

# Appendix 23-A

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## Summary of Indigenous Consultation

Table 23-A.1: Summary of Ktunaxa Perspectives on Rights and Interest related to the Project and Consultation on other Matters of Concern

Note: This table provides summary level information regarding the inclusion of Ktunaxa perspectives into the completed effects assessment, mitigation recommendations, and the impact on Ktunaxa Nation's rights and interests. For the full description of completed effects assessment, mitigation commitments, and the impact on rights assessment, please refer to the application sections referenced in the table.

Ktunaxa Nation Rights and Related Interests/VC	Ktunaxa Perspective on Rights and Interests/VC	Proponent Response	Summary of Key Measures and Commitments to Avoid, Mitigate, or Otherwise Manage Effects	Summary of Assessment of Potential Impacts on Rights and Interests
Cumulative Effects	<p>The summarized Ktunaxa perspectives are based on publicly available information on the Elk Valley and are not specific to the Project. The Proponent was advised to refer to these publicly available documents to inform their understanding of Ktunaxa perspectives where applicable to the Project.</p> <p>Summarized Information from Section C - Ktunaxa Perspectives on Cumulative Effects (C8, Elkview Baldy Ridge Extension Project and C2.7, Line Creek Operations Phase II Project):</p> <ul style="list-style-type: none"> <li>• Ktunaxa land users do not experience distinct Project-specific effects in isolation from those of the past.</li> <li>• Current changes, including effects from environmental change and industrial projects, are experienced on top of ongoing legacies from past impacts on Ktunaxa lands and waters.</li> <li>• The full history of industrial and developmental change, combined with environmental change, conditions the current practice of Ktunaxa rights.</li> <li>• From a Ktunaxa perspective, consideration of cumulative effects in relation to the Project requires consideration of a pre-development (c. 1880) baseline, and of the significance of already existing effects on Ktunaxa rights, as well as the additional effects of the Project in combination with reasonably foreseeable developments, and effects from changes in the environment including forest fires and climate change.</li> <li>• Future changes caused by the Project will be experienced within a wide range of existing ecological and industrial impacts in the Elk Valley.</li> <li>• Within qukin ?amak?is (Raven's Land), valley bottoms, traditionally maintained through fire cycles as open forests and grasslands, are now fenced in many places and threatened by fire suppression, forest harvesting, housing, energy transmission, hydro-electric reservoirs, agriculture, and transportation developments. These ecosystems are impacted in many areas by forestry, mining, recreational development, and associated road networks, with a general trend of north-south oriented mining and related disturbance along valley bottoms and some ridges that limit the east-west connectivity between alpine ranges.</li> <li>• The Elk River system has been adversely affected by sport fishing, transportation infrastructure, mining related impacts, and forestry activities.</li> <li>• The Elk River valley has also seen substantial residential development and associated municipal water use and waste effluent deposition.</li> </ul>	<p>Potential cumulative effects including Ktunaxa perspective on cumulative effects, the setting of the historical baseline for cumulative effects on Ktunaxa Title, Rights, and Interests, and the use of critical receptor locations within the KNRI RSA have been considered in the Application/EIS in the following ways:</p> <ul style="list-style-type: none"> <li>• The shared perspectives have formed the basis of the cumulative effects assessment with the overall assessment methodology documented in Chapter 5, Section 5.3 (cumulative effects assessed for each VC) and the cumulative effects assessed in Chapter 23, Section 23.8.3 and are identified for each Ktunaxa Nation Sector in Sections 23.8.3.4.1 to 23.8.3.4.4.</li> <li>• The cumulative effects assessment is based on inputs from Ktunaxa Nation through engagement identified in Section 23.5.2 that outline the Ktunaxa perspectives on the development of the Project including VC determination, input on water quality/quantity, archaeology, and HHERA, and Project component design.</li> <li>• The cumulative effects assessment for the Project utilizes Ktunaxa information to determine the level of significance of effects to the use of water, lands, and resources for traditional purposes, and for physical and cultural heritage and social, health, and economic conditions where applicable, through the lens of the historical baseline of cumulative effects on Ktunaxa's rights and interests (Table 23.8-7) based on publicly available Ktunaxa perspectives on development in the Elk Valley.</li> <li>• Impact management measures with respect to cumulative effects and where Ktunaxa perspectives were available are addressed in Section 23.10.</li> <li>• Ktunaxa Nation's rights and related interests are also assessed for cumulative impacts as a result of the residual Project effects and the residual cumulative effects in Section 23.11 for each Ktunaxa Nation Sector where previous determinations on the degree of severity of adverse impacts were updated based on shared Ktunaxa perspectives and the use of the critical receptor locations Ktunaxa Nation provided in Sections 23.11.2.1.1 to 23.11.2.1.4.</li> <li>• NWP has also indicated in Chapter 23 that it is committed to ongoing communication on cumulative effects through future consultation and engagement with the Ktunaxa Nation.</li> <li>• As noted by NWP, limitations of information provided by Ktunaxa are identified in the setting of Ktunaxa Nations rights and interests in Section 23.7 for each Ktunaxa Nation Sector in Sections 23.7.1.1 to 23.7.1.6.</li> </ul>	<p>In addition to the mitigations outlined in the specific VC chapters, the following mitigation measures are proposed to reduce the potential cumulative impacts on the Ktunaxa Nation's rights and interests:</p> <ul style="list-style-type: none"> <li>• Best management practices and procedures related to each VC of interest are based on Ktunaxa perspectives shared with respect to the principles of reclamation and restoration in Qukin ?amak?is and the Elk Valley including the design of mitigation measures for cumulative effects as outlined in the various specific VC chapters in the Application/EIS.</li> <li>• Restoration and progressive reclamation at various phases of the Project related to cumulative effects reflects the Ktunaxa perspectives of steady reclamation to maintain pace with mining activities in an effort to address the usually slow reclamation progress in the Elk Valley (addressing Perspective #1).</li> <li>• As part of the cumulative effects mitigation and the overall impact management measures, based on Ktunaxa's shared information, NWP will encourage the participation of the Ktunaxa Nation on the applicable Project Advisory, Environmental Stewardship and Reclamation Planning committees (considering Perspective #2).</li> <li>• NWP is also committed to supporting the establishment of more new conservation lands than the loss of existing conservation lands. New lands may be privately held by NWP, an Indigenous Nation, or a recognized conservation organization (considering Perspective #3).</li> <li>• Confirming and implementing the Indigenous Impact Management Plan that outlines mitigation measures to avoid, minimize, reduce, and/or offset potential direct and indirect impacts of the Project on the Ktunaxa Nation's rights and related interests and utilizes adaptive management approaches for follow-up strategies and monitoring programs (considering all 4 perspectives).</li> <li>• Consideration of collaborative strategies for addressing the cumulative effects where applicable, with Ktunaxa Nation, the identified Indigenous Communities, other proponents, and regulatory agencies (addressing Perspective #4).</li> </ul>	<p>For the purposes of the cumulative effects assessment on Ktunaxa Nation, residual Project effects considered in the assessment include the following, which are based on those enumerated in Section 5(1)(c) of CEA Act, 2012 and based on Ktunaxa Nation's rights and interests as identified in Sectors that correspond as follows:</p> <ul style="list-style-type: none"> <li>• Change to the use of water for traditional purposes (Water Sector); <ul style="list-style-type: none"> <li>○ The residual Project effects on surface water quality and quantity are limited to the upper reaches of Alexander Creek and no measurable residual effect on surface water quality and quantity is predicted beyond the Aquatic LSA boundary; and cumulative effects are not detectable in the Elk River at Sparwood or further downstream in the Elk River or Lake Koochanusa. It should be noted that there is existing potential for water use access available in the KNRI LSA and RSA with respect to watercourses outside of the Project footprint.</li> <li>○ In consideration of the relatively small impact area of the Project, the anticipated effectiveness of the proposed mitigation and the availability of watercourses in the KNRI RSA, the Project is not anticipated to significantly reduce the ability and opportunity of Ktunaxa Nation to practice their rights and interests related to water use within the KNRI RSA.</li> <li>○ Though baseline data was sufficient to evaluate effects for surface water quantity and quality, a few critical receptor locations related to the current or rights-based use by Ktunaxa Nation within the Project footprint and the KNRI LSA were utilized along with the publicly available Ktunaxa perspectives on the Elk Valley, to determine that the degree of severity of impact to Ktunaxa Nation's rights and interests are rated as moderate to high. Ktunaxa information on water use within the assessment boundaries supported the increased level of this rating.</li> <li>○ Specific to the assessment of the impacts on rights, Ktunaxa Nation information that was included from other applications to define the degree of severity on impacts to water use included Ktunaxa Nation's concerns regarding the ongoing cumulative effects on water and water quality in the Elk Valley as a result of industrial open pit coal mining which has been occurring for more than 80 years. Ktunaxa Nation had indicated that these past activities and resulting impacts have discouraged some community members from practicing rights in the Elk Valley. This information was also used to assess the future potential use of lands and resources for traditional purposes without the Project.</li> <li>○ Ktunaxa perspective on mitigation measures for the cumulative effects that might be applicable to the Project were identified</li> </ul> </li> </ul>

Table 23-A.1: Summary of Ktunaxa Perspectives on Rights and Interest related to the Project and Consultation on other Matters of Concern

Note: This table provides summary level information regarding the inclusion of Ktunaxa perspectives into the completed effects assessment, mitigation recommendations, and the impact on Ktunaxa Nation's rights and interests. For the full description of completed effects assessment, mitigation commitments, and the impact on rights assessment, please refer to the application sections referenced in the table.

Ktunaxa Nation Rights and Related Interests/VC	Ktunaxa Perspective on Rights and Interests/VC	Proponent Response	Summary of Key Measures and Commitments to Avoid, Mitigate, or Otherwise Manage Effects	Summary of Assessment of Potential Impacts on Rights and Interests
	<ul style="list-style-type: none"> <li>From a Ktunaxa perspective, considering the overall disturbance of lands and waters within the Elk Valley over time, and considering both quantitative percent disturbance, and more qualitative factors, a threshold of adverse, long term, high magnitude effect on the exercise of Ktunaxa rights in the Elk Valley is understood to have already been surpassed. Based on existing information, and uncertainties related to mitigation and the EVWQP, the KNC anticipates that these cumulative effects will exacerbate already significant effects in the Elk Valley, and on KNC rights, title, and interests, for the foreseeable future.</li> <li>Table C8-1: Historical Baseline of Cumulative Effects on Ktunaxa Title, Rights, and Interests.</li> </ul> <p>Summarized Information from Part C, the Aboriginal Consultation Report, Fording River Operations Swift Project:</p> <ul style="list-style-type: none"> <li>Industrial development in the upper Fording River over the past fifty years has affected how members experience and use this part of their traditional territory.</li> <li>While some members of the Ktunaxa Nation continue to exercise Aboriginal rights in the upper Fording River, there has been a decline in familiarity and use of this area as a result of the cumulative effects of industrial development, impaired access, concerns about the quality of water and impacts of airborne contaminants on food sources and a general sense of alienation from this area.</li> <li>KNC has expressed high levels of concern about the cumulative effects of past, current, and proposed development. Ktunaxa has communicated that alteration of the land and ecosystems directly affects Ktunaxa culture in a manner that cannot often be fully restored through reclamation activities.</li> </ul> <p>Summarized Information from Written Submissions of the Ktunaxa Nation Council to the Grassy Mountain Coal Project Joint Panel Review – Cumulative Effects:</p> <ul style="list-style-type: none"> <li>Based on past work in the Elk Valley, KNC has determined that cumulative effects on Ktunaxa rights and interests stemming from impacts to lands and waters within the Elk Valley drainage have already exceeded a threshold of significance, and that without substantial mitigations and other measures, adverse impacts from other projects in the region will act cumulatively to increase the magnitude and duration of significant effects.</li> <li>While assessment is preliminary, existing impacts on Ktunaxa practice of rights in the Crowsnest Pass area have also been significant.</li> </ul>		<ul style="list-style-type: none"> <li>Participation in the Elk Valley Cumulative Effects Management Framework as co-led by the KNC and other relevant regional cumulative effects initiatives, where appropriate.</li> <li>Supporting possible opportunities to augment VC-specific monitoring programs to include responses to concerns raised by the Ktunaxa Nation utilizing adaptive management approaches for follow-up strategies (considering Perspective #4).</li> <li>Adopting management practices and measures to meet regional planning objectives, where practicable, over the course of the Project.</li> <li>Supporting the recognition of Indigenous stewardship and governance in the Elk Valley and respecting Ktunaxa perspectives on their use of lands and resources for traditional purposes (addressing Perspective #2).</li> <li>In addition to the above-listed mitigation measures, NWP is committed to ongoing dialogue with the Ktunaxa Nation, to identify and understand the use of lands and resources for traditional purposes within the within the Ktunaxa Nation Rights and Interests local study area (KNRI LSA) and KNRI regional study area (RSA) through the EA/IA processes as well as during the Construction and Pre-Production, Operations, Reclamation and Closure, and Post-Closure phases of the Project.</li> </ul>	<p>and considered in the Application/EIS from publicly available information.</p> <ul style="list-style-type: none"> <li>Ktunaxa perspectives on Project-specific mitigation measures for cumulative effects were not provided.</li> <li>Continued consultation with Ktunaxa Nation, as well as through the development of potential follow-up and monitoring and adaptive management measures to implement corrective actions as necessary based on that follow-up are expected to improve the confidence rating in the severity assessment of impact on Ktunaxa Nation's rights and interests.</li> </ul> <ul style="list-style-type: none"> <li>Change to use of lands and resources for traditional purposes: Fishing (Lands and Resources Sector):             <ul style="list-style-type: none"> <li>The residual effects on fish and fish habitat VCs (including keystone species such as Westslope Cutthroat Trout, Kokanee, Burbot, Mountain Whitefish, and Bull Trout) are limited to the upper reaches of Alexander Creek. Cumulative effects are not detectable in the Elk River at Sparwood or further downstream in the Elk River or Lake Kocanusa and it should be noted that there is existing potential for fishing and access available in the KNRI LSA and RSA with respect to watercourses outside of the Project footprint.</li> <li>In consideration of the relatively small impact area of the Project, the anticipated effectiveness of the proposed mitigation, the availability of other watercourses in the KNRI RSA, and existing potential for the harvesting of keystone species listed above that have been identified as species of importance to the Ktunaxa Nation based on preliminary feedback, publicly available information, and as identified by IAAC; the Project is not anticipated to significantly reduce the ability and opportunity of Ktunaxa Nation to practice their fishing rights and interests within the KNRI RSA.</li> <li>Though baseline data was sufficient to evaluate effects for fish and fish habitat VCs, a few critical receptor locations related to the current or rights-based use by Ktunaxa Nation within the Project footprint and the KNRI LSA were utilized along with the publicly available Ktunaxa perspectives on the Elk Valley, to determine that the degree of severity of impact to Ktunaxa Nation's rights and interests are rated as moderate to high. Ktunaxa information on fishing for traditional purposes within the assessment boundaries supported the increased level of this rating.</li> <li>Specific to the assessment of the impacts on rights, Ktunaxa Nation information that was included from other applications to define the degree of severity on impacts to fishing included Ktunaxa Nation's concern regarding ongoing cumulative effects on fish species and fishing in the Elk Valley as a result of the</li> </ul> </li> </ul>

