

Grassy Mountain Coal Project Joint Review Panel

September 16, 2020

By email only

Ms. Angela Lowry
Consultation Advisor, Southern Region
Aboriginal Consultation Office

Subject: Request for submission of Aboriginal Consultation Office Adequacy Report for the Grassy Mountain Coal Project

Dear Ms. Lowry,

The Joint Review Panel (the Panel) established to review the proposed Grassy Mountain Coal Project (the Project) has reviewed the Aboriginal Consultation Office's (ACO) correspondence dated September 10, 2020 (CIAR #524) and re-reviewed ACO's May 8, 2020 letter (CIAR #349).

The Panel would like to formally request that the ACO identify any outstanding issues or concerns with consultation, as described in the ACO letter of May 8, 2020 (CIAR #349). The Panel understands from ACO's correspondence to the Panel dated September 10, 2020 (CIAR #524) that this will take the form of a report which shares the ACO's finding on consultation adequacy and may also contain advice on actions required to address potential adverse impacts on First Nations' Treaty rights and traditional uses identified during consultation pursuant to the *Joint Operating Procedures for First Nations Consultation on Energy Resource Activities*.

On June 25, 2020, the Panel determined that it had sufficient information to proceed to a public hearing (CIAR #362). On June 29, 2020, the Panel issued the notice of hearing (CIAR #365) and requested ACO provide its report on consultation in advance of the hearing (CIAR #378). On August 12, 2020, the Panel notified all participants of the list of hearing participants and stated its intention to hold the hearing in October 2020 (CIAR #488). On September 4 (CIAR #520) and September 9, 2020 (CIAR #523) the Panel notified participants that the hearing will be held online, using electronic means (Zoom) starting on October 27, 2020.

Given the standing request for advice operative in the *Joint Operating Procedures for First Nations Consultation on Energy Resource Activities*, and noting that the public hearing will commence October 27, 2020, please indicate as soon as possible when ACO expects to submit the report.

The Panel understands that the ACO will observe or monitor the hearing and may provide a hearing report. Please note that the hearing will be conducted by electronic means and that the ACO may observe the proceedings via the YouTube or, at its request, via the Zoom feed. The ACO is encouraged to read the emails sent to the distribution list for the Project, and to check the

Canadian Impact Assessment Registry (the Registry) regularly to view these and other documents related to the review of the Project.

The Panel also wishes to advise the ACO that, in addition to the groups outlined in the Panel's June 29, 2020 letter (CIAR #378), the request to participate process resulted in the Panel granting full participation to the Shuswap Indian Band (of British Columbia).

Any information submitted to the Panel will be posted to the Registry, reference number 80101, unless it is excluded due to confidentiality, security or other reasons.

If you have any questions regarding this letter, you are encouraged to contact Tracy Utting, Acting Panel Manager at IAAC.GrassyMountain.AEIC@canada.ca.

Yours truly,

<Original signed by>

Alex Bolton
Chair, Joint Review Panel

cc: Tanya Holden, Region Lead, Southern Region, Aboriginal Consultation Office
Mike Bartlett, Senior Project Manager, Millennium EMS Solutions Ltd.
Martin Ignasiak, Osler, Hoskin & Harcourt LLP
Sarah Nossiter, Senior Counsel, Riversdale Resources