing pre-start inspections; following equipment maintenance plans; checking machinery is operating per specifications; and addressing deficiencies • Follow Conuma’s Standard Operating Procedure for Caribou Encounters • Schedule vegetation clearing to avoid migratory bird nesting window; if avoidance is not possible, a ‘nest sweep’ be completed by a QP • Consult with the Province on methods and timing of applicable surveys and mitigation measures where potential amphibian breeding and dispersal habitats intersect vegetation clearing areas or where western toad dispersal routes intersect project-related trails and roads 	<ul style="list-style-type: none"> • Report observations of wildlife adjacent to or on roads • Communicate maximum speed limits on roads and trails • Report wildlife carcasses observed along roads and on or near HDA • Report wildlife-vehicle collisions and near misses between vehicles and animals • Report wildlife incidents related to garbage or human food attractants and improperly disposed of garbage • Report discovery of active nests; subsequent actions will be to stop work in area around nest and consult with a QP • Include bear awareness and safety precautions in site orientation and report bear observations, conflict bears, and bear safety issues

3.3.3.1. Caribou

The Early Works Footprint is located within the boundaries of the Quintette caribou herd, part of the Central Group of the Southern Mountain Caribou. The Central Group is designated as Threatened under Schedule 1 of the *Species at Risk Act* and ranked as Endangered by the Committee on the Status of Endangered Wildlife in Canada.

Conuma stated that the Early Works Amendment would result in the direct loss of 34.6 ha of critical caribou habitat, specifically matrix habitat, approximately 70% of which has already been cleared of trees. As wolf predation is a major cause of caribou mortality, habitat changes that increase wolf numbers within caribou range can be detrimental. Areas that fall outside of core habitat but affect the predator-prey balance, and thus caribou survival, are known as matrix habitat. To mitigate the direct and adverse effects to caribou, Conuma proposed the series of measures outlined in Table 6.

Even with mitigations in place, given the threatened status of Southern Mountain Caribou and that provincial analysis shows that disturbance levels have exceeded the federal threshold for critical habitat, the EAO concludes that any residual effect to caribou habitat and mortality in this area would be considered significant.

The EAO noted that if the Wolverine-Hermann Amendment Project is approved, Conuma would be required to develop a Caribou Mitigation and Monitoring Plan (CMMP) (including offsets) to address the effects to caribou. In the event that the Wolverine-Hermann Amendment Project does not proceed, the Early Works Area would be required to be returned, over a period of time, to productive wildlife habitat. In order to ensure this reclamation occurs, the EAO proposes a condition requiring the development of a Site Maintenance and Reclamation Plan (Condition 12), which would require a description of the end land use objectives for the reclaimed landscape and the means by which these objectives must be achieved.

This plan would also require a description of how traditional use information will be incorporated into the design of reclamation measures, the means by which reclamation monitoring will be undertaken, how success will be measured, and how the measures will be adapted to changing conditions. This plan must be developed in consultation with Indigenous Nations, FLNRORD and EMPR. For construction of the Early Works Amendment, the EAO proposes a Wildlife and Wildlife Habitat Management condition (Condition 10), which includes pre-Construction wildlife surveys specific to identifying caribou habitat features and use of habitat, as well as key mitigation measures informed by the draft CMMP submitted by Conuma during the EA that are relevant to management effects associated with early works (see Schedule B). The proposed Early Works Amendment would also be situated within the broader context of several caribou recovery initiatives, including the Partnership Agreement³ and the federal government's Recovery Strategy for the Woodland Caribou, Southern Mountain population⁴ (discussed in [Section 2.1](#)). These strategic initiatives prioritize the recovery of southern mountain caribou, including the Quintette herd.

3.3.3.2. Birds & Other Species

Conuma did not identify any significant residual effects on habitat availability, movement, mortality risk, and health for any non-caribou focal species or species groups.