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Ktunaxa Nation Rights and Related Interests/VC	Ktunaxa Perspective on Rights and Interests/VC	Proponent Response	Summary of Key Measures and Commitments to Avoid, Mitigate, or Otherwise Manage Effects	Summary of Assessment of Potential Impacts on Rights and Interests
	<ul style="list-style-type: none"> <li>Based on available Ktunaxa information, Project effects on Ktunaxa use, rights, and interests in the Project area are also adverse and are likely to extend the duration, magnitude and extent of existing significant impacts in the region, including impacts on cultural landscapes, water, bison, and other resources that are fundamental to Ktunaxa practice in the area.</li> </ul> <p>Summarized Information from Ktunaxa Perspectives on, and Principles for, Reclamation and Restoration in Qukin ʔamakʔis and the Elk Valley (General) (Morris and Candler, 2020):</p> <ul style="list-style-type: none"> <li>Perspective #1: The existing pace of mine reclamation and restoration in the Elk Valley is far too slow. Given the scale and magnitude of cumulative effects and past impacts, the rate of permanent reclamation needs to be greater than the rate of new mine disturbance.</li> <li>Perspective #2: The quality of existing mine reclamation and restoration in the Elk Valley has been far too low. Mine restoration efforts will be reviewed by KNC and evaluated based on the cultural and ecological function of restoration areas, and their ability to support Ktunaxa rights and stewardship consistent with a reasonable estimate of pre-disturbance conditions (c.1880).</li> <li>Perspective #3: While ecological and cultural habitat offsets can be useful, they will only be considered after all other mitigations with the mitigation hierarchy have been applied and be done carefully (e.g., like for like), must be permanent, and must be provided at a higher ratio if used as a substitute for timely restoration.</li> <li>Perspective #4: Reclamation and restoration in the Elk Valley needs to do a better job of including Ktunaxa knowledge, knowledge holders, and decision makers.</li> </ul>			<p>ecological effects of early mining practices (coal mining began circa 1897), forest harvesting (including clearing related to rail development and operation), fencing of pre-empted or privatized lands, and declining air and water quality. Railway and road networks have increased accessibility and pressure on the Elk Valley. Impacts including coal dust, access, and water and air quality issues accumulated in the Michel Creek and Elk River valleys, leading to Ktunaxa avoidance and loss of use, especially in relation to fish and berry collection. This information was also used to assess the potential future use of lands and resources for traditional purposes without the Project.</p> <ul style="list-style-type: none"> <li>Ktunaxa perspective on mitigation measures for the cumulative effects that might be applicable to the Project were identified and considered in the Application/EIS from publicly available information.</li> <li>Ktunaxa perspectives on Project-specific mitigation measures for cumulative effects were not provided.</li> <li>Continued consultation with Ktunaxa Nation, as well as through the development of potential follow-up and monitoring and adaptive management measures to implement corrective actions as necessary based on that follow-up are expected to improve the confidence rating in the severity assessment of impact on Ktunaxa Nation's rights and interests.</li> </ul> <ul style="list-style-type: none"> <li>Change to use of lands and resources for traditional purposes: Hunting and Trapping (Lands and Resources Sector);             <ul style="list-style-type: none"> <li>The Project, in combination with other reasonably foreseeable future projects and activities, is not anticipated to limit the ability of ungulates, carnivores, and birds to persist and maintain self-sustaining populations in the VC-specific regional study areas (i.e., Terrestrial RSA, Grizzly Bear RSA). No measurable residual effect on wildlife and wildlife habitat VCs are predicted beyond the KNRI LSA. The Project is not anticipated to result in the permanent loss of access or the ability to conduct traditional hunting and trapping within the Project footprint or the KNRI RSA.</li> <li>In consideration of the relatively small impact area of the Project, the anticipated effectiveness of the proposed mitigation, the availability of areas for traditional hunting and trapping use within the KNRI RSA, and existing potential for the use of wildlife such as grizzly bear, elk, moose, mountain (bighorn) sheep, mountain goat, American badger, Canada lynx, American marten, waterfowl (ducks and geese), other migratory birds, and raptors, which have been identified as species of importance to the Ktunaxa Nation based on preliminary feedback, publicly available information, and as</li> </ul> </li> </ul>

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				<p>identified by IAAC; the Project is not anticipated to significantly reduce the ability and opportunity of Ktunaxa Nation to practice their rights and interests related to hunting and trapping within the KNRI RSA.</p> <ul style="list-style-type: none"> <li>○ Though baseline data was sufficient to evaluate effects on wildlife VCs, a few critical receptor locations related to the current or rights-based use by Ktunaxa Nation within the Project footprint and the KNRI LSA were utilized along with the publicly available Ktunaxa perspectives on the Elk Valley, to determine that the degree of severity of impact to Ktunaxa Nation's rights and interests are rated as moderate. Ktunaxa information on traditional hunting and trapping within the assessment boundaries supported the increased level of this rating.</li> <li>○ Specific to the assessment of the impacts on rights, Ktunaxa Nation information that was included from other applications to define the degree of severity on impacts to traditional hunting and trapping included Ktunaxa Nation's concern regarding ongoing cumulative effects on wildlife in the Elk Valley as a result of the ecological effects of early mining practices (coal mining began circa 1897), forest harvesting (including clearing related to rail development and operation), fencing of pre-empted or privatized lands, and declining air and water quality. Railway and road networks increased accessibility and pressure on the Elk Valley. Impacts including coal dust, access, and water and air quality issues accumulated in the Michel Creek and Elk River valleys, leading to Ktunaxa avoidance and loss of use. This information was also used to assess the potential future use of lands and resources for traditional purposes without the Project.</li> <li>○ Ktunaxa perspective on mitigation measures for the cumulative effects that might be applicable to the Project were identified and considered in the Application/EIS from publicly available information.</li> <li>○ Ktunaxa perspectives on Project-specific mitigation measures for cumulative effects were not provided.</li> <li>○ Continued consultation with Ktunaxa Nation, as well as through the development of potential follow-up and monitoring and adaptive management measures to implement corrective actions as necessary based on that follow-up are expected to improve the confidence rating in the severity assessment of impact on Ktunaxa Nation's rights and interests.</li> </ul> <ul style="list-style-type: none"> <li>● Change to use of lands and resources for traditional purposes: Harvesting and Gathering (Lands and Resources Sector);             <ul style="list-style-type: none"> <li>○ The Project is anticipated to result in a reduction in the abundance and distribution of culturally significant plants and</li> </ul> </li> </ul>

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				<p>ecosystems, including the potential alteration of the respective composition and structure through a reduction in vigor and alteration of nutritional value. The Project's contribution to residual cumulative effects on changes in landscapes and ecosystems and relevant vegetation VCs is not anticipated to reduce the ability and opportunity for Ktunaxa Nation to practice their harvesting and gathering rights and interests within the KNRI RSA.</p> <ul style="list-style-type: none"> <li>○ In consideration of the impact area of the Project, the anticipated effectiveness of the proposed mitigation, the availability of areas for traditional harvesting and gathering hunting and trapping use within the KNRI RSA, the loss of terrestrial ecosystems that may be accessed and used for harvesting and gathering will be limited to the respective footprints of the Project and those of other reasonably foreseeable future developments within the KNRI RSA.</li> <li>○ Though baseline data was sufficient to evaluate effects on vegetation VCs and plant species, a few critical receptor locations related to the current or rights-based use by Ktunaxa Nation within the Project footprint and the KNRI LSA were utilized along with the publicly available Ktunaxa perspectives on the Elk Valley, to determine that the degree of severity of impact to Ktunaxa Nation's rights and interests are rated as moderate to high. Ktunaxa information on traditional harvesting and gathering within the assessment boundaries supported the increased level of this rating.</li> <li>○ Specific to the assessment of the impacts on rights, Ktunaxa Nation information that was included from other applications to define the degree of severity on impacts to traditional harvesting and gathering included Ktunaxa Nation's concern regarding ongoing cumulative effects in the Elk Valley as a result of the ecological effects of early mining practices (coal mining began circa 1897), forest harvesting (including clearing related to rail development and operation), fencing of pre-empted or privatized lands, and declining air and water quality. Railway and road networks increased accessibility and pressure on the Elk Valley. Impacts including coal dust, access, and water and air quality issues accumulated in the Michel Creek and Elk River valleys, leading to Ktunaxa avoidance and loss of use, especially in relation to fish and berry collection. This information was also used to assess the potential future use of lands and resources for traditional purposes without the Project.</li> <li>○ Ktunaxa perspective on mitigation measures for the cumulative effects that might be applicable to the Project were identified and considered in the Application/EIS from publicly available information.</li> </ul>

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				<ul style="list-style-type: none"> <li>○ Ktunaxa perspectives on Project-specific mitigation measures for cumulative effects were not provided.</li> <li>○ Continued consultation with Ktunaxa Nation, as well as through the development of potential follow-up and monitoring and adaptive management measures to implement corrective actions as necessary based on that follow-up are expected to improve the confidence rating in the severity assessment of impact on Ktunaxa Nation’s rights and interests.</li> <li>● Change to physical and cultural heritage and change to a structure, site, or thing that is of historical, archaeological, paleontological, or architectural significance (Traditional Knowledge and Language Sector);             <ul style="list-style-type: none"> <li>○ Based on information provided by Ktunaxa Nation Council, Grave Prairie is a landscape containing extremely important Ktunaxa cultural values and is located within the Project footprint. The KNC Lands Advisory Working Group have determined that the area of Grave Prairie has significant cultural significance to Ktunaxa and that any additional infrastructure including the proposed Rail Loadout, is not compatible with this cultural landscape. Based on the direction from Ktunaxa Knowledge Holders, the area currently known as the “Grave Prairie Cultural Landscape” contains two “zones”; a “Culturally Significant Area” where no new activities or infrastructure will be accepted and a “Culturally Sensitive Area” which requires rigorous in-depth assessments prior to Ktunaxa contemplating additional development. Based on Ktunaxa perspectives, the impacts to this site of any proposed development cannot be mitigated, and simply avoiding the physical remains of Ktunaxa ancestors is not enough to justify the proposed rail loadout facility.</li> <li>○ Within the KNRI RSA, the location of physical and cultural heritage currently outside of the Project footprint and the Heritage Resources LSA include Crowsnest Mountain and Crowsnest Lake. These heritage resources may be of interest to the Ktunaxa Nation based on their potential linkage to Ktunaxa Nation ancestry though only the Grave Prairie Cultural Landscape has been currently identified based on preliminary consultation with Ktunaxa Nation and as identified by IAAC.</li> <li>○ Though baseline data was sufficient to evaluate effects on physical and cultural heritage, Ktunaxa citizens have previously expressed elevated concern regarding impact on physical and cultural heritage due to past disturbance which has removed areas of particular Ktunaxa cultural value, including trails, habitation areas, and harvesting areas within the KNRI RSA, and culturally and spiritually important sites elsewhere in the Elk Valley outside of the Project footprint. The consideration of</li> </ul> </li> </ul>

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				<p>Ktunaxa information and that potential impacts are likely to be small in spatial extent, and irreversible has determined the degree in severity of impact on Ktunaxa Nation’s rights and interests related to physical and cultural heritage resources and structures, sites, or things of historical, archaeological, paleontological, or architectural significance as being rated as moderate to high.</p> <ul style="list-style-type: none"> <li>○ Impacts on physical and cultural heritage related to the Grave Prairie Cultural Landscape may be potentially mitigated through continued collaboration with the Ktunaxa Nation to consult on alternative means of access to the Rail Loadout including utilization of the proposed road access that may be situated in the previously disturbed footprint of a current road which may require further assessment. Mitigation measures based on the evaluation of all options to reduce the impacts of the rail loadout on the Grave Prairie Cultural Landscape as recommended by Ktunaxa Nation include the adequate consideration to avoidance impact through alternative means by undertaking longer truck haul to a less sensitive load out location, the extension of the rail to the Alexander Valley section of the facility, and agreements with existing operators to share already existing rail load out infrastructure if possible.</li> <li>○ As the Grave Prairie Cultural Landscape includes a “Culturally Sensitive Area” which requires rigorous in-depth assessments prior to contemplating additional development, NWP will continue to work with the Ktunaxa Nation to address related concerns.</li> <li>○ Ktunaxa perspectives on mitigation measures for cumulative effects to physical and cultural heritage were not shared with the Proponent.</li> <li>○ Continued consultation with Ktunaxa Nation, as well as through the development of potential follow-up and monitoring and adaptive management measures to implement corrective actions as necessary based on that follow-up are expected to improve the confidence rating in the severity assessment of impact on Ktunaxa Nation’s rights and interests.</li> </ul> <ul style="list-style-type: none"> <li>● Change to social, health (Social and Health Sector), and economic conditions (Economic Investment Sector). <ul style="list-style-type: none"> <li><u>Health</u></li> <li>○ The residual effects of the Project on aquatic and terrestrial wildlife health and human health during all Project phases are based on the wildlife and human health risk estimates and their magnitude considered through the predictive modelling of water quality, air quality, and secondarily food via transport, fate, and food chain modelling. Given the conservative nature of the exposure/risks and proposed mitigation in Reclamation</li> </ul> </li> </ul>



Table 23-A.1: Summary of Ktunaxa Perspectives on Rights and Interest related to the Project and Consultation on other Matters of Concern

Note: This table provides summary level information regarding the inclusion of Ktunaxa perspectives into the completed effects assessment, mitigation recommendations, and the impact on Ktunaxa Nation's rights and interests. For the full description of completed effects assessment, mitigation commitments, and the impact on rights assessment, please refer to the application sections referenced in the table.

