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November 5, 2021

**Sent by Email Only**

Steve Jennings  
Environmental Assessment Manager  
Skeena Resources Limited  
stevejennings@skeenaresources.com

Agency File No: 005791  
EAO File No: 30020-04/MINI 2021

Dear Steve Jennings:

**Subject: Joint Summary of Issues and Engagement for the Eskay Creek Revitalization Project**

This cover letter replaces the October 28, 2021 transmittal; please note that there have been no changes to the enclosed Joint Summary of Issues and Engagement (Joint Summary) issued to Skeena Resources Limited (the proponent) on October 28, 2021.

The Impact Assessment Agency of Canada (the Agency) and British Columbia's Environmental Assessment Office (EAO) conducted a comment period on the Eskay Creek Revitalization Project (the Project) from August 30, 2021 to September 29, 2021. The public, Indigenous groups and other participants were invited to review the Initial Project Description and to provide feedback related to the proposed project. The enclosed Joint Summary reflects the issues raised through comments received from the public, Indigenous groups and technical advisors (federal authorities, provincial ministries, local and Indigenous governments, and United States' federal and state agencies). As a next step, the Agency and the EAO expect the proponent to produce a single Detailed Project Description that will meet both federal and provincial requirements.

The EAO notes that British Columbia and Tahltan Nation are negotiating the first consent-based agreement for the Project under British Columbia's *Declaration on the Rights of Indigenous Peoples Act* (2019). The agreement will provide upfront clarity on regulatory issues that must be addressed in the assessment process, articulation of the conditions for consent and the informational and process requirements for Tahltan Nation's decision making. The agreement will include

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specific process requirements for Tahltan Nation's engagement on key regulatory issues, integration of Tahltan Nation's Assessment Policies, EAO's required assessment matters and any additional information requirements.

The purpose of the federal Planning phase under the *Impact Assessment Act* (IAA) is to engage with Indigenous groups, provinces and other jurisdictions, the public and stakeholders to identify and discuss issues early, to inform a robust assessment process and better project design. Descriptions of all the phases of the federal process can be found in the *Impact Assessment Process Overview*. Pursuant to subsection 15(1) of the IAA, the proponent must provide the Agency with a Detailed Project Description that sets out how it intends to address the issues in the Joint Summary and includes the information described in the *Information and Management of Time Limits Regulations* (the Regulations). The requirements for the Detailed Project Description are set out in Section 4 and Schedule 2 of the Regulations. Please consult the Agency's *Guide to Preparing an Initial Project Description and a Detailed Project Description* for further information.

Early Engagement is the start of provincial regulatory process that provides an opportunity for all participants to better understand the Project, identify key issues and interests, and establish a foundation for the remainder of the process. An overview of the provincial process is included in the *EAO User Guide*. The guidelines for completing a Detailed Project Description for the EAO are included in the *Early Engagement Policy*. Under Section 39(a) of the provincial *Environmental Assessment Act* (2018), the proponent has up to one year to submit its Detailed Project Description from the issuance of the Joint Summary or the Chief Executive Assessment Officer may terminate the assessment of the Project.

The EAO notes that the Detailed Project Description is a foundational document for Process Planning, should the Project proceed to an environmental assessment. The EAO strongly encourages the proponent to submit additional documents along with the Detailed Project Description, including the proponent's proposed Application Information Requirements, based on the EAO's *Application Information Requirements Guidelines*.

Consistent with the EAO's Early Engagement Policy, the Detailed Project Description must also include a summary of how the proponent has or plans to integrate Indigenous knowledge, perspectives and interests, specifically in relation to the Tahltan draft Application Information Requirements, into the scoping and information gathering process for the environmental assessment and into the proponent's proposed Application Information Requirements for the Project.

The EAO also expects the proponent to engage with Indigenous groups and technical advisors during the development of the Detailed Project Description to ensure their interests are considered. This engagement includes the sharing of drafts of the Detailed Project Description with these participants. The Detailed Project Description should include information provided in the Initial Project Description and updates, revisions and further details following engagement with Indigenous groups, technical advisors and other stakeholders. It is important that the Detailed Project Description describes how engagement activities and the Joint Summary were considered, and how they may have contributed to changes in the Project.

The proponent is asked to provide meaningful responses in the Detailed Project Description to the issues included in the Joint Summary. The Joint Summary and the proponent's responses will be used, in addition to other information, to inform the Agency's decision on whether an impact assessment is required for the Project, and the EAO's decision on whether the Project should proceed to an environmental assessment under the provincial *Environmental Assessment Act* (2018).

In preparing the response, there may be some issues that, in the view of the proponent, are outside of its care and control. In this situation, the proponent may choose to identify the party or parties with the potential to address the issue(s).

For ease of reference, the Agency and the EAO request that the response to the Joint Summary be provided in a table with reference to other parts of the Detailed Project Description as warranted.

As part of the comment period, the Agency also invited comments from the public and Indigenous groups on the request from the Government of British Columbia that the conduct of the federal impact assessment, should one be required, be substituted to the Province. Comments received in relation to the substitution request will be considered by the federal Minister of Environment and Climate Change in making the substitution decision; they are not reflected in the Joint Summary and the proponent is not expected to provide a response to those comments.

The Agency generally estimates that it could take approximately 30 days—or until November 26, 2021 in this case—for a proponent to provide the Detailed Project Description for the federal process, including the response to the Joint Summary. In consideration of efforts being made to coordinate the federal Planning Phase steps under the *Impact Assessment Act* and the provincial Early Engagement phase steps under the *Environmental Assessment Act* (2018), the Agency recognizes that the proponent may require additional time to produce the Detailed Project Description.