However, TAC reviewers noted that Conuma would be undertaking the early works activities during the migratory bird nesting window and that the risk of bird mortality would increase as clearing, grubbing, and stripping moved into later spring and summer. Therefore, the EAO concludes that there would be an increased risk to nesting birds in the area due to clearing activities. In response, the EAO included a clause in the Wildlife and Wildlife Habitat Management condition (Condition 10) that would require the Certificate Holder to complete clearing activities by May 31, 2020, unless otherwise authorised by the EAO. This would reduce the risk that clearing activities would affect nests. As part of this condition, the Certificate Holder would also be required to retain a QP to undertake pre-construction surveys to identify wildlife habitat features and nests. The Certificate Holder must also protect active bird nest sites by setting species-specific buffers in accordance with Environment Canada and Climate Change's Guidelines to Reduce Risk to Migratory Birds (ECCC 2018).

In addition to the Wildlife and Wildlife Habitat Management (Condition 10) and the Site Maintenance and Reclamation Plan (Condition 12) conditions (as described above), the EAO also proposes conditions requiring an Independent Environmental Monitor (IEM) (Condition 8) and a condition requiring the involvement of Indigenous Nations in construction and reclamation monitoring (Condition 9). The IEM condition would require the Certificate Holder to retain a QP to observe the early works, and record and report to the EAO on compliance with the amended Certificate. As part of the IEM and Involvement of Indigenous Nations in Construction and Reclamation Monitoring condition, the Certificate Holder must offer opportunities for members or representatives of Indigenous Nations to participate in monitoring activities during construction of early works. Details of all conditions can be found in Schedule B.

3.4. Key Issues Raised by the TAC and Resolution

Many of the issues raised by the TAC during the review of the Early Works Amendment were related to the necessity and the timing of the amendment, the effects on caribou and birds, and uncertainty around the early works activities and the Early Works Reclamation Plan.

The key issues raised by the TAC and information about the resolution of these issues are outlined in Table 7. All TAC comments and the responses provided by Conuma in an Issues Tracking Table can be found at the following link:

³ Government of Canada. *Intergovernmental partnership agreement: central group Southern Mountain Caribou*. February 21, 2020. Accessed at <https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/conservation-agreements/intergovernmental-partnership-conservation-central-southern-mountain-caribou-2020.html>

⁴ Government of Canada. *Recovery Strategy for the Woodland Caribou, Southern Mountain population (Rangifer tarandus caribou) in Canada - 2014 [Final]*. Accessed at <https://www.registrelep-sararegistry.gc.ca/default.asp?lang=En&n=5837FBB5-1&offset=1&toc=show>

<https://projects.eao.gov.bc.ca/admin/p/58851085aaecd9001b811843/project-documents/detail/5eb1a94193d41a0021aece50>.