Ktunaxa Nation Rights and Related Interests/VC	Ktunaxa Perspective on Rights and Interests/VC	Proponent Response	Summary of Key Measures and Commitments to Avoid, Mitigate, or Otherwise Manage Effects	Summary of Assessment of Potential Impacts on Rights and Interests
				<p>and Closure phase, the Project is not anticipated to result in significance adverse effects to aquatic and terrestrial wildlife or Indigenous persons. The Project is not anticipated to act cumulatively with other future projects or activities to contribute significantly to a change in the health of terrestrial and aquatic country foods and Indigenous health.</p> <ul style="list-style-type: none"> <li>○ Specific to the assessment of the impacts on Ktunaxa Nation's interests, Ktunaxa Nation information that was included from other applications to define the degree of severity on impacts to health conditions, referred to the overall health of Ktunaxa citizens having improved as a result of increased access to health services, but lagged well behind non-Ktunaxa in the region. This information was also used to assess the future potential health conditions without the Project.</li> </ul> <p><u>Socio-Community and Economic Conditions</u></p> <ul style="list-style-type: none"> <li>○ There are no anticipated interactions between the Project and Ktunaxa Nation housing, transportation, or social services and education, and therefore, no unmitigated Project effects on these aspects of social, health, and economic conditions are anticipated and all anticipated residual socio-community effects are considered to be negligible. This determination was based on the background information research and the preliminary consultation activities with Ktunaxa Nation to date. Therefore, residual adverse cumulative effects on the socio-community and economic conditions are not expected. As such, there is no spatial or temporal overlap of Project effects in combination with those of past, present, or reasonably foreseeable future projects or activities.</li> <li>○ It must be noted that due to the potential for change to the opportunity for access to country foods within the KNRI LSA, and the potential for the development of other reasonably foreseeable future projects and activities to overlap with these resources and sites, there is the potential for cumulative socio-community impacts. These potential cumulative effects will be confirmed through further consultation with Ktunaxa Nation.</li> <li>○ The Project can be generally expected to result in positive economic outcomes for employment, income, the regional and local economies, and government finances within the KNRI RSA. There is also potential for positive change in the potential availability of community services, the potential for Ktunaxa Nation to take part in monitoring activities as outlined in the Indigenous Impact Management Plan, and the potential economic benefit for Ktunaxa Nation members related to employment and economic investment during the Project phases.</li> <li>○ Specific to the assessment of the impacts on social, health, and economic conditions, Ktunaxa Nation information that was</li> </ul>

Table 23-A.1: Summary of Ktunaxa Perspectives on Rights and Interest related to the Project and Consultation on other Matters of Concern

Note: This table provides summary level information regarding the inclusion of Ktunaxa perspectives into the completed effects assessment, mitigation recommendations, and the impact on Ktunaxa Nation's rights and interests. For the full description of completed effects assessment, mitigation commitments, and the impact on rights assessment, please refer to the application sections referenced in the table.

Ktunaxa Nation Rights and Related Interests/VC	Ktunaxa Perspective on Rights and Interests/VC	Proponent Response	Summary of Key Measures and Commitments to Avoid, Mitigate, or Otherwise Manage Effects	Summary of Assessment of Potential Impacts on Rights and Interests
				<p>included from other applications to define the degree of severity included Ktunaxa Nation's concern regarding ongoing cumulative effects on country foods in the Elk Valley as a result of the ecological effects of early mining practices (coal mining began circa 1897), forest harvesting (including clearing related to rail development and operation), fencing of pre-empted or privatized lands, and declining air and water quality which began to be felt in the Elk Valley. Railway and road networks increased accessibility and pressure on the Elk Valley. Impacts including coal dust, access, and water and air quality issues accumulated in the Michel and Elk valleys, leading to Ktunaxa avoidance and loss of use, especially in relation to fish and berry collection. This information was also used to assess the future potential use of lands and resources for traditional purposes as they relate to social, health, and economic conditions without the Project.</p> <ul style="list-style-type: none"> <li>○ The degree in severity of impact on Ktunaxa Nation's social, health, and economic conditions is rated as low to moderate as potential impacts are likely to be small in spatial extent, reversible long-term, and with few effects to health and/or country foods.</li> <li>○ Ktunaxa perspective on mitigation measures for the cumulative effects that might be applicable to the Project were identified and considered in the Application/EIS from publicly available information.</li> <li>○ Ktunaxa perspectives on Project-specific mitigation measures for cumulative effects were not provided.</li> <li>○ Continued consultation with Ktunaxa Nation, as well as through the development of potential follow-up and monitoring and adaptive management measures to implement corrective actions as necessary based on that follow-up are expected to improve the confidence rating in the severity assessment of impact on Ktunaxa Nation's rights and interests.</li> </ul> <ul style="list-style-type: none"> <li>● At the time of the Application/EIS submission, Ktunaxa Nation did not author a Section C submission and additionally did not provide a Traditional Land-Use Study (TLU) to NWP. Where Indigenous Knowledge was provided by Ktunaxa Nation (during the review of Project Planning and Design documents and during Pre-Application Engagement) it has been incorporated into the effects assessment for the use of water, lands, and resources in relation to the Project. As such, the limitations of the information sources considered include those publicly available (e.g. other development project EA/IA applications, including Baldy Ridge Extension Project, the Castle Project, Grassy Mountain Coal Project, the Line Creek Operations Project) and those activities and correspondence that detail Project-specific information available to be shared publicly</li> </ul>

Table 23-A.1: Summary of Ktunaxa Perspectives on Rights and Interest related to the Project and Consultation on other Matters of Concern

Note: This table provides summary level information regarding the inclusion of Ktunaxa perspectives into the completed effects assessment, mitigation recommendations, and the impact on Ktunaxa Nation's rights and interests. For the full description of completed effects assessment, mitigation commitments, and the impact on rights assessment, please refer to the application sections referenced in the table.

Ktunaxa Nation Rights and Related Interests/VC	Ktunaxa Perspective on Rights and Interests/VC	Proponent Response	Summary of Key Measures and Commitments to Avoid, Mitigate, or Otherwise Manage Effects	Summary of Assessment of Potential Impacts on Rights and Interests
				<p>related to traditional activities. Where Ktunaxa Nation did provide information related to mitigation measures, those have been included in the Indigenous Impact Management Plan.</p> <ul style="list-style-type: none"> <li>• Limitations of information for assessing the Project effects to Ktunaxa's rights and interests include the lack of specific information regarding the spatial distribution of site-specific knowledge and use values reported by Ktunaxa citizens in the Project footprint based on subsistence sites, ceremonial and cultural/spiritual uses, transportation features, habitation values, and environmental features. In addition to any site-specific values mapped by Ktunaxa knowledge holders and based on Ktunaxa oral histories, any non-site specific values that may include reported Ktunaxa cultural properties or heritage sites in the vicinity of the Project including particular oral histories regarding Elders, ceremonies, and events that took place in the area and non-site specific values associated with oral histories of the area were those included from publicly available sources as no Project-specific information was provided.</li> <li>• For the use of water, lands, and resources for traditional purposes, site-specific knowledge and use values associated with subsistence sites, transportation, and related environmental features including seasonal access and usage from Ktunaxa Nation knowledge holders would further support and guide the assessment of Project-related effects within the Project footprint, the KNRI LSA, and the KNRI RSA in terms of potential interactions during the Project lifecycle. The available HHRA and sensory receptor locations show information on portions of the range and geographic extent of Ktunaxa practice in the Elk Valley and nearby areas based on the living knowledge and practice of today's Ktunaxa citizens as provided by the KNC. Detailed information regarding the use of water, lands, and resources in proximity to these receptor locations has not been provided including the frequency of specific activities, their seasonality, and the cultural values linked to their usage.</li> </ul>
Fisheries	<p>The summarized Ktunaxa perspectives are based on publicly available information on the Elk Valley and are not specific to the Project. The Proponent was advised to refer to these publicly available documents to inform their understanding of Ktunaxa perspectives where applicable to the Project. Fisheries concerns, in particular related to Westslope Cutthroat Trout include the Ktunaxa perspectives as identified below.</p> <p>Summarized Information from Section C - Ktunaxa Title and Rights: Water and Lands and Resources Sectors (C2 and C7, Elkview Baldy Ridge Extension Project and C2.4.3.4 and C2.4.3.8, Line Creek Operations Phase II Project):</p> <ul style="list-style-type: none"> <li>• Napituk (water) is an overarching Ktunaxa value that spans the five Ktunaxa Nation Council (KNC) governing sectors.</li> </ul>	<p>Potential residual effects including Ktunaxa perspective and the use of critical receptor locations within the Project footprint, the KNRI LSA, and KNRI RSA have been considered in the Application/EIS in the following ways:</p> <ul style="list-style-type: none"> <li>• The shared perspectives have formed the basis of the potential residual effects assessment with the overall assessment methodology documented in Chapter 5, Section 5.3 and the potential residual effects assessed in Chapter 23, Section 23.8.2.2.2.</li> <li>• The potential residual effects assessment is based on inputs from Ktunaxa Nation through engagement identified in Section 23.5.2 that outline the Ktunaxa perspectives on the development of the Project including VC determination for fish and fish habitat and input on</li> </ul>	<p>The mitigation measures identified for the change to use of lands and resources for traditional fishing purposes are as identified in Chapter 12, Section 12.5.3 including the Fish and Fish Habitat Management Plan and the Ecological Restoration Plan. The operational practices and procedures that are prescribed in the Site Water Management Plan in (Section 33.4.1.8) including selenium, nitrate, and calcite management, and the Noise and Vibration Management Plan (Section 33.4.1.7), the Vegetation and Ecosystems Management and Monitoring Plan (Section 33.4.1.11) and the Aquatic Effects Management Program described in Section 33.4.1.5</p>	<p>The Project has the potential to impact on Ktunaxa Nation's rights and interests through the following:</p> <ul style="list-style-type: none"> <li>• The potential for reduction in populations of fish species of interest (e.g., Westslope Cutthroat Trout, Kokanee, Burbot, Mountain Whitefish, and Bull Trout) due to impacts on fish habitat from the removal of West Alexandra Creek (though recognizing that habitat loss will be replaced with new habitat through the Fisheries Act required fish habitat compensation measures).</li> <li>• The potential for temporary restrictions on access to Alexander Creek due to Project activities (e.g., during blasting activities).</li> <li>• The potential for change in water quality in Alexander Creek that could result in impacts to abundance and quality of fish species of interest and potential resulting in impact on traditional harvesting activities.</li> </ul>

Table 23-A.1: Summary of Ktunaxa Perspectives on Rights and Interest related to the Project and Consultation on other Matters of Concern

Note: This table provides summary level information regarding the inclusion of Ktunaxa perspectives into the completed effects assessment, mitigation recommendations, and the impact on Ktunaxa Nation's rights and interests. For the full description of completed effects assessment, mitigation commitments, and the impact on rights assessment, please refer to the application sections referenced in the table.