You are encouraged to contact the Agency in the next few days to discuss how much time may be required.

The proponent is reminded that all records produced, collected, or received in relation to the assessment of the Project—unless prohibited under the federal *Access to Information Act* or the provincial *Freedom of Information and Protection of Privacy Act*—will be considered public and posted on the Canadian Impact Assessment Registry Internet site and/or the EAO's Project Information and Collaboration (EPIC) website.

If you have any questions or if the Agency or the EAO can assist in facilitating engagement with Indigenous groups and technical advisors during the development of the proponent's Detailed Project Description, please do not hesitate to contact Christal Nieman from the Agency at [Christal.Nieman@iaac-aeic.gc.ca](mailto:Christal.Nieman@iaac-aeic.gc.ca) or David Grace from the EAO at [David.Grace@gov.bc.ca](mailto:David.Grace@gov.bc.ca).

Sincerely,

<Original signed by>

Regina Wright  
Regional Director, Pacific and Yukon  
Impact Assessment Agency of Canada

<Original signed by>

Elenore Arend  
Chief Executive Assessment Officer and  
Associate Deputy Minister  
British Columbia Environmental Assessment Office

Enclosure: Eskay Creek Revitalization Project –  
Joint Summary of Issues and Engagement

c.c.: Christal Nieman, Project Manager, Impact Assessment Agency of Canada  
David Grace, Project Assessment Director, Environmental Assessment Office

# Joint Summary of Issues and Engagement

## 1.0 Introduction

Skeena Resources Limited is proposing the construction, operation and closure of an open-pit gold and silver mine located approximately 85 kilometres northwest of Stewart, British Columbia. As proposed, the Eskay Creek Revitalization Project (the Project) would produce up to three million tonnes of ore per year (a maximum of about 7,800 tonnes per day) during a 13 to 16-year mine life. This mine life would include a 2-year construction phase, 8 to 11-year operation phase, and 3-year reclamation and closure phase. The Project is located on the same site as the underground Eskay Creek mine which is no longer operating and the proponent will make use of some of its existing facilities and infrastructure.

The Impact Assessment Agency of Canada (the Agency) and British Columbia's Environmental Assessment Office (EAO) are working cooperatively in a coordinated process for the initial phase of the Project's review in accordance with the [Impact Assessment Cooperation Agreement between Canada and British Columbia \(2019\) \(the Cooperation Agreement\)](#), and in support of the principle of "one project, one assessment."

The Agency and the EAO have both accepted an Initial Project Description for the Project, which is subject to the federal *Impact Assessment Act* and the provincial *Environmental Assessment Act* (2018).

British Columbia and Tahltan Nation are negotiating the first consent-based agreement for the Project under British Columbia's *Declaration on the Rights of Indigenous Peoples Act* (2019). The agreement will require Tahltan's consent prior to the provincial decision regarding the Project's environmental assessment certificate and will be based on the principles of clarity, predictability, clear process, transparency, and administrative fairness.

The agreement is anticipated to be complete by early 2022. As referenced in the cover letter this agreement will provide upfront clarity on regulatory issues that must be addressed in the assessment process, articulation of the conditions for consent and the informational and process requirements for Tahltan Nation's decision making. The agreement is anticipated to successfully demonstrate the process by which Tahltan and British Columbia are making decisions together under their respective jurisdictions, applying both science and Indigenous knowledge and respecting Tahltan rights and title.

This Joint Summary of Issues and Engagement (Joint Summary) document has been prepared and issued by the Agency and the EAO as part of the federal Planning and provincial Early Engagement phases in the assessment of projects that are captured by both the federal *Impact Assessment Act* and the provincial *Environmental Assessment Act* (2018). In accordance with the Cooperation Agreement, this Joint Summary is issued to the proponent in place of separate federal Summary of Issues and provincial Summary of Engagement documents.

As required by subsection 14(1) of the federal *Impact Assessment Act* and paragraph 13(5)(a) of the provincial *Environmental Assessment Act* (2018), this Joint Summary provides a summary of:

- The issues raised to the Agency or the EAO by the public during the joint public comment period;
- Comments from Indigenous groups related to their interests in the Project area;
- Key issues or concerns identified by Indigenous groups regarding the Project; and,
- Comments provided by technical advisors<sup>1</sup> after reviewing the proponent's Initial Project Description.

Note that the Joint Summary provides a summary of comments received; it does not evaluate those concerns, nor does it define what is to be addressed in the impact assessment. The Joint Summary also identifies participating Indigenous nations as per paragraph 13(5)(b) of the provincial *Environmental Assessment Act* (2018).

The proponent is required to consider the issues raised in the Joint Summary and respond to them in its Detailed Project Description and accompanying response to the Joint Summary. This Joint Summary, the proponent's response to the Joint Summary, and the proponent's Detailed Project Description will be used, in addition to other information, by the Agency to determine whether a federal impact assessment is required, and by the EAO to determine if the project is ready to proceed to a provincial environmental assessment.

Further details on the Project can be accessed in the Initial Project Description, Engagement Plan, and other documents on the Agency's [Canadian Impact Assessment Registry](#) or the [EAO Project Information Centre](#) (EPIC).