Table 7. Summary of Key Issues Raised by the TAC and Resolution

Nation or Agency	Key Issue or Concern	Description	Resolution
EMPR, FLNRORD, FNITR, HRFN	Lack of clarity around purpose, scheduling and scope of the Early Works Amendment	<p>Reviewers noted that the timing of the amendment meant that the early works activities would begin during the migratory bird nesting window, which appears contrary to Conuma's stated purpose for initiating the Early Works Amendment.</p> <p>Reviewers noted that neither a schedule nor workplan was provided for the proposed early works, and the Amendment Application did not include key details related to the early works activities (e.g. volume of soil removed, timing of clearing and stripping).</p>	<p>Conuma clarified that the purpose of the amendment is to ensure the company's ability to maintain critical path construction activities for the Wolverine-Hermann Amendment later in the season and by completing these early works, the risk associated with working during wildlife windows would diminish. In response to concerns, the EAO included a clause in the Wildlife and Wildlife Habitat Management condition (Condition10) that would require the Holder to complete clearing activities by May 31, unless otherwise authorised by the EAO. This would reduce the risk that clearing activities would impact nests.</p> <p>Conuma provided a draft site construction plan to reviewers on April 26, 2020 outlining the proposed sequencing of clearing activities. This draft site construction plan is also required as part of the terms of engagement for the IEM, which would need to be approved by the EAO.</p> <p>The EAO noted that a <i>Mines Act</i> permit, if issued, will require an additional detail on activity timing. The EAO further noted that, by initiating the amendment, Conuma has assumed the risk that early works activities may be disrupted or delayed due to wildlife sightings or encountering habitat features. Conuma would also be required to undertake reclamation activities, as required by the EAO's proposed Site Maintenance and Reclamation condition (Condition 12), should the Wolverine-Hermann Amendment not proceed.</p>
EMPR, FLNRORD, FNITR, HRFN	'Incremental' nature of amendment approval	Some reviewers noted the potential risk in authorizing land disturbance should the full project (the Wolverine-Hermann Amendment or Amendment #7) not be approved or not proceed.	<p>Conuma acknowledged the possibility that the Wolverine-Hermann Amendment may not proceed. Conuma explained that a robust Early Works Reclamation Plan would be in place to establish procedures for short- and long-term reclamation of impacted areas, should the Wolverine-Hermann Amendment not proceed.</p> <p>Reviewers noted that gaps in the Early Works Reclamation Plan. Conuma acknowledged reviewers' feedback and provided a revised Early Works Reclamation Plan for review by the TAC on April 26, 2020. Based on the supplemental information, reviewers provided suggestions and feedback for additional mitigation and conditions to the EAO, which the EAO considered in the development of its proposed conditions.</p> <p>The EAO proposes a condition requiring the development of a Site Maintenance and Reclamation Plan (Condition 12), which must include the date as to when the Certificate Holder must start reclamation within the Early Works Footprint, and the measures to maintain the site leading up to reclamation.</p>
EMPR, FNITR, HRFN	Rationale for proposing stripping, soil salvaging, and stockpiling	Reviewers commented that stripping the cleared areas, followed by soil salvage and stockpiling, appears to be outside the purpose of mitigating effects to the migratory bird nesting window.	<p>Conuma clarified that the purpose of the amendment is to ensure the company's ability to maintain critical path construction activities for the Wolverine-Hermann Amendment later in the season, should it be approved, and by completing these early works, the risk associated with working during wildlife windows would be lessened.</p> <p>The EAO noted that Conuma would have to apply for and receive authorizations under the <i>Mines Act</i> and the <i>Land Act</i> to perform grubbing, stripping, and soil salvaging and stockpiling.</p>