Ktunaxa Nation Rights and Related Interests/VC	Ktunaxa Perspective on Rights and Interests/VC	Proponent Response	Summary of Key Measures and Commitments to Avoid, Mitigate, or Otherwise Manage Effects	Summary of Assessment of Potential Impacts on Rights and Interests
	<p>Water is fundamental to the Ktunaxa creation story, and as an essential part of ʔa'kxarhis ɕapiqapsin (all living things), it is considered sacred under Ktunaxa law.</p> <ul style="list-style-type: none"> <li>As per the Ktunaxa governance, the Ktunaxa Nation is the steward of land and water. This requires maintaining and restoring natural flow within water systems, as well as maintaining (and where necessary, restoring) water quality conditions and hydrological function, riparian ecosystems, and habitat for fish and other water dependent species.</li> <li>Ktunaxa members and knowledge holders indicated that the Elk River is currently fished by Ktunaxa members, and that this is a continuation of use in the past.</li> <li>Maintenance of Ktunaxa fishing rights in the Elk Valley is an important aspect in potential future Ktunaxa use in the Elk River Valley.</li> <li>Beyond the subsistence role, there is also a large commercial (guiding and outfitting) role from which the KNC have largely been excluded.</li> <li>Fish and fish habitat are critical to the maintenance of Ktunaxa Nation rights, title, interests and practices for ecological, cultural subsistence and commercial values, particularly in light of the historic loss of salmon from the upper Columbia after the construction of the Grand Coulee Dam.</li> <li>Fish and aquatic species reported harvested by Ktunaxa citizens in the region, including Kooconusa Reservoir, include Westslope Cutthroat Trout, Mountain Whitefish, Bull Trout, Burbot, Kokanee, Rainbow Trout, freshwater Mussels, Northern Pikeminnow, Suckers, and Sturgeon.</li> <li>In the area of Kooconusa Reservoir and Tobacco Plains, Burbot ice fishing in winter is of particular cultural and historic importance. Burbot alongside Westslope Cutthroat Trout and other species, are of particular concern for the Ktunaxa Nation. The winter fishery for Burbot in Kooconusa Reservoir (formerly the Kootenay River) remains of great importance for the Ktunaxa Nation. Population declines of burbot, and other fish species have made Ktunaxa citizens particularly concerned.</li> <li>Both Grave Creek and Dry Creek are known to support Westslope Cutthroat Trout.</li> <li>The Elk River system has been adversely affected by sport fishing, transportation infrastructure, mining related impacts, and forestry activities.</li> <li>The Elk River valley has also seen substantial residential development and associated municipal water use and waste effluent deposition.</li> </ul>	<p>water quality/quantity, HHERA, and Project component design.</p> <ul style="list-style-type: none"> <li>The potential residual effects assessment for the Project utilizes Ktunaxa information to determine the level of significance of effects to the use of water, lands, and resources for traditional fishing purposes based on publicly available Ktunaxa perspectives on development in the Elk Valley as outlined in Section 23.7.1.2.1.</li> <li>Impact management measures with respect to potential residual effects to fishing and where Ktunaxa perspectives were available are addressed in Section 23.10.2.1.</li> <li>Ktunaxa Nation's rights and related interests are also assessed for potential impacts as a result of the residual Project effects and the residual cumulative effects in Section 23.11.2.1.2 for fishing where previous determinations on the degree of severity of adverse impacts were updated based on shared Ktunaxa perspectives and the use of the critical receptor locations Ktunaxa Nation.</li> <li>NWP has also indicated in Chapter 23 that it is committed to ongoing communication on cumulative effects through future consultation and engagement with the Ktunaxa Nation.</li> </ul> <p>As noted by NWP, limitations of information provided by Ktunaxa are identified in the setting of Ktunaxa Nations rights and interests in Section 23.7.1.2.1.</p>	<p>will be the primary means by which the Project will address adverse effects to fish and fish habitat.</p> <p>Key mitigation measures for fishing also include, where practicable:</p> <ul style="list-style-type: none"> <li>Limiting erosion and contain sediment through the application of standard industry practices (Erosion and Sediment Control Plan, Chapter 33, Section 33.4.1.8).</li> <li>Conducting regular inspections to ensure control measures are effective and functioning properly.</li> <li>Diverting clean runoff around mine disturbed areas.</li> <li>Capturing clean surface water that cannot be diverted in sediment ponds prior to release.</li> <li>Limiting the mine disturbance footprint through Project design and progressive reclamation.</li> <li>Prohibiting or limiting non-Indigenous access to fishing areas to assure compliance with fishing restrictions.</li> <li>Respecting traditional fisheries timing windows and seasonal rounds where practicable.</li> <li>As there is potential for access within the Project footprint, NWP is committed to creating permanent access during the Post-Closure phase for future traditional activities including fishing where practicable.</li> <li>Developing NUE areas in collaboration with Ktunaxa Nation, regulators, and key stakeholders based on safety, logistical, and administrative considerations to restrict public access to fishing areas within the Project footprint.</li> <li>Educating the Project workforce about fish and fish habitats and implementing an angling policy for NWP non-Indigenous employees and contractors where practicable.</li> <li>NWP will coordinate with local conservation enforcement for Alexander and West Alexander Creeks should increases in non-Indigenous recreational fishing be observed by NWP employees.</li> <li>Progressive reclamation to occur such that riparian habitats are reclaimed as quickly as possible to minimize the magnitude of Project impacts at the temporal scale with collaboration where practicable with Ktunaxa Nation.</li> </ul>	<ul style="list-style-type: none"> <li>The potential changes to the actual or perceived accessibility, health, and quality of potential fish species of cultural interest/use for country foods.</li> <li>The potential for the permanent alienation of Ktunaxa Nation from fishing locations within the Project footprint resulting in impacts to their ability to know and teach the Ktunaxa way of living.</li> </ul> <p>The Project residual effects to the fish and fish habitat VCs, including Westslope Cutthroat Trout, Kokanee, Burbot, Mountain Whitefish, and Bull Trout indicate the potential for an impact on Ktunaxa Nation's opportunity to fish and access healthy aquatic systems for future fishing opportunities.</p> <p>The degree in severity of impact on Ktunaxa Nation's rights for the use of lands and resources for fishing and fish opportunities is rated as moderate to high. This is based on the following assumption:</p> <ul style="list-style-type: none"> <li>The potential impacts to fish and fish habitat are predicted to be small in spatial extent. The residual effects on fish and fish habitat VCs (including keystone species that might be present in the Project-impacted watercourses) are limited to the upper reaches of Alexander Creek.</li> <li>Mitigation and the Project's design to reduce impacts to fish and fish habitat VCs and the provision of fish habitat compensation, should allow for fishing opportunities to continue in the Elk Valley (other than the upper sections of West Alexander Creek) including those for traditional purposes.</li> <li>There is potential for the Project to result in the permanent alienation of Ktunaxa Nation from fishing locations within the Project footprint, for which there is no current mitigation identified. It is further noted that that this physical alteration and potential change in the opportunity of the Ktunaxa Nation to practice related traditional activities (e.g., fishing) may also have impacts on intangible cultural heritage. Due to the lack of current information available on their use of the Project footprint for traditional purposes, understanding and characterizing these potential related impacts to their intangible cultural heritage requires further input from the Ktunaxa Nation.</li> <li>Cumulative effects are not anticipated to be detectable in the Elk River at Sparwood or further downstream in the Elk River or Lake Kooconusa and it should be noted that there is existing potential for fishing and access available in the KNRI LSA and RSA with respect to watercourses outside of the Project footprint.</li> <li>In consideration of the relatively small impact area of the Project, the anticipated effectiveness of the proposed mitigation, the availability of other watercourses in the KNRI RSA, and existing potential for the harvesting of keystone species listed above that have been identified as species of importance to the Ktunaxa</li> </ul>

Table 23-A.1: Summary of Ktunaxa Perspectives on Rights and Interest related to the Project and Consultation on other Matters of Concern

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Ktunaxa Nation Rights and Related Interests/VC	Ktunaxa Perspective on Rights and Interests/VC	Proponent Response	Summary of Key Measures and Commitments to Avoid, Mitigate, or Otherwise Manage Effects	Summary of Assessment of Potential Impacts on Rights and Interests
	<p>Summarized Information from Part C, the Aboriginal Consultation Report, Fording River Operations Swift Project:</p> <ul style="list-style-type: none"> <li>• Water, and the flow of water, is regarded and treated as sacred and central to life within Ktunaxa tradition and worldview. As such, anthropogenic changes to aquatic health are of great concern.</li> <li>• Fish and aquatic species reported harvested by Ktunaxa citizens in the Elk Valley, including in the area of Lake Koochanusa and Tobacco Plains, include the fishing of burbot in winter under ice is of particular cultural and historic importance. In the 1930's, Ktunaxa knowledge holders reported winter fishing for ling (burbot) as a particularly important focus for the Ktunaxa annual round.</li> <li>• Burbot, alongside cutthroat trout and other species, are of particular concern for the Ktunaxa Nation.</li> <li>• Beyond use, the Ktunaxa Nation understands all indigenous fish species to have inherent value as part of biodiversity and as part of the unique ecosystems that sustain Ktunaxa rights, and to which the Ktunaxa Nation has a stewardship obligation.</li> <li>• Past disturbance has had, and continues to have, impacts on air and water quality in the Elk Valley at distance from existing mine footprints, and these impacts are concentrating and accumulating in streams, rivers and receiving waters. Based on Ktunaxa experience, dust and other air borne contaminants end up in the snow pack of surrounding watersheds and flush into the river systems during melt.</li> <li>• Water quality including concentrations of constituents of concern, changes in channel morphology, hydrology and geology, are impacting, and will continue to impact, fish species relied upon for practice of Ktunaxa rights, particularly when combined with forest harvesting and recreational fishery impacts to both the resource and Ktunaxa harvesting.</li> <li>• Ktunaxa citizens' have already expressed elevated concern regarding industrial contaminants in the area. Ktunaxa knowledge holders anticipate ongoing impacts to the quality and quantity of wild foods available for KNC harvest in preferred locations, including fish downstream in the Elk and Fording rivers, and Koochanusa Reservoir.</li> <li>• Impacts to Ktunaxa rights and interests in the Elk Valley are anticipated to get worse before they get better. Project effects on water quality and fish or fish habitat will interact with other foreseeable developments, and with changes in the environment, and are expected to continue to have a significant adverse effect on Ktunaxa rights and interests.</li> </ul>		<ul style="list-style-type: none"> <li>• Continued consultation and engagement with Ktunaxa Nation to identify and adapt mitigation measures to address impacts on the use of lands and resources for traditional purposes within the Project footprint and the KNRI LSA will be undertaken where appropriate to implement an adaptive management strategy that creates feedback loops through monitoring and reporting.</li> </ul>	<p>Nation based on preliminary feedback, HHRA and sensory receptor locations, publicly available information, and as identified by IAAC; the Project is not anticipated to significantly reduce the ability and opportunity of Ktunaxa Nation to practice their fishing rights and interests within the KNRI RSA.</p> <ul style="list-style-type: none"> <li>• Baseline data was sufficient to evaluate effects for the fish and fish habitat VCs and the Ktunaxa Nation have identified some HHRA and sensory receptor locations within the Project footprint and the KNRI LSA that relate to current and rights-based fishing use. Project-impacted watercourses within the Project area of influence have not been specifically identified as being used by the KNC for but there is potential for the Ktunaxa Nation to utilize these watercourses for traditional fishing purposes as well as other watercourses in the KNRI LSA.</li> <li>• The assessment of impact on Ktunaxa Nation's fishing rights determined that the degree of severity to Ktunaxa Nation's rights and interests are rated as moderate to high. It should be noted that there is existing potential for fish and fishing opportunity available in the KNRI LSA and RSA with respect to watercourses outside of the Project footprint.</li> <li>• Continued consultation with Ktunaxa Nation, as well as through the development of potential follow-up and monitoring and adaptive management measures regarding fish and fish habitat are expected to improve the confidence rating and the severity assessment of impact on Ktunaxa Nation's rights and interests.</li> <li>• The potential future use of lands and resources related to fishing for traditional purposes in the Project footprint, the KNRI LSA, and the KNRI RSA without the Project in place is in consideration of the certain past, present, and reasonably foreseeable future projects and activities within the KNRI RSA that could impact the potential future use of lands and resources related to fishing as it relates to the potential impact on the Ktunaxa Nation's ability to exercise this right.</li> <li>• It is acknowledged that Ktunaxa Nation has the potential to use watercourses in the KNRI LSA such as Alexander Creek that support fish and fish opportunity given the importance of healthy waterways within the KNRI LSA and RSA. It is noted that Ktunaxa citizens have previously expressed elevated concern regarding industrial contaminants in the area.</li> <li>• Past and ongoing projects and activities located in the KNRI LSA and RSA have been impacting the real or perceived quality and quantity of fish and fishing opportunities available for Ktunaxa Nation in preferred locations to exercise Ktunaxa Nation's rights and interests.</li> <li>• While past, present, and the reasonably foreseeable future projects and activities in the KNRI RSA have the potential for impact on Ktunaxa Nation's rights for fishing for traditional purposes, the total footprint of the potential future use related to fishing without the</li> </ul>

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Ktunaxa Nation Rights and Related Interests/VC	Ktunaxa Perspective on Rights and Interests/VC	Proponent Response	Summary of Key Measures and Commitments to Avoid, Mitigate, or Otherwise Manage Effects	Summary of Assessment of Potential Impacts on Rights and Interests
	<p>Summarized Information from Written Submissions of the Ktunaxa Nation Council to the Grassy Mountain Coal Project Joint Pane Review – Cumulative Effects:</p> <ul style="list-style-type: none"> <li>• The proposed Project is in an area of ʔamakʔis Ktunaxa with a deep history of Ktunaxa use and occupancy, and ongoing cultural-spiritual importance.</li> <li>• Based on Ktunaxa perspectives, the potential impacts on Ktunaxa traditional use and access to lands and resources, sensory experience and cultural connection to sacred areas nearby may occur. Potential impacts include those related to ecological values including fisheries in the Crowsnest River and wildlife, and Ktunaxa stewardship commitments related to bison (i.e. Buffalo Treaty) and ʔa-kxarhis ɓapi qapsin (all living things).</li> </ul>			<p>Project in the Elk Valley represents a relatively small proportion of the overall Elk River watershed area. Potential effects on fish or fish habitat due to past and ongoing projects and activities in the KNRI RSA will interact with foreseeable development, and with changes in the environment, and are expected to continue to have an adverse effect on Ktunaxa Nation’s rights and interests without the Project.</p> <ul style="list-style-type: none"> <li>• The cumulative impact is also determined as moderate to high considering available Ktunaxa perspectives on the Elk Valley and the limited nature of information that has been provided to date by the Ktunaxa Nation regarding their level of use and interest to conduct traditional fishing within the Project footprint. It is expected that their ability to know and teach the Ktunaxa way of living can continue within their Traditional Territory while recognizing their perspectives on the cumulative effects of the past and current development projects that have impacted the opportunities for these activities.</li> </ul> <p>For Ktunaxa Nation’s traditional fishing rights and interests, site-specific knowledge and use values that may include fishing sites/locations of fish species of interest, cultural values and teachings related to certain fish species, Ktunaxa knowledge on fish health, and perspectives on fish abundance from Ktunaxa Nation knowledge holders would support and guide the assessment of Project-related effects within the Project footprint, the KNRI LSA, and the KNRI RSA. For traditional fishing, seasonal access and usage information from Ktunaxa Nation knowledge holders on the fish species would support and guide the assessment of Project-related effects in terms of potential interactions during the Project lifecycle. At the time of the assessment the lack of this specific information requires continued consultation with the Ktunaxa Nation.</p>
Water Quality	<p>The summarized Ktunaxa perspectives are based on publicly available information on the Elk Valley and are not specific to the Project. The Proponent was advised to refer to these publicly available documents to inform their understanding of Ktunaxa perspectives where applicable to the Project. Water quality concerns include the Ktunaxa perspectives as identified below.</p> <p>Summarized Information from Section C - Ktunaxa Title and Rights: Water and Lands and Resources Sectors (C2, C3, and C7, Elkview Baldy Ridge Extension Project and C2.4.3.4 and C2.4.3.8, Line Creek Operations Phase II Project):</p> <ul style="list-style-type: none"> <li>• Napituk (water) is an overarching Ktunaxa value that spans the five Ktunaxa Nation Council (KNC) governing sectors. Water is fundamental to the Ktunaxa creation story, and as an essential part of ʔa-kxarhis ɓapiqapsin (all living things), it is considered sacred under Ktunaxa law.</li> </ul>	<p>Potential residual effects including Ktunaxa perspective and the use of critical receptor locations within the Project footprint, the KNRI LSA, and KNRI RSA have been considered in the Application/EIS in the following ways:</p> <ul style="list-style-type: none"> <li>• The shared perspectives have formed the basis of the potential residual effects assessment with the overall assessment methodology documented in Chapter 5, Section 5.3 and the potential residual effects assessed in Chapter 23, Section 23.8.2.2.1.</li> <li>• The potential residual effects assessment is based on inputs from Ktunaxa Nation through engagement identified in Section 23.5.2 that outline the Ktunaxa perspectives on the development of the Project including VC determination for input on water quality/quantity, HHERA, and Project component design.</li> <li>• The potential residual effects assessment for the Project utilizes Ktunaxa information to determine the level of</li> </ul>	<p>The mitigation measures identified for the change to the use of water for traditional purposes are related to management and monitoring plans associated with water quality as identified in Chapter 10, Section 10.5.3 and Chapter 11, Section 11.5.3 including the Erosion and Sediment Control Management Plan (Section 33.4.1.4), Air Quality and Greenhouse Gas Management Plan (Section 33.4.1.1), and the Site Water Management Plan (Section 33.4.1.8).</p> <p>Key mitigation measures for water use include, where practicable:</p> <ul style="list-style-type: none"> <li>• Implementing the Erosion and Sediment Control Management Plan (Section 33.4.1.4) to reduce the potential for erosion and the transportation of material in surface runoff to the West Alexander Creek, Alexander Creek, Grave Creek, and Elk River drainages.</li> </ul>	<p>The Project has the potential to impact on Ktunaxa Nation’s rights and interests related water use through the following:</p> <ul style="list-style-type: none"> <li>• The potential for temporary restrictions on access to sections of Alexander Creek due to Project activities (e.g., during blasting activities).</li> <li>• The potential for change in water quality and aquatic habitat due to the resulting influence on the downstream reaches of Alexander Creek.</li> <li>• The potential for the permanent alienation of Ktunaxa Nation from water access locations within the Project footprint (only sections of West Alexander Creek will be removed).</li> <li>• The Project residual effects to the surface water quality and quantity VCs indicate the potential for an impact on Ktunaxa Nation’s opportunity to access healthy aquatic systems for traditional purposes.</li> <li>• The potential for the permanent alienation of the Ktunaxa Nation from locations for water usage within the Project footprint</li> </ul>