## 2.0 Early Engagement Overview

To date in the assessment process, the Agency and the EAO have sought to understand how Indigenous groups, the public, and technical advisors want to be engaged, and have gathered their initial interests, concerns, questions, feedback and knowledge regarding the Project. The Agency and the EAO hosted two virtual information sessions and held meetings and teleconferences with federal authorities, technical advisors, and potentially affected Indigenous groups. The Agency and the EAO also participated in a virtual community information session led by Tahltan Central Government.

### 2.1 Joint Public Comment Period

The Agency and the EAO held a 30-day joint public comment period from August 30, 2021 to September 29, 2021. Due to the COVID-19 pandemic and the associated physical distancing measures, virtual information sessions were held via Zoom on September 16 and 21, 2021. The Tahltan community information session was held on September 22, 2021. The virtual information sessions included presentations on the federal and provincial assessment processes, a presentation by the proponent on the Project, and opportunities to ask questions. Tahltan Central Government also

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<sup>1</sup> Federal authorities, provincial ministries, local governments, health authorities, and United States' federal and state agencies.

presented at the first session on Tahltan government structure, the Tahltan Heritage Resources Environmental Assessment Team (THREAT), and environmental assessment history in their territory. The two virtual information sessions had approximately 25 participants in total. The Tahltan community information session had approximately 14 participants. Two individual public comments were received by the Agency and the EAO during the joint public comment period. Comments are summarized below in section 4.0.

### 3.0 Indigenous Groups

The Agency and/or the EAO notified and requested input from the following Indigenous groups whose interests could potentially be affected by the Project:

- Gitanyow Nation
- Métis Nation British Columbia
- Nisga'a Nation
- Tahltan Nation\*
- Tsetsaut/Skii km Lax Ha

\*indicates confirmed participating Indigenous nation under the provincial *Environmental Assessment Act* (2018)

The Agency and the EAO made funding available to support participation by Indigenous groups in this phase of the assessment.

Canada and British Columbia hold Treaty obligations pursuant to the [Nisga'a Final Agreement](#). The Agency and the EAO are working with Nisga'a Nation to discuss how Nisga'a Nation wishes to be engaged on the Project and to discuss how the applicable requirements of the Treaty can be met. These considerations include how Nisga'a Nation specific values may be considered, and how potential impacts to Nisga'a Nation and its Treaty Interests may be assessed in accordance with Chapter 10 of the *Nisga'a Final Agreement*, informed by the definition of the Project and the scope of the assessment. Federally, the extent to which activities are considered incidental activities, and therefore included in the definition of the Project to be assessed, will be established later in the Planning phase. Provincially, should the Project proceed to an environmental assessment the scope of the Project and scope of the assessment will be formalized in a Process Order during the Process Planning phase of the environmental assessment.

Under the provincial *Environmental Assessment Act* (2018), Indigenous groups that may be impacted by a proposed project can self-identify as participating Indigenous nations for the assessment of a project. Participating Indigenous nations are afforded specific procedural rights under the provincial *Environmental Assessment Act* (2018), including, consensus seeking processes, a procedure to communicate consent or withhold consent at key decision points, and access to facilitated dispute resolution.

Indigenous nations that have identified as participating Indigenous nations for the Project are identified in Table 1. The notices the EAO received from Indigenous groups self-identifying as participating Indigenous nations can be found on the EAO's [EPIC website](#). Table 1 also identifies the Agency and the EAO's preliminary understanding of Indigenous groups' interests

in the Project area based on responses received from Indigenous groups. The Agency and the EAO will continue to engage the listed Indigenous groups, and should additional information be provided it will be considered during the process.

During the comment period, Tahltan Nation and Nisga’a Nation provided the below text for inclusion in this document.

**Table 1: Preliminary Understanding of Issues Raised by Indigenous Groups**

Indigenous Group	Summarized Understanding of Issues Raised
Tahltan Nation*	<ul style="list-style-type: none"> <li>• Tahltan Nation will provide a decision on consent or lack of consent regarding the project’s environmental assessment certificate based under the forthcoming Section 7 Agreement</li> <li>• Impacts to Tahltan Nation and their Section 35 rights will be assessed by Tahltan through Tahltan Assessment principles, policy, methods, and process elements</li> <li>• Application of Tahltan Knowledge and Assessment Requirements on Tahltan Values is being scoped with the proponent and regulatory agencies</li> <li>• Importance of establishing the land and water to support existing and future uses by Tahltan people</li> <li>• Jointly establishing the scope and requirements for project effects and cumulative effects</li> <li>• Ensuring the information generated by the environmental assessment captures the uncertainties and contingencies of the potential effects</li> <li>• Impacts to food security and social, cultural, economic, and environmental traditional practices and uses</li> <li>• Downstream concerns with salmon and hooligan [eulachon] fish populations</li> <li>• Avoidance of long term treatment, and closure requirements</li> </ul>
Nisga’a Nation	<p>The <i>Nisga’a Final Agreement</i> requires that the Agency and the EAO assess the impacts of the proposed Eskay Creek Project on the Nisga’a Nation’s treaty interests. Specifically, the proposed project must undergo the assessments in accordance with paragraphs 8(e) and 8(f) of Chapter 10 – Environmental Protection and Assessment. As such, the Initial Project Description (IPD), the Engagement Plan and the Detailed Project Description must adequately describe (i) the Nisga’a Nation’s Treaty rights and interests that may be impacted and (ii) how the proponent intends to engage with the Nisga’a Nation in a way that will ensure that the assessments required under the Nisga’a Treaty will be properly carried out in accordance with Nisga’a Chapter 10 guidance.</p> <p>The Nisga’a Nation raised some preliminary concerns in an <a href="#">initial response letter</a> and a virtual meeting with the EAO and the Agency highlighting potential project interactions with Nisga’a Treaty interests and impacts that will need to be addressed. In summary, they include:</p> <ul style="list-style-type: none"> <li>• Potential impacts of trucking concentrate within the Nass Area and Nass Wildlife Area via the proposed trucking route along Highways 37 and 37A. Potential impacts include mortality of wildlife and impacts to freshwater and marine aquatic values by accidents and malfunctions along the trucking routes</li> <li>• Shipping-related effects in Portland Canal and Portland Inlet - including potential impacts to freshwater and marine aquatic values due to accidents and malfunctions along the transport routes, and shipping effects</li> <li>• Shipping navigation including potential spill-response delays, compromised ship tracking, and communication limitations within Portland Canal</li> <li>• A requirement that aquatic and wildlife effects be clearly stated in the IPD to include all project-related road and marine traffic within the Nass Area or Nass Wildlife Area</li> <li>• Effects on the current and future social, cultural and economic well-being of Nisga’a Citizens. The <i>Nisga’a Final Agreement</i> requires that the Agency and the EAO assess</li> </ul>