Nation or Agency	Key Issue or Concern	Description	Resolution
			<p>Conuma would be required to continue to engage with Indigenous nations during these processes to ensure impacts to their Treaty 8 rights and interests are mitigated.</p> <p>The EAO proposes a Soil and Vegetation condition (Condition 11), as well as the Site Maintenance and Reclamation condition (Condition 12). These two conditions would include mitigation measures that Conuma would need to undertake during the early works (and to the satisfaction of a QP), as well as the measures to manage site stability, run-off, stormwater, and erosion and sediment while maintaining the site. The Soil and Vegetation condition would also require the timing of soil stripping to be determined by the QP, to minimize impacts associated with weather and seasonal conditions.</p>
<p>EMPR, FLNRORD, FNTR, HRFN</p>	<p>Potential impacts to birds</p>	<p>Reviewers noted that early works activities would be expected to occur within the early part of the migratory bird nesting window that Conuma intended to avoid. Reviewers expressed concern about creating disturbance in these nesting windows and asked if it would be prudent to begin clearing once the windows have passed.</p> <p>Reviewers requested additional, specific information about methods that effects to birds would be mitigated if the amendment were approved.</p>	<p>Conuma acknowledged reviewers' concerns and stated that there would be a suite of actions in place to avoid and mitigate any effects to nesting migratory birds. Conuma also stated that an environmental monitor will be on-site throughout the construction period to confirm compliance with all Management Plans, including those specific to birds.</p> <p>On April 26, 2020, Conuma provided a site construction plan outlining the proposed sequencing and dates for clearing activities, including considerations that would be undertaken with respect to nesting birds.</p> <p>The EAO proposes the Wildlife and Wildlife Habitat Management (Condition 10), IEM (Condition 8), and Involvement of Indigenous Nations in Monitoring (Condition 9) conditions. These conditions would require Conuma to retain a QP to conduct pre-construction wildlife surveys and implement early works mitigation measures. The Wildlife and Wildlife Habitat Management condition also requires the Holder to complete clearing activities by May 31, 2020, unless otherwise authorised by the EAO. This would reduce the risk that clearing activities would occur when more nests are expected to be encountered in the area. The IEM would observe and report on any non-compliance (to both the EAO and Indigenous Nations), and opportunities to participate in early works monitoring would be given to Indigenous Nations.</p>
<p>EMPR, FLNRORD, FNTR, HRFN, MLIB</p>	<p>Impacts to caribou</p>	<p>The Early Works Footprint is located within the boundaries of the Quintette caribou herd, part of the Central Group of the Southern Mountain Caribou population. The Central Group is designated as Threatened under Schedule 1 of the <i>Species at Risk Act</i> and ranked as Endangered by the Committee on the Status of Endangered Wildlife in Canada.</p> <p>Both Conuma and TAC reviewers noted that because of the federal threshold for caribou habitat disturbance has already been exceeded, any further</p>	<p>Conuma acknowledged reviewers' concerns and noted that, given the context of the endangered Quinette herd and the extent of mining activities in the area, they considered that any residual effect to caribou would be significant.</p> <p>Conuma stated that the probability of encountering caribou during the early works activities was low, although acknowledged that a caribou had been sighted near the Early Works Footprint in summer 2018, and that a suite of caribou-specific mitigation measures would be the basis for mitigating potential project effects on caribou. They further explained that the Early Works Reclamation Plan includes habitat restoration for caribou as an objective.</p> <p>On April 27, 2020, Conuma submitted further information about proposed Wildlife mitigations, including mitigation specific to caribou.</p>

Nation or Agency	Key Issue or Concern	Description	Resolution
		<p>effect to caribou habitat, including those anticipated for the Early Works Amendment would be deemed significant. It was further noted that disturbance of caribou habitat as part of the Early Works Amendment prior to an EA decision on the Wolverine-Hermann Amendment would unnecessarily jeopardize this habitat should the Wolverine-Hermann Amendment not be approved.</p> <p>Reviewers also noted that many of the proposed mitigations related to caribou are outlined in the CMMP submitted with Conuma’s joint <i>Mines Act/Environmental Management Act</i> application for the Wolverine-Hermann Amendment Project, which has not been finalized and issues remain unresolved. Representatives from the FNITR expressed concern that caribou habitat offsets were not proposed in relation to the Early Works Amendment.</p>	<p>The EAO proposes the Wildlife and Wildlife Habitat Management (Condition 10), and the Site Maintenance and Reclamation Plan (Condition 12) conditions, which would include pre-construction surveys to identify caribou habitat features and use of the habitat, and measures to mitigate and monitor effects to caribou and caribou habitat associated with early works, site maintenance and reclamation. Further, the Site Maintenance and Reclamation Plan condition would require Conuma to include a description of end land use objectives for the reclaimed landscape, how these objectives will be achieved, a description of the species that will be used based on the ecological classification of the area and caribou habitat considerations, and how traditional use information would inform the development of this plan. This plan would be developed in consultation with Indigenous Nations.</p> <p>In regards to caribou offsets, the EAO consulted with FLNRORD and noted that provincial policy does not require offsetting for matrix habitat. In the event that the Wolverine-Hermann Amendment Project proceeds, caribou offsets would be required as part of the CMMP and would consider the disturbance of the Early Works Footprint as well as the HDA. If the Wolverine-Herman Amendment Project does not proceed, Condition 12 will require the Holder to reclaim the area so that it will return to productive caribou habitat.</p>
EMPR, FNITR	Timing and outstanding information with respect to erosion and sediment control	<p>Reviewers have noted that the timing of the Early Works Amendment falls during the spring thaw when soils are saturated, snow melt results in increased runoff, and heavy and prolonged periods of precipitation are common. Undertaking site preparation activities during this time would not align with best management practices to prevent erosion and sediment control.</p> <p>Reviewers noted several outstanding questions with respect to erosion and sediment control, including details about the mitigations proposed.</p>	<p>Conuma stated that they would follow mitigation strategies including monitoring of erosion potential and using best management practices to avoid and reduce erosion during the proposed early works activities.</p> <p>Conuma explained that stripping would be sequenced appropriately to confirm that erosion and sediment control measures could take place and will monitor for erosion as work proceeds.</p> <p>The EAO proposes the Soil and Vegetation Management condition (Condition 11), as well as the Site Maintenance and Reclamation condition (Condition 12). These two conditions would include mitigation and monitoring measures Conuma would need to undertake during the early works (to the satisfaction of a QP), as well as the measures to manage site stability, runoff, stormwater, and erosion and sediment while maintaining the site. These conditions would also require that timing of soil stripping be determined by the QP, to minimize impacts associated with weather and seasonal conditions. Monitoring for turbidity and total suspended solids would also be included.</p>