Table 23-A.1: Summary of Ktunaxa Perspectives on Rights and Interest related to the Project and Consultation on other Matters of Concern

Note: This table provides summary level information regarding the inclusion of Ktunaxa perspectives into the completed effects assessment, mitigation recommendations, and the impact on Ktunaxa Nation's rights and interests. For the full description of completed effects assessment, mitigation commitments, and the impact on rights assessment, please refer to the application sections referenced in the table.

Ktunaxa Nation Rights and Related Interests/VC	Ktunaxa Perspective on Rights and Interests/VC	Proponent Response	Summary of Key Measures and Commitments to Avoid, Mitigate, or Otherwise Manage Effects	Summary of Assessment of Potential Impacts on Rights and Interests
	<ul style="list-style-type: none"> <li>As per the Ktunaxa governance, the Ktunaxa Nation is the steward of land and water. This requires maintaining and restoring natural flow within water systems, as well as maintaining (and where necessary, restoring) water quality conditions and hydrological function, riparian ecosystems, and habitat for fish and other water dependent species.</li> <li>The Elk River system has been adversely affected by sport fishing, transportation infrastructure, mining related impacts, and forestry activities.</li> <li>The Elk River valley has also seen substantial residential development and associated municipal water use and waste effluent deposition.</li> </ul> <p>Summarized Information from Part C, the Aboriginal Consultation Report, Fording River Operations Swift Project:</p> <ul style="list-style-type: none"> <li>Water, and the flow of water, is regarded and treated as sacred and central to life within Ktunaxa tradition and worldview. As such, anthropogenic changes to aquatic health are of great concern.</li> <li>Past disturbance has had, and continues to have, impacts on air and water quality in the Elk Valley at distance from existing mine footprints, and these impacts are concentrating and accumulating in streams, rivers and receiving waters. Based on Ktunaxa experience, dust and other air borne contaminants end up in the snow pack of surrounding watersheds and flush into the river systems during melt.</li> <li>Water quality including concentrations of constituents of concern, changes in channel morphology, hydrology and geology, are impacting, and will continue to impact, fish species relied upon for practice of Ktunaxa rights, particularly when combined with forest harvesting and recreational fishery impacts to both the resource and Ktunaxa harvesting.</li> <li>Ktunaxa citizens' have already expressed elevated concern regarding industrial contaminants in the area. Ktunaxa knowledge holders anticipate ongoing impacts to the quality and quantity of wild foods available for KNC harvest in preferred locations, including fish downstream in the Elk and Fording rivers, and Koochanusa Reservoir.</li> <li>Impacts to Ktunaxa rights and interests in the Elk Valley are anticipated to get worse before they get better. Project effects on water quality and fish or fish habitat will interact with other foreseeable developments, and with changes in the environment, and are expected to continue to have a significant adverse effect on Ktunaxa rights and interests.</li> </ul>	<p>significance of effects to the use of water for traditional purposes based on publicly available Ktunaxa perspectives on development in the Elk Valley as outlined in Section 23.7.1.1.</p> <ul style="list-style-type: none"> <li>Impact management measures with respect to potential residual effects to water and where Ktunaxa perspectives were available are addressed in Section 23.10.1.</li> <li>Ktunaxa Nation's rights and related interests are also assessed for potential impacts as a result of the residual Project effects and the residual cumulative effects in Section 23.11.2.1.1 for water where previous determinations on the degree of severity of adverse impacts were updated based on shared Ktunaxa perspectives and the use of the critical receptor locations Ktunaxa Nation.</li> <li>NWP has also indicated in Chapter 23 that it is committed to ongoing communication on cumulative effects through future consultation and engagement with the Ktunaxa Nation.</li> <li>As noted by NWP, limitations of information provided by Ktunaxa are identified in the setting of Ktunaxa Nations rights and interests in Section 23.7.1.1.</li> </ul>	<ul style="list-style-type: none"> <li>Reducing the potential for dust to settle in the West Alexander Creek, Alexander Creek, Grave Creek, and Elk River drainages through the implementation of the Air Quality and Greenhouse Gas Management Plan (Section 33.4.1.1).</li> <li>Earth moving activities throughout the life of mine scheduled to ensure limited durations of exposed soils.</li> <li>Sediment loading in runoff reduced by the application of standard industry practices to intercept sediment before it reaches the receiving environment.</li> <li>Regular inspections to ensure drainage, erosion, sediment control, air quality, and dust control measures are effective and functioning properly, and allow for timely repairs and adjustments as required.</li> <li>Limiting the mine disturbance footprint and avoiding affecting additional drainages beyond West Alexander and Grave Creeks and further to the north of the Grave Creek-West Alexander Creek drainage divide through the Site Water Management Plan (Section 33.4.1.8). Runoff will be directed to small catchment sumps prior to release or managed with localized erosion mitigations for small, isolated areas of disturbance.</li> <li>For surface water that cannot be diverted, capturing it in sediment ponds prior to release into the West Alexander Creek drainage.</li> <li>Progressive reclamation and re-vegetation throughout the mine life to minimize erosion potential and reduce the Project footprint, minimizing the potential for runoff effects to surface water.</li> <li>Surface water quality monitoring and adaptive management through the Fish and Fish Habitat Management Plan (Section 33.4.1.5) and permit conditions will be used to validate the efficiency of the proposed mitigation measures.</li> <li>NWP will support Ktunaxa Nation's stewardship initiatives where identified and applicable to review existing Project Specific programs and plans related to water stewardship and, if required, jointly develop a program to encourage a culture of water stewardship by employees within the Project work environment.</li> </ul>	<p>resulting in impacts to their ability to know and teach the Ktunaxa way of living.</p> <p>The results of the effect assessment indicate that the potential impacts of future climate change will have a substantially greater influence on surface water quantity (i.e., magnitude and timing of streamflows) along the downstream watercourses in the Aquatic RSA.</p> <p>The degree in severity of impact on Ktunaxa Nation's rights for the use of water for traditional purposes is rated as moderate to high based on the following:</p> <ul style="list-style-type: none"> <li>The potential impacts to water quality and access to healthy aquatic systems are predicted to be small in spatial extent. The residual Project effects on surface water quality and quantity are limited to West Alexander Creek and no measurable residual effect on surface water quality and quantity is predicted beyond the Aquatic LSA boundary; and cumulative effects are not expected to be detectable in the Elk River at Sparwood or further downstream in the Elk River or Lake Koochanusa.</li> <li>Mitigation and the Project's design to reduce impacts to water quality, access to healthy aquatic systems, and the provision of the listed mitigation measures, should allow for access to healthy aquatic to continue in the Elk Valley (other than the upper sections of West Alexander Creek) including those for traditional purposes.</li> <li>There is potential for the Project to result in the permanent alienation of Ktunaxa Nation from water access locations within the Project footprint, for which there is no current mitigation. It is further noted that that this physical alteration and potential change in the opportunity of the Ktunaxa Nation to practice related traditional activities (e.g., water use) may also have impacts on intangible cultural heritage. Due to the lack of current information available on their use of the Project footprint for traditional purposes, understanding and characterizing these potential related impacts to their intangible cultural heritage requires further input from the Ktunaxa Nation.</li> <li>It should be noted that there is existing potential for water use access available in the KNRI LSA and RSA with respect to watercourses outside of the Project footprint. In consideration of the relatively small impact area of the Project, the anticipated effectiveness of the proposed mitigation and the availability of watercourses in the KNRI RSA, the Project is not anticipated to significantly reduce the ability and opportunity of Ktunaxa Nation to practice their rights and interests related to water use within the KNRI RSA.</li> <li>Baseline data was sufficient to evaluate effects for the surface water quality and quantity VCs. The Ktunaxa Nation have identified some HHRA and sensory receptor locations within the Project</li> </ul>

Table 23-A.1: Summary of Ktunaxa Perspectives on Rights and Interest related to the Project and Consultation on other Matters of Concern

Note: This table provides summary level information regarding the inclusion of Ktunaxa perspectives into the completed effects assessment, mitigation recommendations, and the impact on Ktunaxa Nation's rights and interests. For the full description of completed effects assessment, mitigation commitments, and the impact on rights assessment, please refer to the application sections referenced in the table.

Ktunaxa Nation Rights and Related Interests/VC	Ktunaxa Perspective on Rights and Interests/VC	Proponent Response	Summary of Key Measures and Commitments to Avoid, Mitigate, or Otherwise Manage Effects	Summary of Assessment of Potential Impacts on Rights and Interests
	<ul style="list-style-type: none"> <li>• Current mining operations in the Elk Valley have affected and continue to affect water quality in the valley and downstream at least to Kooconusa Reservoir.</li> <li>• Studies indicate that ground water flowing through waste rock created by these operations will continue to carry selenium, cadmium, sulphate, calcium and other substances for many decades into the future.</li> <li>• It is the understanding of the Ktunaxa that EVWQP will not reduce selenium in the short term to the extent required to prevent adverse impacts to fish populations within the Elk River Valley. There is also uncertainty regarding whether the EVWQP will be successful in reducing selenium and other constituents that exceed provincial guidelines in the longer term (15-20 years in the EVWQP).</li> <li>• Water is fundamental to the Ktunaxa creation story and is understood by Ktunaxa knowledge holders to be the basis for all living things within Ktunaxa territory. Rivers, streams, lakes, and riparian areas provide essential habitat for the fish, and many of the animals and plants that Ktunaxa harvesters rely on, and responsible stewardship of water is a critical component of Ktunaxa responsibility to living things.</li> <li>• Ktunaxa trails, harvesting areas, and cultural use areas are often oriented along streams, rivers and lakes within Ktunaxa territory and access to clean water is essential to the ability of Ktunaxa citizens to spend time on the land, especially when travelling or hunting for extended periods in remote areas.</li> <li>• Water bodies are traditional and current travel corridors. At another level, the ability to rest and drink confidently from a mountain stream is an aspect of Ktunaxa rights that all future generations should enjoy. Confidence in water is compromised in portions of the Fording and Elk River due to the presence of contaminants that have been released by coal-mining activities. Water, quality and quantity, as well as the fish, wildlife, and plant resources it sustains, are fundamental economic assets. Where water quality or quantity is not adequate, it can become a fundamental economic constraint, especially where water limits ecological health, or the ability to develop economic resources. The potential for some alternative Ktunaxa economic futures, such as sports fishing-based tourism and guiding, depend heavily on confidence in the quality of the Elk Valley's rivers and streams, and the habitat they provide.</li> <li>• Water quality may also be a constraint on future Ktunaxa economic opportunities related to mining where past mining activity has already caused levels of contamination that</li> </ul>		<ul style="list-style-type: none"> <li>• Where not addressed through other processes, NWP and Ktunaxa Nation will jointly determine a funding and prioritization mechanism for supporting continued aquatic research studies specific to the Project where applicable and required.</li> <li>• Consideration of Ktunaxa Nation requests through existing committees for monitoring studies related to water quality.</li> <li>• Continued consultation and engagement with Ktunaxa Nation to identify and adapt mitigation measures to address impacts on use of the use of water resources for traditional purposes within the Project footprint and the KNRI LSA.</li> </ul>	<p>footprint and the KNRI LSA that relate to current and rights-based use of water for traditional purposes. Project-impacted watercourses within the Project area of influence have not been specifically identified as being used by the KNC but there is potential for the Ktunaxa Nation to utilize these watercourses for traditional purposes as well as other watercourses in the KNRI LSA.</p> <ul style="list-style-type: none"> <li>• The assessment of impacts on Ktunaxa Nation's rights in relation to the use of water determined that the degree of severity to Ktunaxa Nation's rights and interests are rated as moderate to high.</li> <li>• Continued consultation with Ktunaxa Nation, as well as through the development of potential follow-up and monitoring and adaptive management measures to implement corrective actions as necessary based on that follow-up are expected to improve the confidence rating in the severity assessment of impact on Ktunaxa Nation's rights and interests.</li> <li>• It is acknowledged that Ktunaxa Nation has the potential to use watercourses in the KNRI LSA such as Alexander Creek that support water use and access to healthy aquatic systems given the importance of healthy waterways within the KNRI LSA and RSA. It is noted that Ktunaxa citizens have previously expressed elevated concern regarding industrial contaminants in the area.</li> <li>• Past and ongoing projects and activities located in the KNRI LSA and RSA have been impacting the real or perceived quality and quantity of water use available for Ktunaxa Nation in preferred locations to exercise Ktunaxa Nation's rights and interests.</li> <li>• While past, present, and the reasonably foreseeable future projects and activities in the KNRI RSA have the potential for impact on Ktunaxa Nation's rights for the potential future use of water for traditional purposes, the total footprint of the potential future use without the Project in the Elk Valley represents a relatively small proportion of the overall Elk River watershed area. It is anticipated that the potential impact on Ktunaxa Nation's rights for the potential future use of water for traditional purposes that could result from the reasonably foreseeable future projects and activities in the KNRI RSA will be minor in comparison to the impacts of climate change on the timing and magnitude of streamflows within the receiving watercourses in the KNRI RSA.</li> <li>• The cumulative impact is also determined as moderate to high considering available Ktunaxa perspectives on the Elk Valley and the limited nature of information that has been provided to date by the Ktunaxa Nation regarding their level of use and interest to conduct traditional activities related to water use within the Project footprint. It is expected that their ability to know and teach the Ktunaxa way of living can continue within their Traditional Territory while recognizing their perspectives on the cumulative effects of the past and current development projects that have impacted the opportunities for these activities.</li> </ul>



Table 23-A.1: Summary of Ktunaxa Perspectives on Rights and Interest related to the Project and Consultation on other Matters of Concern

Note: This table provides summary level information regarding the inclusion of Ktunaxa perspectives into the completed effects assessment, mitigation recommendations, and the impact on Ktunaxa Nation's rights and interests. For the full description of completed effects assessment, mitigation commitments, and the impact on rights assessment, please refer to the application sections referenced in the table.