Indigenous Group	Summarized Understanding of Issues Raised
	the impacts of the proposed Eskay Creek project on the Nisga'a Nation's treaty interests
Gitanyow Nation	Gitanyow interest in EAO's recognition of Gitanyow's Wilp Sustainability Assessment Process (WSAP) and how the WSAP could be applied to the assessment of the Eskay Creek project.

\*Self-identified as a participating Indigenous nation under the provincial *Environmental Assessment Act* (2018)

The Agency and the EAO expect the proponent to engage with each of the Indigenous groups listed in section 3.0 to ensure their interests and issues are reflected in the Detailed Project Description.

#### 4.0 Summary of Issues

This section provides a high-level summary of the issues raised in comments received by the Agency and the EAO from the public, Indigenous groups, the Southeast Alaska Indigenous Transboundary Commission (SEITC), and technical advisors on the proponent's Initial Project Description (see Table 2). The proponent is directed to review the original submissions posted on the Agency's [Canadian Impact Assessment Registry](#) and the EAO's [EPIC website](#).

The Joint Summary does not include comments received on British Columbia's request to substitute the conduct of the federal impact assessment, should one be required, to the Province. Should a federal impact assessment be required, the federal Minister of Environment and Climate Change will consider any comments received in deciding whether to approve the request for substitution. The Agency will post a notice of the Minister's decision with respect to the request for substitution along with the reasons for the decision on the Agency's [Canadian Impact Assessment Registry](#).

**Table 2: Summary of Issues Raised**

<p><b>Accidents, Malfunctions, and Public Safety</b></p> <ul style="list-style-type: none"><li>• Potential for adverse environmental effects from accidents and malfunctions (e.g., tailings dam breach, wastewater spill, water treatment system failure, propane release, fuel spill)</li><li>• Concern that an accidental release or spill of contaminants could result in effects to air quality, water quality, wildlife, and wildlife habitat</li><li>• Accidents during mining operations may result in contamination of drinking/recreational water and traditional foods</li><li>• Request that impacts to public health are included in the assessment of accidents and malfunctions Concern about increased risk of vehicle accidents on Highway 37, and effects to human health, wildlife (e.g., increased mortality), and freshwater and marine aquatic values. Support for an assessment of potential for accidents and malfunctions from increased traffic on Highway 37 and 37A</li><li>• Concern about accidents and malfunctions (e.g., open pit flooding) caused by inaccurate water balance projections</li><li>• Concern about tailings dam failure and the reliance on the structural integrity of three tailings dams</li><li>• Describe the geotechnical studies that will occur to evaluate stability of the TMSF, including any independent engineering reviews. Request for an evaluation of geotechnical stability of the tailings dams under static and seismic conditions, and a risk assessment for potential impacts of a tailings dam breach (e.g., breach assessment, inundation analysis)</li><li>• Request for a notification strategy for the State of Alaska, Alaska Tribes, and the U.S. Federal Government in the event of a tailings dam incident</li><li>• Concern that the Project may accumulate contaminated water throughout the mine life without implementation of water treatment solutions, resulting in potential for accidents and malfunctions, and increased financial liability</li><li>• The Reclamation Plan should include consideration of real progressive reclamation, including operating water treatment plants throughout the mine life, and treating/discharging water to reduce dam storage volume and the need for management post-closure</li></ul>
<p><b>Acoustic Environment</b></p> <ul style="list-style-type: none"><li>• Include a noise assessment in accordance with Health Canada’s guidance to assess potential effects of noise on sensitive receptors, including the potential for sleep disturbance</li></ul>