4.0 INDIGENOUS NATION ENGAGEMENT

The Early Works Amendment involves site preparation activities within a footprint that is entirely encompassed within a larger area that is currently undergoing technical assessment as part of the Wolverine-Hermann Amendment. The EAO has been engaging, at the deep end of the consultation spectrum, with HRFN, MLIB, SFN and WMFN on the Wolverine-Hermann Amendment since October 2018, when Conuma submitted a formal request to amend the Wolverine EAC. To date, as part of the Wolverine-Hermann Amendment, each of these Indigenous Nations have participated in working group meetings, provided analysis and comments on Conuma's submissions and responses, and have participated in numerous technical meetings aimed at developing resolutions to key issues. The EAO continues to advance the assessment process for the Wolverine-Hermann Amendment, with Indigenous Nations and provincial agencies continuing discussions of key issues, which includes potential effects to caribou, water quality, fish and fish habitat.

With the assessment process for the Wolverine-Hermann Amendment continuing into the spring of 2020, thereby compressing Conuma's preferred construction window, Conuma sought the support of Indigenous Nations to perform early works to prepare a portion of the Hermann site (i.e., the Early Works Footprint) while minimizing risk to migratory birds.

Following Conuma's April 9, 2020 Application for the Early Works Amendment, SFN, WMFN, HRFN, and MLIB have continued to engage in the review of the Early Works Amendment. For the purposes of the current *Environmental Assessment Act*, 2018, SFN, WMFN, HRFN and MLIB are considered participating Indigenous Nations, with whom EAO must seek to achieve consensus in relation to the amendment of a Certificate, pursuant to [Section 32\(7\)](#). Along with the TAC, the EAO provided the Early Works Amendment Application to all Nations on April 15, 2020 asking for their comments and to identify any concerns that they may have with the proposed amendment.

In addition to the TAC meetings, which all participating Indigenous Nations attended, the EAO held initial government-to-government meetings with SFN and WMFN (working together as the FNITR), and separately with HRFN. HRFN provided written comments on the Amendment Application to the EAO on April 20, 2020, and the FNITR provided comments on the Amendment Application to the EAO on April 21, 2020. MLIB communicated that they would not submit comments on the Amendment Application but would like to engage in TAC and government-to-government meetings.

The EAO provided the draft referral materials, including the Assessment Report, Certified Project Description (CPD) and the proposed conditions, on April 26, 2020. HRFN, MLIB and the FNITR provided to the EAO written comments on the referral materials and participated in government-to-government meetings to discuss the draft referral materials, as well as any outstanding issues the Indigenous Nations had.

4.1. Potential Impacts to Treaty Rights and Interests

The Early Works Footprint, is located within the boundaries of Treaty 8. Treaty 8 ensures signatory Indigenous Nations' continued ability to "pursue their usual vocations of hunting, trapping and fishing" in accordance with the Nations' way of life.