Ktunaxa Nation Rights and Related Interests/VC	Ktunaxa Perspective on Rights and Interests/VC	Proponent Response	Summary of Key Measures and Commitments to Avoid, Mitigate, or Otherwise Manage Effects	Summary of Assessment of Potential Impacts on Rights and Interests
	<p>approach or exceed water quality guidelines or other benchmarks.</p> <ul style="list-style-type: none"> <li>• Clean water is a fundamental determinant of human health, is essential to Ktunaxa confidence in wild foods, and to the place of wild foods, and especially fish, at the dinner table of Ktunaxa families.</li> </ul> <p>As a fundamental resource essential for life, water plays a major role for Ktunaxa lands and resources. There are numerous important environmental values associated with water including fish habitat, habitat for the creatures that fish eat (benthic invertebrates), wildlife species dependant on water and riparian habitat, wetland birds and plants among others.</p> <ul style="list-style-type: none"> <li>• Unmitigated and legacy impacts to water quality on the Fording River have the potential to create wide ranging ecological impacts for fish and the range of other living things that depend upon them.</li> </ul> <p>Summarized Information from Written Submissions of the Ktunaxa Nation Council to the Grassy Mountain Coal Project Joint Pane Review – Cumulative Effects:</p> <ul style="list-style-type: none"> <li>• The proposed Project is in an area of ?amak?is Ktunaxa with a deep history of Ktunaxa use and occupancy, and ongoing cultural-spiritual importance.</li> <li>• The proposed Project is a major coal mine in a region that is already nearing or past thresholds of significant impact on water quality, spatial disturbance, and other factors that impact Ktunaxa rights and interests.</li> <li>• Maintaining healthy water quality and avoiding mining or rail-related contamination (e.g., sulphate and selenium) is a primary Ktunaxa concern in relation to the Crowsnest River watershed. Mobilization of selenium into waterways from nearby surface coal mining is a known issue. High levels of selenium in the Elk River from adjacent coal mining have resulted in serious concerns for the health of Westslope Cutthroat Trout and other species.</li> <li>• Increased impacts on water in the area are likely to result in impacts on Ktunaxa use, including use of camp and habitation areas adjacent to the Crowsnest River and its tributaries.</li> <li>• Potential impacts on water quality in the vicinity of coal transport and rail routes are also a concern.</li> </ul>			<p>For the use of water for traditional purposes, site-specific knowledge and use values associated with subsistence sites, water transportation, and related environmental features including seasonal access and usage from Ktunaxa Nation knowledge holders would support and guide the assessment of Project-related effects within the Project footprint, the KNRI LSA, and the KNRI RSA in terms of potential interactions during the Project lifecycle. At the time of the assessment the lack of this specific information requires continued consultation with the Ktunaxa Nation.</p>

Table 23-A.1: Summary of Ktunaxa Perspectives on Rights and Interest related to the Project and Consultation on other Matters of Concern

Note: This table provides summary level information regarding the inclusion of Ktunaxa perspectives into the completed effects assessment, mitigation recommendations, and the impact on Ktunaxa Nation's rights and interests. For the full description of completed effects assessment, mitigation commitments, and the impact on rights assessment, please refer to the application sections referenced in the table.

Ktunaxa Nation Rights and Related Interests/VC	Ktunaxa Perspective on Rights and Interests/VC	Proponent Response	Summary of Key Measures and Commitments to Avoid, Mitigate, or Otherwise Manage Effects	Summary of Assessment of Potential Impacts on Rights and Interests
Archaeology	<p>The summarized Ktunaxa perspectives are based on correspondence on the Grave Prairie Cultural Landscape. Archaeological concerns specifically the Grave Prairie area include opposition to the proposed location of the rail load out facility and associated infrastructure in Grave Prairie, due to conflicts with important Ktunaxa cultural values.</p> <p>Correspondence from the KNC (dated July 23, 2018): In addition to the overall concerns about cumulative effects that the KNC have expressed already, KNC also have extensive concerns with any exploration in this area given the results of preliminary archaeology fieldwork conducted in the area in Summer 2017.</p> <ul style="list-style-type: none"> <li>This application is located in an area of high cultural value to the Ktunaxa Nation. The cultural values include archaeological sites and materials but encompass much more than tangible cultural resources including burials, spiritual sites, use areas, place names and oral histories. All of these values are connected via family lineages to Ktunaxa presently living in their homelands.</li> <li>The results of NWP's Archaeological Impact Assessment have indicated that the area is richer in cultural resources than previously recorded, and in particular has identified over 60 mounds that could potentially be burial locations of Ktunaxa ancestors.</li> <li>The results of the preliminary archaeology fieldwork were communicated to the KNC and the Ktunaxa Elders Advisory Committee. The KNC does not approve of intrusive testing or the disturbance of suspected burials to confirm that they are indeed burials or to develop "mitigation" strategies. Impacts to the cultural values present in this area cannot be mitigated, particularly by external parties.</li> <li>The KNC also does not support any activities within the vicinity of the cultural landscape that would impact the sense of place and connection that Ktunaxa have to the area (i.e., road building, excavation, drilling, vegetation removal, etc.). Though development activities occurred within this area in the past, KNC were not consulted on these activities, and where KNC were, their recommendations were not substantively considered.</li> <li>Past development in an area does not give carte blanche for future development.</li> <li>The 5-year program from 2018-2023 for Crown Mountain must be seen in the context of all of the past and existing road-building, mining, harvesting and other development activity in these watersheds already, and the AMA, which was put in place as mitigation to reduce cumulative impacts</li> </ul>	<p>Potential residual effects including Ktunaxa perspective and the use of critical receptor locations within the Project footprint, the KNRI LSA, and KNRI RSA have been considered in the Application/EIS in the following ways:</p> <ul style="list-style-type: none"> <li>The shared perspectives have formed the basis of the potential residual effects assessment with the overall assessment methodology documented in Chapter 5, Section 5.3 and the potential residual effects assessed in Chapter 23, Section 23.8.2.2.3.</li> <li>The potential residual effects assessment is based on inputs from Ktunaxa Nation through engagement identified in Section 23.5.2 that outline the Ktunaxa perspectives on the development of the Project including Project component design.</li> <li>The potential residual effects assessment for the Project utilizes Ktunaxa information to determine the level of significance of effects to physical and cultural heritage based on available Ktunaxa perspectives on development in the Elk Valley as outlined in Section 23.7.1.3.</li> <li>Impact management measures with respect to potential residual effects to water and where Ktunaxa perspectives were available are addressed in Section 23.10.3.</li> <li>Ktunaxa Nation's rights and related interests are also assessed for potential impacts as a result of the residual Project effects and the residual cumulative effects in Section 23.11.2.1.3 for physical and cultural heritage where previous determinations on the degree of severity of adverse impacts were updated based on shared Ktunaxa perspectives and the use of the critical receptor locations Ktunaxa Nation.</li> <li>NWP has also indicated in Chapter 23 that it is committed to ongoing communication on cumulative effects through future consultation and engagement with the Ktunaxa Nation.</li> </ul> <p>As noted by NWP, limitations of information provided by Ktunaxa are identified in the setting of Ktunaxa Nations rights and interests in Section 23.7.1.3.</p>	<p>The mitigation measures identified for the change to physical and cultural heritage, and structures, sites, or things of historical, archaeological, paleontological, or architectural significance are related to reporting on the implementation of management and monitoring plans associated with the identification of appropriate mitigation for pre-contact archaeological sites based on collaboration with the Ktunaxa Nation. An Archaeology Management Plan (Chapter 33, Section 33.4.1.2) was developed for the Project and describes protocols that will be followed where the Project footprint encroaches upon the recorded boundaries of pre-contact archaeological sites (pre-dating A.D. 1846) that are protected under the <i>Heritage Conservation Act</i>, in addition to best management practices for archaeological potential zones and Chance Finds. Mitigation measures for direct impacts to archaeological resources will include, but not be limited to, the application for a provincial Section 12.4 Alteration Permit, to be held concurrently with a Section 12.2 Heritage Inspection Permit. A Heritage Resources response procedure will be put in place as per the Section 12.4 Alteration Permit and will be followed in the event that a Heritage Resource is discovered during Project-related activities. This will include:</p> <ul style="list-style-type: none"> <li>Monitoring by a qualified archaeologist throughout the duration of mechanical activity within defined site boundaries;</li> <li>Salvage inspection (≤20% sample screening) of mechanically-excavated sediment extracted from and immediately adjacent to recorded archaeological sites;</li> <li>Short-term or long-term halt(s) of mechanical activity should significance archaeological resources be exposed;</li> <li>Salvage inspection (100% screening) should any of topsoil/sediment that originates from within an archaeological site be required to be removed from the locality of the site area.</li> </ul> <p>Key mitigation measures for physical and cultural heritage also include, where practicable:</p> <ul style="list-style-type: none"> <li>Continued support of site visits from representatives of the Ktunaxa Nation.</li> <li>Providing opportunities for ceremonies on the land prior to construction of Project infrastructure.</li> </ul>	<p>The Project has the potential to impact on Ktunaxa Nation's physical and cultural heritage through the following:</p> <ul style="list-style-type: none"> <li>The potential loss of pre-contact archaeological artifacts (if present) and tree throws related to physical and cultural heritage.</li> <li>The potential loss/disconnection of historic and present-day travel routes and trail if present within or crossing new roads and infrastructure footprint.</li> <li>The potential changes to or loss of places that may be important for ceremonial or sacred areas through changes in landscape/ecosystems within the Project footprint.</li> <li>The potential for change in access to places that may be important for ceremonial or sacred areas, and the potential loss of pre-contact archaeological artifacts (if present) during Project phases.</li> <li>The Project has the potential to impact on Ktunaxa Nation's rights and interests as a result of the potential change to a culturally significant site due to the location of the Grave Prairie Cultural Landscape within the Project footprint.</li> <li>The Project has the potential to impact on Ktunaxa Nation's rights and interests as a result of the potential change due to a significant historic area located near the Project's roads: Grave Lake, Grave Creek, and Grave Prairie.</li> <li>The potential for changes to ceremonial or sacred areas associated with Grave Creek and West Alexander Creek.</li> <li>The potential discovery of pre-contact archaeological resources (if present) in unconsolidated material or during progressive clearing activities.</li> <li>The potential for the permanent alienation of the Ktunaxa Nation from their cultural heritage due to the intangible value associated with a sense of place within the Project footprint.</li> </ul> <p>The degree in severity of impact on Ktunaxa Nation's rights and interests related to physical and cultural heritage resources and structures, sites, or things of historical, archaeological, paleontological, or architectural significance is rated as moderate to high.</p> <ul style="list-style-type: none"> <li>Based on information provided by Ktunaxa Nation Council, Grave Prairie is a landscape containing extremely important Ktunaxa cultural values and is located within the Project footprint. The KNC Lands Advisory Working Group have determined that the area of Grave Prairie has significant cultural significance to Ktunaxa and that any additional infrastructure including the proposed Rail Loadout, is not compatible with this cultural landscape.</li> <li>Based on the direction from Ktunaxa Knowledge Holders, the area currently known as the "Grave Prairie Cultural Landscape" contains two "zones"; a "Culturally Significant Area" where no new activities or infrastructure will be accepted and a "Culturally Sensitive Area" which requires rigorous in-depth assessments prior to Ktunaxa contemplating additional development.</li> </ul>

Table 23-A.1: Summary of Ktunaxa Perspectives on Rights and Interest related to the Project and Consultation on other Matters of Concern

Note: This table provides summary level information regarding the inclusion of Ktunaxa perspectives into the completed effects assessment, mitigation recommendations, and the impact on Ktunaxa Nation's rights and interests. For the full description of completed effects assessment, mitigation commitments, and the impact on rights assessment, please refer to the application sections referenced in the table.