### **Alternative Means of Carrying Out the Project**

- Include potential impacts of the alternative means of carrying out the Project on greenhouse gas (GHG) emissions, and consider GHG emissions as a criterion in the evaluation and selection of alternatives
- Consider possible environmental repercussions from dam failure, acid rock drainage, leaching, climate change, and catastrophic events as criteria in the evaluation and selection of alternatives
- Concern that the Project is an open-pit mine, rather than underground. Request for engagement of participants in the assessment of pit development and mining method alternatives, ways to decrease the surface disturbance of the Project, and the environmental benefits/drawbacks of each option
- Concern about the lack of alternative waste management options to reduce risks of leakages and failures, and that the proposed method was chosen based on cost, rather than safety, current scientific, technological, and political standards, or the potential to reduce environmental harms, including cumulative effects to transboundary waters
- Consider thickened/paste tailings and waste backfilling options to reduce the need for additional capacity at the tailings management storage facility. Other options to consider include a filtered tailings facility that is not sited on existing tailings facilities, and a reduced water tailings facility (paste or water pumped off) with a dry closure
- Evaluate additional waste rock alternatives, especially for on-land or in-pit storage facilities, including: isolated and non-subaqueous waste rock disposal that includes a liner (if potentially acid generating (PAG) or metal leaching) and seepage control; backfilling waste rock into the existing underground workings and the new open pits; and scenarios in which additional capacity is required if there is more than expected PAG material
- The alternatives assessment should be independently reviewed as per the Global Tailings Standards
- Consider using non-degradation principles as goalposts when developing water quality objectives and required water treatment methods
- Recommend a thorough assessment and evaluation of design alternatives for the proposed construction of the three starter embankment dams to raise the water in the TMSF
- Explain why the south pit could not be developed in the early mining phase to accommodate tailings and/or PAG waste rock disposal

**Atmospheric Environment**

- Potential for emissions of contaminants such as sulfur oxides (SO<sub>x</sub>), nitrogen oxides (NO<sub>x</sub>), volatile organic compounds (VOCs), and particulate matter (PM<sub>2.5</sub>, PM<sub>10</sub>, and PM) from mining operations, processing, and combustion, including from marine shipping, road, and rail traffic
- Recommend the air quality assessment consider nitrogen dioxide (NO<sub>2</sub>), sulphur dioxide (SO<sub>2</sub>), carbon monoxide (CO), VOCs, polycyclic aromatic hydrocarbons (PAHs), particulate matter, metals, and diesel particulate matter (DPM)
- Potential for introduction of particulate matter to the atmosphere from activities causing physical disturbance to the land (e.g., blasting)
- Emission of air contaminants can result in local or regional degradation of ambient air quality, with potential impacts on human health and sensitive ecosystem receptors
- Use of the most stringent Canadian Ambient Air Quality Standards to undertake an assessment of existing baseline, project-only, and future (baseline + project), and cumulative effects
- Assess carcinogenic and non-carcinogenic health impacts of DPM, secondary pollutants (e.g., ground level ozone (O<sub>3</sub>), secondary fine particulate matter (PM<sub>2.5</sub>)), chemicals associated with ore extraction (e.g., emissions from ammonium nitrate), and processing (e.g., ammonia). Clarify which chemicals will be used in processing
- Recommend the air quality assessment include waste incinerator emissions and all transportation-related activities that may be scoped into the assessment
- Request that metals be considered as a potential air contaminant of potential concern (COPC), including impacts on inhalation, ingestion, and other human health pathways
- Request that a “likely conservative” (rather than an “overly conservative”) model be used in the air quality assessment to ensure an accurate evaluation of potential impacts
- Clarify if the overland conveyer will have a cover to mitigate dust
- Request mitigation measures for fugitive dust (e.g., wheel cleaning stations) to address effects to both water and air quality

**Climate Change and Greenhouse Gas Emissions**

- Describe land areas expected to be impacted by the Project by ecosystem type, over the course of the Project lifetime, and including any areas of restored or reclaimed ecosystems. Quantify GHG emissions from land-use change and emissions associated with the post-closure phase as per the Strategic Assessment of Climate Change guidance
- Consider best available technologies, best environmental practices, and mitigation and offset measures to reduce GHG emissions
- Changes in the Project area due to climate change may alter baseline conditions, with implications for climate sensitive aspects of Project design and associated effects on the environment; or cause impacts to the environment from accidents and malfunctions
- Describe activities that would result in impacts on carbon sinks
- Concern about impacts to Indigenous communities from localized climatic changes caused by potential emissions

**Cultural**

- Concern about impacts to Indigenous communities from loss of food security, and impacts to sacred sites and other cultural and heritage-sensitive areas

**Cumulative Effects**

- Concern about impacts to Indigenous communities from the cumulative effects of significant historic oil, gas, forestry, and mining development activities in the Project area
- Concern that the Project will add to cumulative effects in the region (particularly with other mining Projects including Brucejack and Kerr-Sulphurets Mitchell (KSM)) on communities, regional air and water quality, and fish and wildlife in the Unuk River watersheds
- The list of past, present, and reasonably foreseeable future activities in the Project area for the cumulative effects assessment should include the Eskay Creek Mine, Brucejack, KSM, Snip Mine, Rio Tinto BC Works, Vopak Pacific Canada, Coastal GasLink, and proposed projects in the Unuk River watershed; these activities should also be included on the regional study area maps
- Cumulative activities may influence the water balance or water quality in the Unuk River. The conceptual model for water balance should include upstream and downstream sampling nodes (if they exist), and other land-based activities upstream of Ketchum Creek and downstream of Harrymel Creek
- Recommend the proponent continue the Bilateral Working Group water monitoring program with the Alaska Tribes, and use the previously collected data in the development of baseline conditions
- Consider the cumulative effects of shipping out of the Port of Stewart on U.S./Alaska marine waters