Conuma has stated that the Early Works Amendment is anticipated to adversely impact SFN, WMFN, MLIB and HRFN's Treaty 8 rights and interests associated with hunting, trapping, and gathering due to adverse residual effects to vegetation and wildlife. Additionally, Conuma noted that the Project-related effects (e.g. sensory disturbances) could adversely impact the peaceful enjoyment of practicing Treaty rights or could adversely impact Indigenous community members' preference for using sites in proximity to the Project to practice Treaty rights. Conuma further noted that the Early Works Amendment could restrict access to sites used by Indigenous Nations to practice Treaty rights, engage in cultural activities or ceremonies, and share traditional knowledge.

As outlined in Table 7 above, Indigenous Nations raised concerns regarding the Early Works Amendment, including lack of clarity around the purpose, scheduling and scope of the early works; potential impacts to migratory birds and caribou; the rationale for proposing stripping soil salvaging and stockpiling; and the risk in authorizing land disturbance should the Wolverine-Hermann Amendment not proceed.

The EAO has developed several conditions in response to these concerns, recognizing that the Early Works Amendment may have disproportionate effects on current and future generations of Indigenous Nations in their ability to practice their traditional ways of life (including hunting, trapping, fishing, plant gathering, and berry picking). The Wildlife and Wildlife Habitat Management condition (Condition 10) would require the Certificate Holder to retain a QP to undertake pre-construction surveys to identify wildlife habitat features and nests. The Certificate Holder must also protect active bird nest sites by setting species-specific buffers in accordance with ECCC 2018. This condition also includes the key mitigation measures pulled from the draft CMMP that are relevant to management effects associated with early works. The proposed Early Works Amendment would also be situated within the broader context of several caribou recovery initiatives, including the Partnership Agreement and the federal government's southern mountain caribou recovery strategy (see [Section 2.1](#)). These strategic initiatives prioritize the recovery of southern mountain caribou, including the Quintette herd. Similarly, the proposed Soil and Vegetation Management condition (Condition 11) outlines specific mitigation measures to be implemented during construction of the early works and to the satisfaction of a QP.

The EAO also developed the Site Maintenance and Reclamation Plan condition (Condition 12) to address concerns regarding the incremental nature of the amendment approval. This plan requires that the Certificate Holder specify the date at which it must start reclamation of the Early Works Footprint, and the measures to maintain the site leading up to reclamation. This plan would be developed in consultation with Indigenous Nations, and would also require measures to mitigate effects to caribou during site maintenance and reclamation, as well as a description of end land use objectives for the reclaimed landscape and a description of the species that will be used backd on the ecological classification of the area and caribou habitat considerations.

Finally, the EAO proposes the IEM and Involvement of Indigenous Nations in Monitoring conditions (Conditions 8 and 9, respectively) to address concerns regarding lack of confidence that effects will be mitigated. The IEM condition would require the Certificate Holder to retain a QP to observe the early works, and record and report to the EAO on compliance with the amended Certificate. As part of the IEM and Involvement of Indigenous Nations in Monitoring condition, the Certificate Holder must offer opportunities for members or representatives of each of the Indigenous Nations to participate in monitoring activities during construction of the early works.

4.2. Consensus Seeking with Indigenous Nations

The EAO and Conuma consulted with the Indigenous Nations as described in Sections [3.0](#) and [4.0](#) above. Conuma consulted HRFN, WMFN, SFN and MLIB about the proposed early works and requested written support for Conuma's application for the provincial authorizations required to authorize the proposed early works.

On March 11, 2020, SFN provided written support for Conuma's application for the FLNRORD permits required to authorize the proposed early works. On March 26, 2020, MLIB provided written support for Conuma's application for FLNRORD permits, as well as a letter to provincial Ministers indicating that MLIB would not oppose issuance of regulatory permits to expand the Wolverine Mine. On April 6, 2020, WMFN provided written support for Conuma's application for the FLNRORD permits for early works prior to the bird nesting season. On April 8, 2020, HRFN provided a letter to Conuma indicating that, in recognition that Conuma intended to complete the work in advance of the migratory bird nesting window, clearing the forested area indicated in Figure 1 of this report would not unduly exacerbate effects to wildlife. Upon review of Conuma's Amendment Application, which included grubbing, soil stripping and soil salvage in addition to vegetation clearing, HRFN clarified to the EAO that the letter that it provided to Conuma did not contemplate effects other than those from vegetation clearing and that HRFN's suggestion of support for Conuma's proposed early works did not extend to include anything other than vegetation clearing.