Ktunaxa Nation Rights and Related Interests/VC	Ktunaxa Perspective on Rights and Interests/VC	Proponent Response	Summary of Key Measures and Commitments to Avoid, Mitigate, or Otherwise Manage Effects	Summary of Assessment of Potential Impacts on Rights and Interests
	<p>noted in the past. The cumulative impacts are not defensible or sustainable in this context.</p> <ul style="list-style-type: none"> <li>The location of this application is in an area of high archaeological potential, given its proximity to the Grave Prairie area. The KNC would like to know the results of that Archaeological Impact Assessment including potential impacts and recommendations for mitigation before they make a determination regarding this application.</li> <li>KNC will work with the proponent, their archaeological consultant, and the province to assess impacts and determine if there are appropriate mitigation measures.</li> <li>Due to potential ecological and cumulative effects as well as archeological concerns, KNC does not support approval of this application.</li> </ul> <p>Letter to NWP January 25, 2019:</p> <ul style="list-style-type: none"> <li>In 2016 and 2018 respectively, the Ktunaxa Nation Council communicated to the Province of British Columbia and NWP/Jameson Resources that they were opposed to the proposal to locate Crown Mountain Coal Mine rail load out facility and associated infrastructure in an area known as Grave Prairie, as it is within a landscape containing important Ktunaxa cultural values.</li> <li>In the summer of 2018, at a site visit three proposed alternate locations for the rail load out facility were indicated. Based on the brief site visit, all three alternative locations are believed to be outside the Grave Prairie Cultural Landscape. These three alternate locations may have other environmental or archaeological values that are currently unknown and that could be impacted by the proposed project.</li> <li>The KNC would want to see the results of environmental and archaeological impact assessments for whichever alternative is proposed, as a part of the Environmental Assessment process. These studies will also confirm whether the proposed locations are outside of the Grave Prairie cultural landscape.</li> </ul> <p>Correspondence from the KNC (received July 15, 2022):</p> <ul style="list-style-type: none"> <li>Through various meetings and a site visit in October 2020, the KNC staff have encouraged NWP to use existing roads and have indicated that more archaeological assessments and additional review of archaeological and environmental impacts by KNC staff and leadership would still need to occur before Ktunaxa Nation forms a position on the rail load out location.</li> </ul>		<ul style="list-style-type: none"> <li>Seeking Ktunaxa Nation consent where applicable on any cultural heritage site or resource that may be impacted by a proposed development/land alteration.</li> <li>Protection of all cultural heritage sites and resources and managed in a way that is respectful of Ktunaxa stewardship, cultural values, and traditional teachings.</li> <li>NWP will support the development of a Traditional and Cultural Protection Plan to include cultural programs on site where applicable; and events and activities in communities where resource capacity may be supported by NWP.</li> <li>Supporting measures to document and protect Ktunaxa efforts to safeguard knowledge and language related to Elk Valley and surrounding areas including support for establishing a plan for educational and potential archaeological work designed to identify, record, and protect remaining tangible and intangible Ktunaxa cultural heritage to result in legacy benefits to the Ktunaxa Nation and be geared to the protection and revitalization of Ktunaxa knowledge and language for future Ktunaxa generations in the Elk Valley will also be considered.</li> <li>NWP with guidance from the identified Ktunaxa Nation will support the following: <ul style="list-style-type: none"> <li>Recording the nature and extent of any identified trail corridors and associated passes in proximity of the Project footprint including areas potentially disturbed by Project-related infrastructure, and</li> <li>The rehabilitation of trails, marking of trail sections interrupted by disturbance within the Project footprint, and any additional archival information available regarding them.</li> </ul> </li> <li>Continued consultation and engagement with Ktunaxa Nation to identify and adapt mitigation measures to address impacts on physical and cultural heritage, and structures, sites, or things of historical, archaeological, paleontological, or architectural significance within the Project footprint and the KNRI LSA will be undertaken where appropriate to implement an adaptive management strategy that creates feedback loops through monitoring and reporting.</li> </ul>	<ul style="list-style-type: none"> <li>Based on Ktunaxa perspectives, the impacts to this site for any proposed development cannot be mitigated, and simply avoiding the physical remains of Ktunaxa ancestors is not enough to justify the proposed rail loadout facility at the proposed location.</li> <li>Though baseline data was sufficient to evaluate effects for known heritage resources, the lack of regional information on Ktunaxa Nation's physical and cultural heritage and structures, sites, or things that are of historical, archaeological, paleontological, or architectural significance increases the degree of severity of adverse impacts.</li> <li>It is further noted that that this physical alteration and potential change in the opportunity of the Ktunaxa Nation to practice related traditional activities (e.g., ceremonies in areas of physical and cultural heritage) may also have impacts on intangible cultural heritage. The understanding and characterizing of these potential related impacts to Ktunaxa Nation's intangible cultural heritage requires further input from the Ktunaxa Nation.</li> <li>Impacts on physical and cultural heritage related to the Grave Prairie Cultural Landscape may be potentially mitigated through continued collaboration with the Ktunaxa Nation to consult on alternative means of access to the proposed rail loadout facility including utilization of the proposed road access that may be situated in the previously disturbed footprint of a current road which may require further assessment. Mitigation measures to reduce the impacts of the rail loadout on the Grave Prairie Cultural Landscape recommended by Ktunaxa Nation include consideration of avoiding the site through a longer truck haul route to a less sensitive load out location, the extension of the rail line to the Alexander Valley section of the facility, or agreements with the owners of an existing rail load out facility. NWP will continue to work with the Ktunaxa Nation to address these concerns and explore options.</li> <li>Within the KNRI RSA, the location of physical and cultural heritage currently outside of the Project footprint and the Heritage Resources LSA include Crowsnest Mountain and Crowsnest Lake. These heritage resources may be of interest to the Ktunaxa Nation based on their potential linkage to Ktunaxa Nation ancestry though only the Grave Prairie Cultural Landscape has been currently identified based on preliminary consultation with Ktunaxa Nation and as identified by IAAC.</li> <li>Though baseline data was sufficient to evaluate effects on physical and cultural heritage, Ktunaxa citizens have previously expressed elevated concern regarding impact on physical and cultural heritage due to past development activity which has removed areas of particular Ktunaxa cultural value, including trails, habitation areas, and harvesting areas within the KNRI RSA, and culturally and</li> </ul>

Table 23-A.1: Summary of Ktunaxa Perspectives on Rights and Interest related to the Project and Consultation on other Matters of Concern

Note: This table provides summary level information regarding the inclusion of Ktunaxa perspectives into the completed effects assessment, mitigation recommendations, and the impact on Ktunaxa Nation's rights and interests. For the full description of completed effects assessment, mitigation commitments, and the impact on rights assessment, please refer to the application sections referenced in the table.

Ktunaxa Nation Rights and Related Interests/VC	Ktunaxa Perspective on Rights and Interests/VC	Proponent Response	Summary of Key Measures and Commitments to Avoid, Mitigate, or Otherwise Manage Effects	Summary of Assessment of Potential Impacts on Rights and Interests
	<ul style="list-style-type: none"> <li>• This important topic has been brought forward to the KNC Lands and Resources Council and the Lands Advisory Working Group, a committee comprised of knowledge holders appointed by each Ktunaxa First Nation Chief and Council. The Lands Advisory Working Group have determined that the area of Grave Prairie has significant cultural significance to Ktunaxa and that any additional infrastructure, including the proposed rail load out, is not compatible with this cultural landscape, in keeping with their Cultural Heritage Principles:               <ul style="list-style-type: none"> <li>○ Ktunaxa Nation asserts stewardship responsibility over all of their cultural heritage resources, including their ancestral remains and those sites that hold their ancestral remains and their archaeological sites and resources.</li> <li>○ Ktunaxa have an inherent right and obligation to maintain and preserve a distinct cultural identity and way of life for present and future generations, which includes the preservation, protection, and stewardship of their cultural heritage sites.</li> <li>○ Ktunaxa Nation consent will be required where any cultural heritage site or resource may be impacted by a proposed development/land alteration.</li> <li>○ All cultural heritage sites and resources will be protected and managed in a way that is respectful of Ktunaxa stewardship, cultural values, and traditional teachings.</li> </ul> </li> <li>• Based on this direction from the Knowledge Holders, the Ktunaxa Nation will not accept an Environmental Assessment Application proposing infrastructure, including the rail load out, within what the Nation currently knows as the "Grave Prairie Cultural Landscape". There are two "zones":               <ul style="list-style-type: none"> <li>○ A "Culturally Significant Area" where no new activities or infrastructure will be accepted, and</li> <li>○ A "Culturally Sensitive Area" which requires rigorous in-depth assessments prior to Ktunaxa contemplating additional development.</li> </ul> </li> <li>• The impacts to this site cannot be mitigated, and simply avoiding the physical remains of our ancestors is not enough to justify the proposed rail load out facility.</li> </ul>		<p>Impacts on physical and cultural heritage related to the Grave Prairie Cultural Landscape may be potentially mitigated through:</p> <ul style="list-style-type: none"> <li>• Continued collaboration with the Ktunaxa Nation and other identified Indigenous Communities to consult on alternative means of access to the Rail Loadout including utilization of the proposed road access that may be situated in the previously disturbed footprint of a current road which may require further assessment (KNC, 2020).</li> <li>• Providing opportunities for ceremonies on the land prior to construction of Project infrastructure.</li> <li>• Evaluating all options to reduce impacts of the rail loadout on the Grave Prairie Cultural Landscape as recommended by Ktunaxa Nation including the adequate consideration to avoidance impact through alternative means that may include:               <ul style="list-style-type: none"> <li>○ Longer truck haul to a less sensitive load out location,</li> <li>○ The extension of rail to the Alexander Valley section of the facility, and</li> <li>○ Agreements with existing operators to share already existing rail load out infrastructure if possible (KNC, 2022b).</li> </ul> </li> <li>• As the Grave Prairie Cultural Landscape includes a "Culturally Sensitive Area" which requires rigorous in-depth assessments prior to contemplating additional development, NWP will continue to work with the Ktunaxa Nation to address related concerns.</li> </ul> <p>Impacts on physical and cultural heritage related to the Grave Prairie Cultural Landscape may be potentially mitigated through continued work with the Ktunaxa Nation as NWP previously provided the KNC with the results of all Archeological Impact Assessments conducted for the Project. Measures recommended by KNC (IAAC, 2023) to mitigate potential effects of changes to Grave Prairie on Ktunaxa Nation have been included above.</p>	<p>spiritually important sites elsewhere in the Elk Valley outside of the Project footprint.</p> <ul style="list-style-type: none"> <li>• The consideration of Ktunaxa information has determined the degree in severity of impact on Ktunaxa Nation's rights and interests related to physical and cultural heritage resources and structures, sites, or things of historical, archaeological, paleontological, or architectural significance as being rated as moderate to high. Continued consultation with Ktunaxa Nation, as well as through the development of potential follow-up and monitoring and adaptive management measures as necessary is expected to improve the confidence rating and the severity of impact on Ktunaxa Nation's rights and interests.</li> <li>• The Ktunaxa Nation has not provided any information to date regarding physical and cultural heritage and structures, sites, or things that are of historical, archaeological, paleontological, or architectural significance to them for ceremonies and cultural activities other than on the Grave Prairie Cultural Landscape in the KNRI LSA or whether they have an interest in using KNRI LSA for ceremonies and cultural activities in the future.</li> <li>• It is noted that Ktunaxa citizens have previously expressed elevated concern regarding the potential impact on physical and cultural heritage due to past disturbance which has potentially removed areas of particular Ktunaxa cultural value, including trails, habitation areas, and harvesting areas within the KNRI RSA, and culturally and spiritually important sites elsewhere in the Elk Valley.</li> <li>• The cumulative impact is also determined as moderate to high considering available Ktunaxa perspectives on the Elk Valley and the limited nature of information that has been provided to date by the Ktunaxa Nation regarding their level of use and interest to conduct traditional activities within the Project footprint. It is expected that their ability to know and teach the Ktunaxa way of living can continue within their Traditional Territory while recognizing their perspectives on the cumulative effects of the past and current development projects that have impacted the opportunities for these activities.</li> </ul> <p>For the Ktunaxa Nation's physical and cultural heritage resources, site-specific knowledge and use values that may include further information on culturally significant areas, their specific sites/locations, cultural values and teachings related to certain Ktunaxa physical and cultural heritage resources, Ktunaxa oral histories related to physical and cultural heritage resources, and perspectives on the seasonality of access and usage from Ktunaxa Nation knowledge holders would support and guide the assessment of Project-related effects within the Project footprint, the KNRI LSA, and the KNRI RSA in terms of potential interactions during the Project lifecycle. At the time of the assessment the lack of this specific information requires continued consultation with the Ktunaxa Nation.</p>

Table 23-A.1: Summary of Ktunaxa Perspectives on Rights and Interest related to the Project and Consultation on other Matters of Concern

Note: This table provides summary level information regarding the inclusion of Ktunaxa perspectives into the completed effects assessment, mitigation recommendations, and the impact on Ktunaxa Nation's rights and interests. For the full description of completed effects assessment, mitigation commitments, and the impact on rights assessment, please refer to the application sections referenced in the table.