**Differential Impacts on Diverse Persons and Groups**

- Use a Gender-based Analysis Plus (GBA+) approach throughout the assessment to understand the differential impacts and experiences of risks, benefits, and impacts of the Project on men, women, gender-diverse persons and people from a range of groups and communities
- Use disaggregated data (e.g., qualitative and quantitative data on positive and negative impacts on diverse people, disaggregated by sex, gender, age, etc.). If disaggregated data is limited, identify data gaps and how the needs of diverse people will be understood and reflected in Project design. Where available, include the views of diverse people, including those who are marginalized, and information on how their views will help shape the Project. Ensure inclusiveness in consultation and engagement
- Identify barriers to equality, including the position of various groups with respect to decision-making, participation, access and control over resources, and norms, values, and rights
- Include information on what will be done to ensure the Project strengthens capacities and quality of life for diverse groups and individuals, how the Project seeks to address the identified needs of various people, and whether the Project outcomes include a broader commitment to improving equality and not perpetuating norms and structures that have contributed to inequality. Include an analysis of differential impacts to determine if diverse populations will get a fair share of Project benefits or will be disproportionately affected by negative consequences (e.g., gender-based violence)
- Include information about corporate policies on equality, anti-harassment, or other relevant policies; whether the current workforce is diverse, whether there's a history of abuses or infractions related to social justice issues, and whether training is provided on issues related to equality, diversity, and inclusion

**Economic Conditions**

- Prioritize hiring local residents, and consider collaborating with local Project stakeholders and Indigenous groups to support training and hiring of underrepresented groups; finding economic opportunities from local employment and training; and spending on local supplies, services, and transportation
- Describe how training and employment opportunities would be provided to Indigenous peoples from potentially affected Indigenous groups, and clarify whether the Project will have Indigenous employment targets
- Provide Project workforce projections for construction and operations, including median and maximum workforce numbers, and details of where workers will come from
- Provide more information on current socio-economic conditions within potentially affected communities (e.g., regional unemployment/underemployment rates)
- Consider potential for increased risk of adverse socio-economic impacts related to boom-bust cycles and negative economic effects (e.g., change in income equity)
- Consider financial planning supports, support for traditional economies, and investments into the local economy as mitigation measures

**Ecosystems**

- Concern about impacts to Indigenous communities from loss of lands with native habitats and associated wildlife, and impacts to soils, waters, and fish habitat
- Settling of air contaminants from mining activities (e.g., metals, polycyclic aromatic compounds) into the surrounding environment may cause adverse impacts to terrestrial and aquatic ecosystems, including water, soil, flora, and fauna
- Emissions of NO<sub>x</sub> and SO<sub>2</sub> may lead to acidification and potential exceedance of the ecosystems' critical load, and may affect plants, wildlife, and fish and fish habitat
- Concern about further habitat fragmentation, cumulative effects, and reduction in biodiversity and healthy habitat for many species at risk in the region, including grizzlies, wolverines, western toads, and northern goshawks

**Effects of the Environment on the Project**

- Changes to the Project caused by climate change (e.g., from extreme weather events) may cause issues, such as equipment failures, that can threaten the environment, impact human health and safety, interrupt essential services, disrupt economic activity, and incur high costs for recovery and replacement
- Include a discussion of reasonably foreseeable effects that climate change may have on the Project and surrounding area, including long term stability of infrastructure (e.g., tailings/water treatment facilities)
- Consider impacts of climate change to any modeling associated with risk analysis of tailings storage facility dam failure

**Environmental and Impact Assessment Processes**

- Include all transportation routes into and out of the mine site, all proposed ancillary infrastructure which the Project cannot proceed without (e.g., construction of the electric transmission line), and the entire TMSF (not just the expansion) in the assessment
- Concern that one year of baseline studies is not adequate (should be minimum 3-5 years), and is not enough time for rights holders and stakeholders to review the data and analysis. Baseline studies for the existing mine are dated and irrelevant to creating a current baseline
- Recommend that only pre-mining (early 1990s) environmental conditions be used to characterize the effects of the Project on the environment
- Include all future site activities, regardless of whether they are captured under existing permits, in the assessment to ensure the public, stakeholders, and regulators fully understand the scale of the Project and its potential impacts
- Request for identification of Alaska Tribes that have traditional, cultural, and subsistence uses of the Unuk River, and a description of those uses and potential impacts from the Project
- Regional study areas should include Alaska and salmon populations of the Unuk River, and the assessment of downstream impacts should be developed and executed with significant input from Alaska Tribes, communities, and their scientific representatives

**Fish and Fish Habitat**

- Effects on fish mortality and productivity through harmful alteration, disruption, and destruction during construction and operation
- Concerns about impacts to fish, including salmon health and fish passage, due to sediment from road dust along Highways 37 and 37A
- Clarify if and where there are fish in Ketchum Creek (including between the D7 discharge point and the confluence of the Unuk River) and the locations of existing fish barriers
- Provide additional information on planned downstream water and fish monitoring efforts in the Unuk River during operations and post-closure
- Recommend the proponent study both historical and present hooligan (eulachon) fish populations in the lower Unuk River with Alaska Tribes
- Request for mitigation measures in the Unuk River that directly relate to Alaska salmon legislation
- Concern about relying on previous assessments and monitoring (that were not based on thorough and robust scientific research methods) that concluded the Unuk River and its salmon were not impacted by mining activities in the area