The EAO worked with Indigenous Nation to seek consensus on the findings and conclusions of this report, the CPD and the conditions. To that end, the EAO held government-to-government meetings with HRFN, WMFN, SFN and MLIB to help inform the EAO's development of the Amendment Report, CPD and proposed conditions. The EAO shared its draft decision materials with each Indigenous Nation for their review and comment. All Indigenous Nations comments on the draft referral materials, and the EAO set up follow-up meetings with HRFN, SFN, and WMFN, to discuss their outstanding concerns, and how these can be addressed through revisions to the proposed conditions. As such, several changes were made, most notably including stronger ties between the IEM and Involvement of Indigenous Nations in Construction and Reclamation Monitoring conditions; adding further mitigations and monitoring measures related to caribou in the Wildlife and Wildlife Habitat Management and Site Maintenance and Reclamation conditions; requiring the Certificate Holder to complete clearing prior to May 31, 2020 to limit risk to birds during the bird nesting window; and adding a requirement to the Soil and Vegetation condition that the timing of soil stripping must be determined by a QP in order to minimize effects associated with weather and seasonal conditions.

5.0 CONCLUSIONS:

Based on:

- The information contained in Conuma's Early Works Amendment Application, draft Reclamation Plan, the Site Construction Plan and other supplemental information, and the review of the Amendment Application;
- Information drawn from Conuma's effects assessment on Soil Quantity and Quality, Vegetation, and Wildlife and Wildlife Habitat;
- Conuma's consultation with Indigenous Nations;
- The EAO's engagement with Indigenous Nations and members of the TAC, which included representatives of Indigenous Nations;
- Comments on the Early Works Amendment Application from the TAC, and Conuma's responses to those comments;
- The addition of 12 conditions, including involvement of Indigenous monitors and an IEM, wildlife and wildlife habitat management, soil and vegetation mitigation, and a Site Maintenance and Reclamation Plan;
- The CPD;
- Conuma's requirements under the Certificate to mitigate and monitor the effects of the Wolverine Mine;

The EAO is satisfied that:

- The Early Works Amendment Application and supporting information adequately identified and assessed the potential adverse changes to the environmental, economic, social, cultural and health effects of Wolverine Mine resulting from the proposed amendment;
- The effects of the amendment on Indigenous Nations as described in S25(1) of the Act have been appropriately assessed and have been addressed to the satisfaction of the EAO and the Indigenous Nations;
- The matters described in S25(2) of the Act have been considered and the effects of the Early Works Amendment on these matters can be mitigated;
- Efforts to seek consensus on any concern that Indigenous Nations raised with the Amendment Application and these conclusions were undertaken, with consideration given to the purpose of the EAO to support reconciliation with Indigenous peoples in British Columbia as set out in [Section 2\(2\)\(b\)\(iii\)](#) of the Act;
- Notification of Halfway River First Nation, McLeod Lake Indian Band, Saulteau First Nations, and West Moberly First Nations about the proposed amendment have been adequately carried out by the Certificate Holder and the EAO; and

- The provincial Crown has fulfilled its obligations for consultation and accommodation of Halfway River First Nation, McLeod Lake Indian Band, Saulteau First Nations, and West Moberly First Nations relating to the issuance of an amendment to for the changes as proposed in the Amendment Application for Certificate #M04-01

and recommends that the Chief Executive Assessment Officer of the Environmental Assessment Office, upon consideration of the conclusions in this report and any other relevant factors, issues an Amended Certificate under [Section 32](#) of the *Environmental Assessment Act*, including the addition of a CPD (Schedule A), and 12 conditions (Schedule B) for Certificate #M04-01 for the Wolverine Coal Project.