**Geology, Geochemistry, and Geological Hazards**

- Provide additional details about the existing underground mine, including: whether past tailings were used as backfill for the underground workings, the mine's groundwater monitoring program, the design of the existing TMSF (i.e., whether it is lined and how water is managed), and any water quality or geotechnical compliance issues
- Provide a conceptual design of the proposed expanded TMSF, including dam heights, dam construction techniques and whether the facility is proposed to be lined
- Request that liners and/or seepage collection and treatment be utilized for facilities that hold acid generating/metal leaching wastes and tailings
- Ensure the waste rock segregation program used to identify PAG rock is adequately described, including: the criteria or thresholds that are proposed to be used to distinguish non-PAG rock from PAG; whether the geochemical characterization scope includes evaluation of the potential for neutral metals leaching for parameters such as arsenic, antimony, mercury, and selenium; geochemical characterization of historic and future subaqueous stored mine wastes and neutral metal leaching in both subaerial and subaqueous conditions; and the timing for completion of geochemical characterization
- Ensure the metal leaching and acid rock drainage management plan, source term model, and site-wide water balance and quality model include sediment quality
- Explain why column tests are not planned for submergence of PAG rock
- Provide additional information on best practices for advancing open-pit mining operations through existing underground voids
- Describe how the TMSF and waste rock pile would be rehabilitated, and on whether engineered covers or backfill would be used
- Provide the occurrence rate of historical seismicity in the Project region, and include natural and induced or mining-related earthquakes in the potential effects of the Project

**Human Health and Well-Being**

- Effects to human health from exposure to COPC through air, consumption of local foods or water, dermal contact with contaminated surface/groundwater, and working in a highly mineralized area
- Include the locations of all potential permanent/temporary/seasonal human receptors (e.g., residences, sensitive locations), waterbodies used for recreational or ceremonial purposes, sites used for drinking water, and the distance between them and the Project components that may affect them
- Include a detailed Health Impact Assessment to capture positive and adverse effects on social, economic, and health conditions. Consider community concerns (e.g., employment) and use GBA+ to assess effects on sub-populations
- Include a multi-media Human Health Risk Assessment when elevated levels of COPC are identified in the environment and there are possible exposure pathways to humans. The assessment should include a screening-level assessment before eliminating any pathways or parameters, and in the full assessment, consider problem formulation, a toxicity (or hazard) assessment, an exposure assessment, and a risk characterization for all receptor locations (e.g., worker accommodations, recreational areas, drinking water sources)
- Provide distance from nearest healthcare facilities and service centres, including those located in Iskut, Terrace, and Stewart
- Ensure that the appropriate regulations are referenced in the Detailed Project Description for sewage, drinking water, and industrial camps, and include current health permits/approvals in the summary of existing permits/approvals

**Indigenous Peoples' Rights**

- Concern that the Project lacks the Free, Prior, and Informed Consent of all impacted Indigenous peoples, including downstream Alaska Tribes represented by SEITC

**Infrastructure and Services**

- Concern about impacts of traffic on Highway 37 North, especially at the Bob Quinn intersection

**Land and Resource Use**

- Refer to the Bob Quinn Rural Land Use Bylaw for the design of the transmission line to the Bob Quinn substation

<p><b>Marine Shipping</b></p> <ul style="list-style-type: none"> <li>• Potential effects to air quality from emissions due to marine shipping, resulting in degradation of local or regional ambient air quality, contamination of land and waterbodies, and effects to plants, wildlife, and fish and fish habitat</li> <li>• Provide updated information on existing and future marine traffic volumes</li> <li>• Concern about shipping-related effects in Portland Canal and Portland Inlet, including effects to marine aquatic values and potential impacts on Nisga’a Nation interests</li> </ul>
<p><b>Migratory Birds</b></p> <ul style="list-style-type: none"> <li>• Effects of noise, vibration, artificial lighting, and contaminant exposure on migratory birds and their habitat</li> <li>• Clarify which species of migratory birds could be affected by the Project, and propose mitigation measures for habitat loss, alteration and disturbance</li> </ul>
<p><b>Navigation</b></p> <ul style="list-style-type: none"> <li>• Provide information on impacts on navigation from the proposed water control structures in the TMSF</li> </ul>
<p><b>Other</b></p> <ul style="list-style-type: none"> <li>• Include details on the post-closure phase, including length, activities, and potential impacts</li> <li>• Include additional information on reclamation and closure concepts, and end land-use objectives</li> <li>• Include additional information on the timing, and other details as and when available, of pit development phases</li> <li>• Suggest adding a description of the Project’s Coordinated Authorizations Process Charter</li> <li>• Include dam monitoring and/or removal cost estimates and responsibility</li> <li>• Request for a description of the likely monitoring plans to be developed and implemented under the Environmental Management System</li> <li>• Include details on re-opening risks and environmental impacts (e.g., from de-flooding underground workings)</li> <li>• Include a schedule for completing the engineering and technical studies, and key Project plans (draft Water Management, Waste Management, Reclamation and Closure)</li> <li>• Include the dimensions of the Main and South Pits at maximum buildout</li> </ul>
<p><b>Public and Stakeholder Engagement</b></p> <ul style="list-style-type: none"> <li>• Engage health and social service providers, Kitimat-Stikine Electoral Area Directors (from Area A, D, and F), and Alaska Tribes in future public and stakeholder opportunities</li> <li>• Ensure that the Engagement Plan is designed for participants living in a rural area with limited access to virtual engagement opportunities</li> </ul>
<p><b>Social Conditions</b></p> <ul style="list-style-type: none"> <li>• Concern about impacts to Indigenous communities’ social well-being and economic prosperity</li> <li>• Consider housing, education levels, equity, cost of living, racism/discrimination, community cohesion, realities of rural living, access to services, colonization, GBA+, social conditions for different sub-populations, increases in traffic, and monitoring for negative impacts in the socio-economic assessment</li> </ul>
<p><b>Species at Risk, Wildlife and their Habitat</b></p> <ul style="list-style-type: none"> <li>• Effects to wildlife, migratory birds, species at risk, and their habitat in the Project area resulting from habitat loss, alteration or fragmentation, habitat avoidance, direct and indirect mortality, changes in predator/prey relationships, changes to migration or movement patterns, destruction or disturbance of residences, exposure to contaminants, and sensory disturbance (e.g., noise, vibration, artificial lighting)</li> <li>• Direct and indirect mortality and population impacts on mountain goats, ungulates, and bears from disturbance caused by helicopter use and Project-related road improvements</li> <li>• Consider climate projections and scenarios that could affect the operation of the mine and cause greater impacts to wildlife and their habitat</li> <li>• Request that aquatic and wildlife effects include all Project-related road and marine traffic within the Nass Area or Nass Wildlife Area</li> </ul>



**Transboundary**

- Concerns about adverse direct and cumulative transboundary effects to U.S. waters, aquatic resources, and use by Alaska Tribes from changes in water quality and water flows, sedimentation, dust deposition, and potential accidents or malfunctions of the TMSF
- Assess effects of the Project during all phases on the Unuk River extending into the U.S., including impacts on people, water quality, and aquatic resources. Develop monitoring plans and a monitoring location to evaluate changes to Unuk River water quality and aquatic resources

**Water Quality and Processes**

- Effects to surface and groundwater quality could result from increased erosion and sediment generation, transport, and deposition; dissolution of nitrates, deposition of particulate matter; discharges, spills or seepage of other contaminants from mine and waste management infrastructure (e.g., metal leaching, acid rock drainage); reduced groundwater availability to recharge surface water bodies; and increased contaminant concentrations
- Alteration of surface water flows and quantities, including from construction of the open pit, could impact water quality in the receiving environment (e.g., Unuk and Iskut rivers/watersheds)
- Impacts to water quantity from drawdown of the water table due to construction of the open pits or use in water-intensive operational processes
- Identify all drinking water sources and water bodies used for traditional purposes, and confirm whether Indigenous users consume treated or untreated water from the Project
- Concern that monitoring conducted for the Eskay Creek mine at current monitoring sites, including those on the Unuk River, do not give the full picture of potential effects from the proposed expansion due to methods, locations, and sampling frequency. Request for a robust environmental effects monitoring program for baseline and ongoing monitoring that addresses these issues
- Describe the current water treatment process being used at the site, and the discharge rate of treated water
- Clarify whether long-term water treatment will be needed, and if so, provide details to assess its effectiveness for treating parameters of concern, the expected by-products, and how they will be managed
- Provide water balance modeling, hydrological modeling, and water quality modeling to predict loading and concentrations of contaminants for all Project phases
- Provide geochemical testing of representative pit wall material, waste rock, and tailings to characterize the potential for acid rock drainage and metal leaching
- Baseline conditions for water quality should include pre-Eskay Creek Mine and current baseline conditions
- Explain why there are exceedances of freshwater British Columbia Water Quality Guidelines, whether exceedances are predicted to continue, and the steps taken to address them. Identify whether selenium is an element of concern
- Consider using State of Alaska water quality guidelines and science-based thresholds for chronic effects to aquatic life when determining impacts to water quality, discharge quality, and receiving environment water quality objectives
- Include tables showing constituents and range/maximum concentrations of all effluents and seepages currently being discharged from the site. Include this information for each of the sampling locations as compared to appropriate criteria, guidelines, and limits, including Unuk River data collected by the U.S. Geological Survey
- Request that the Environmental Management System consider implementing monitoring plans and activities during construction, operation, closure, and post-closure to evaluate effectiveness of mitigation strategies and detect potential changes in water quantity, water quality, and aquatic resources
- Work directly with the downstream Alaska Tribes to monitor water and sediment chemistry, benthic organism diversity and populations, and phytoplankton to assure waters are being protected and to detect changes in time for effective remediation
- Request that a long-term water balance model be developed to span the range of climate change-predicted drought and flood conditions, and an analysis of how the open pits and subsequent dewatering may affect water levels in the nearby streams
- Conduct dye studies to map potential groundwater connectedness between waste facilities and nearby surface waters

**Wetlands**

- Effects to wetlands and their ecological functions, including alteration of hydrological regimes, which could affect the quality or availability of habitat for migratory birds, species at risk, and other wildlife, including areas used for breeding, foraging, resting, and migration

## 5.0 Next Steps

The next steps in this initial phase of the assessment include:

- The proponent is required to submit a Detailed Project Description to the Tahltan Nation, the Agency and the EAO that includes responses to the issues raised in the Joint Summary.
- The proponent is expected to engage with technical advisors and each of the Indigenous groups listed in section 3.0 to ensure their interests and issues are reflected in the Detailed Project Description.
- The proponent is encouraged to submit additional documents along with the Detailed Project Description, including the proponent's proposed Application Information Requirements that is consistent and/or captures Tahltan, Agency, and EAO requirements.

The Agency will use the Detailed Project Description, in addition to other information, to determine whether a federal impact assessment is required and the EAO will use it to determine if the Project is ready to proceed to a provincial environmental assessment.