Ktunaxa Nation Rights and Related Interests/VC	Ktunaxa Perspective on Rights and Interests/VC	Proponent Response	Summary of Key Measures and Commitments to Avoid, Mitigate, or Otherwise Manage Effects	Summary of Assessment of Potential Impacts on Rights and Interests
Land Use	<p>The summarized Ktunaxa perspectives are based on publicly available information on the Elk Valley and are not specific to the Project. The Proponent was advised to refer to these publicly available documents to inform their understanding of Ktunaxa perspectives where applicable to the Project. Impacts to traditional land use for activities such as hunting and trapping, harvesting and gathering, and other traditional foods within the Project footprint include the Ktunaxa perspectives as identified below.</p> <p>Summarized Information from Section C - Ktunaxa Title and Rights: Water and Lands and Resources Sectors (C2, C3, and C7, Elkview Baldy Ridge Extension Project, C2.4.3.4 and C2.4.3.8, Line Creek Operations Phase II Project, and C1 to C8, Fording River Operations Swift Project):</p> <ul style="list-style-type: none"> <li>• Current and historic Ktunaxa use of the Elk Valley, as well as oral historical information likely pre-dating 1846, provides insight into the importance of the Project area, including the area of Sparwood, to Ktunaxa peoples.</li> <li>• While the alienation of Ktunaxa rights through land privatization, coal-related industrial development, and government policy (particularly provincial mining and hunting regulations) has been widespread in the Elk Valley, Ktunaxa elders and land users report ongoing use of the LSA and the surrounding area.</li> <li>• Based on interviews and oral histories collected in the late 19th and early 20th centuries, ethnographers clearly identify the area of the Elk Valley, including the Crow's Nest Pass area, as being originally and continuously occupied by Ktunaxa speaking people. Each of these sources supports an understanding that the Elk Valley, and the larger area of qukin ʔamakʔis in its entirety, was used, occupied, and effectively controlled by Ktunaxa speaking people for a long period of time prior to, and extending beyond, the assertion of British, Canadian or American sovereignty in the region.</li> <li>• Ktunaxa oral histories, supported by historic archival and ethnographic data, suggest that Ktunaxa presence in the Elk Valley has long been centred on an important habitation area named ʔaqawakanmituk, a Ktunaxa settlement at the confluence of Michel Creek and the Elk River near present-day Sparwood. This is a very important cultural area in the Elk Valley and was occupied annually, and likely for a long period of time up to the late 1800's, by the Michel Prairie people, also referred to as the Fernie Band, or ʔaqawakanmituknik. This was a historic Ktunaxa community with close ties to the current Ktunaxa community of</li> </ul>	<p>Potential residual effects including Ktunaxa perspective and the use of critical receptor locations within the Project footprint, the KNRI LSA, and KNRI RSA have been considered in the Application/EIS in the following ways:</p> <ul style="list-style-type: none"> <li>• The shared perspectives have formed the basis of the potential residual effects assessment with the overall assessment methodology documented in Chapter 5, Section 5.3 and the potential residual effects assessed in Chapter 23, Sections 23.8.2.2.1 to 23.8.2.2.5.</li> <li>• The potential residual effects assessment is based on inputs from Ktunaxa Nation through engagement identified in Section 23.5.2 that outline the Ktunaxa perspectives on the development of the Project including VC determination for input on HHERA, and Project component design.</li> <li>• The potential residual effects assessment for the Project utilizes Ktunaxa information to determine the level of significance of effects to the use of lands and resources for traditional purposes based on publicly available Ktunaxa perspectives on development in the Elk Valley as outlined in Sections 23.7.1.2 and 23.7.1.4.</li> <li>• Impact management measures with respect to potential residual effects to lands and resources and where Ktunaxa perspectives were available are addressed in Sections 23.10.2 and 23.10.4.</li> <li>• Ktunaxa Nation's rights and related interests are also assessed for potential impacts as a result of the residual Project effects and the residual cumulative effects in Sections 23.11.2.1.2 and 23.11.2.1.4 for land and resource use where previous determinations on the degree of severity of adverse impacts were updated based on shared Ktunaxa perspectives and the use of the critical receptor locations Ktunaxa Nation.</li> <li>• NWP has also indicated in Chapter 23 that it is committed to ongoing communication on cumulative effects through future consultation and engagement with the Ktunaxa Nation.</li> </ul> <p>As noted by NWP, limitations of information provided by Ktunaxa are identified in the setting of Ktunaxa Nations rights and interests in Sections 23.7.1.2 and 23.7.1.4.</p>	<p>The mitigation measures identified for the change to use of lands and resources for traditional hunting and trapping purposes are as identified in Chapter 15 (e.g., ungulates, Chapter 15, Section 15.4.3.3) including the Wildlife Management and Monitoring Plan and the Ecological Restoration Plan. Many of the measures to mitigate impacts to wildlife VCs are part of protocols described in Chapter 33 including the Air Quality and Greenhouse Gas Management Plan (Section 33.4.1.1), the Noise and Vibration Management Plan (Section 33.4.1.7), the Vegetation and Ecosystems Management and Monitoring Plan (Section 33.4.1.11), the Spill Prevention, Control, and Countermeasures Plan (Section 33.4.1.10), the Waste Management Plan (Section 33.4.1.12), and the Traffic Control Plan (Section 33.4.2.4) which includes access management.</p> <p>Key mitigation measures for hunting and trapping also include, where practicable:</p> <ul style="list-style-type: none"> <li>• Minimizing disturbance and encroachment into natural vegetation, to the extent feasible, by clearing and grubbing only what is required for Construction and Pre-Production activities and progressive development of pits and Mine Rock Storage Facility.</li> <li>• Clearing vegetation only in the year in which the area will be required for Construction or Operation activities to minimize the extent of cleared vegetation, to the extent possible.</li> <li>• Sequencing the development of pits and Mine Rock Storage Facility areas to limit total disturbance during any one period and maximizing progressive reclamation opportunities during Operations where practicable.</li> <li>• Implementation of the Erosion and Sediment Control Plan (Chapter 33, Section 33.4.1.4) to reduce the potential for sedimentation of riparian, wetland, and aquatic habitat used by wildlife VCs.</li> <li>• Minimizing sensory disturbances and disruption by limiting construction activities, especially those with high noise impact, to daytime hours and appropriately timing construction activities to minimize cumulative noise levels.</li> <li>• Installing and maintaining noise and light mitigation measures, where practicable, on and around Project infrastructure to minimize sensory disturbances.</li> </ul>	<p>The Project has the potential to impact on Ktunaxa Nation's hunting and trapping rights and interests through the following:</p> <ul style="list-style-type: none"> <li>• The potential localized changes in accessibility to wildlife associated with riparian vegetation/habitat.</li> <li>• The potential for changes to accessibility to aquatic wildlife species of interest (e.g., waterfowl) with the change or loss of aquatic habitats.</li> <li>• The potential for changes in wildlife food sources through changes to ecosystems/vegetation communities resulting in changes to wildlife species of interest movements/migrations.</li> <li>• The potential stressor on wildlife population (including grizzly bear, elk, and bighorn sheep) with increased access roads potentially attracting hunters, vehicle collisions, and increased road densities.</li> <li>• The potential for reduction of the quality and accessibility of wildlife species of interest for traditional/cultural purposes or country foods.</li> <li>• The potential for the permanent alienation of the Ktunaxa from hunting and trapping locations within the Project footprint resulting in impacts to their ability to know and teach the Ktunaxa way of living.</li> </ul> <p>Though residual effects to wildlife VCs may occur as result of the Project, no significant adverse effects are anticipated and the potential impacts included will result in a temporary decline in the wildlife species available for use by Ktunaxa Nation in hunting and trapping practices as well as the temporary impact to the accessibility of areas used to hunt and trap in the Project footprint and the KNRI LSA.</p> <p>In terms of specific wildlife VCs, grizzly bear has important significance within Ktunaxa Nation's spiritual and ceremonial teachings, songs, ceremonies, medicines, and stories as currently outlined in Chapter 23 and as identified by IAAC (IAAC, 2015a). Other culturally importance species highlighted include ungulate VCs (e.g., elk and bighorn sheep).</p> <p>The degree in severity of impact on Ktunaxa Nation's rights and interests for the use of lands and resources for hunting and trapping is rated as moderate. This is based on:</p> <ul style="list-style-type: none"> <li>• The potential impacts are likely to be small in spatial extent, reversible in the long term, and with few effects to health and/or country foods.</li> <li>• Mitigation and the Project's design to reduce impacts to wildlife VCs (including grizzly bear, elk, and bighorn sheep) and the implementation of management, monitoring, and reclamation plans, should allow for hunting and trapping activities to continue within the KNRI LSA including those for traditional purposes.</li> <li>• With specific regard to grizzly bear, based on the recent trends in local grizzly bear population levels, the Project is unlikely to</li> </ul>

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	<p>Tobacco Plains whose annual round included hunting bison on the eastern slopes of the Rocky Mountains.</p> <ul style="list-style-type: none"> <li>The settlement of kaqawakanmituk at Michel Prairie included important tobacco cultivation areas, as well as habitation areas, processing areas, and other features including trails that connected the valley to mountain passes to the east.</li> <li>Another recorded Ktunaxa name connected to the associated cultural landscape surrounding kaqawakanmituk is wisiyaḥ referring to a Ktunaxa ceremonial sweat lodge or house, and an important figure in Ktunaxa ceremonial practice. In interviews, Ktunaxa knowledge holders interpreted the name as likely referring to the rounded ridges behind kaqawakanmituk (now Sparwood).</li> <li>Nearby areas, extending into the Crow's Nest Pass, and including Crow's Nest Lake and areas east of the Rockies, contains values of central cultural and ceremonial importance for Ktunaxa people.</li> <li>Based on Ktunaxa oral histories recorded by Schaeffer, the kaqawakanmituknik, along with other branches of the Ktunaxa Nation, including the katamukinik, were decimated by smallpox while hunting bison east of the Rockies, likely just prior to, or shortly after, the arrival of horses in Ktunaxa ḥamakḥis in the late 1700s. At least some of the survivors of the kaqawakanmituknik returned to their people west of the Rockies and were later joined by Ktunaxa from further south under the leadership of Chief Michel (Hole-in-the-Head), an important Ktunaxa leader through the latter half of the 19th century.</li> <li>Schaeffer records multiple versions, each differing slightly, of hunting buffalo east of the Rockies at a time when the Ktunaxa were decimated by an outbreak of smallpox or other illness. On the advice of an old woman who had dreamt of the disease, the kaqawakanmituknik moved east onto the plains to avoid spreading the disease to other Ktunaxa communities. Only a handful of kaqawakanmituknik survived and returned to their kin west of the Rockies. One of those survivors (Kanukḥuḥam or Whitehead) returned to the area of kaqawakanmituknik and Columbia Lakes. Some years later, Chief Michel married a daughter of Whitehead, became the leader of the Michel Prairie people and continued Ktunaxa occupation and control of kaqawakanmituk and the Elk Valley.</li> <li>While surviving kaqawakanmituknik went to live with other Ktunaxa communities, regular Ktunaxa occupancy was maintained in the Elk Valley through the 20th century and is ongoing.</li> </ul>		<ul style="list-style-type: none"> <li>A wildlife education program will be developed to raise awareness of requirements and commitments to avoid wildlife and protect wildlife and wildlife habitat including educating employees on noise impacts and potential mitigation/control measures through appropriate training.</li> <li>Management of vehicle traffic (including limiting road traffic and access and the Traffic Control Plan) contributes to minimization of sensory disturbance and direct mortality along roads and reducing the barrier effect of roads or filters to movement.</li> <li>Wildlife will be given the right-of-way on all Project roads and gaps will be created in snowbanks to allow for unimpeded wildlife passage across roads at regular intervals.</li> <li>Preventing wildlife entrapment through implementation of wildlife protection protocols including during avalanche control activities.</li> <li>Minimizing the potential for exposure to chemical hazards and attractants through the use of holding tanks or closed facilities that exclude wildlife.</li> <li>As there is potential for access within the Project footprint, NWP is committed to creating permanent access during the Post-Closure phase for future traditional activities including hunting and trapping where practicable.</li> <li>Developing NUE areas in collaboration with Ktunaxa Nation, regulators, and key stakeholders based on safety, logistical, and administrative considerations to restrict public access to traditional hunting and trapping use areas within the Project footprint.</li> <li>Respecting traditional hunting and trapping timing windows and seasonal rounds where practicable.</li> <li>Progressive reclamation and revegetation throughout the mine life to reduce the Project footprint as quickly as possible to minimize the magnitude of Project impacts at the temporal scale with collaboration where practicable with Ktunaxa Nation.</li> <li>Continued consultation and engagement with Ktunaxa Nation to identify and adapt mitigation measures to address impacts on the use of lands and resources for traditional purposes within the Project footprint and the KNRI LSA will be undertaken where appropriate to implement an</li> </ul>	<p>contribute to limiting the ability of grizzly bear to recover from past declines and maintain a stable population in the Terrestrial LSA. Direct habitat loss as a result of the Project is of low magnitude and is partly reversible, though the quality of reclaimed areas to grizzly bear will be variable. The indirect habitat loss and degradation from potential impact to the avalanche chutes on the east side of Crown Mountain (if it occurs) may be much more important to grizzly bear. Sensory disturbance has the potential to further degrade habitat in the West Alexander Creek valley. The West Alexander Creek valley will be partially blocked to grizzly bear movements (by the pits and Mine Rock Storage Facility before they are reclaimed); other portions of the Project footprint will represent a semi-permeable barrier. As part of the Project Reclamation and Closure phase, wildlife habitat will be reclaimed within the disturbance footprint, and result in a variety of wildlife habitat types for use by grizzly bear. The combined residual effects of habitat loss and degradation, sensory disturbance, disruption to movement, and increased mortality risk on grizzly bear are therefore considered not significant.</p> <ul style="list-style-type: none"> <li>With specific regard to elk, the population has a relatively stable trend and while the Project will result in loss of only a small amount of high-quality winter habitat when elk habitat availability is most limited, sensory disturbance has the potential to further displace elk. Given that elk frequently habituate to human disturbance and are known to occur in close proximity to active mine sites, the effect of sensory disturbance is likely to be small. The reclaimed mine landscape will provide high-quality elk habitat. Based on the characterization of the residual effects and local and regional elk population levels, the Project would not limit the ability of elk to persist and maintain self-sustaining populations in the Terrestrial LSA. The residual effects of habitat loss and degradation, sensory disturbance, disruption to movement, and increased mortality risk on elk arising from the Project during all phases are therefore considered not significant.</li> <li>With specific regard to bighorn sheep, the population has a relatively stable trend and while the Project will result in loss of a relatively small amount of year-round high-quality habitat, none of which has been mapped as bighorn sheep winter range. Sensory disturbance has the potential to displace bighorn sheep in high-quality annual habitat, though it does not overlap with mapped winter range. Post-closure, the reclaimed mine landscape will provide abundant forage for bighorn sheep. Based on the characterization of the residual effects as identified above and the local and regional bighorn sheep population levels, the Project would not limit the ability of bighorn sheep to persist and maintain self-sustaining populations in the ATRI LSA. The residual effects of habitat loss and degradation, sensory disturbance, disruption to</li> </ul>

Table 23-A.1: Summary of Ktunaxa Perspectives on Rights and Interest related to the Project and Consultation on other Matters of Concern

Note: This table provides summary level information regarding the inclusion of Ktunaxa perspectives into the completed effects assessment, mitigation recommendations, and the impact on Ktunaxa Nation's rights and interests. For the full description of completed effects assessment, mitigation commitments, and the impact on rights assessment, please refer to the application sections referenced in the table.

Ktunaxa Nation Rights and Related Interests/VC	Ktunaxa Perspective on Rights and Interests/VC	Proponent Response	Summary of Key Measures and Commitments to Avoid, Mitigate, or Otherwise Manage Effects	Summary of Assessment of Potential Impacts on Rights and Interests
	<ul style="list-style-type: none"> <li>• While it is clear that other Indigenous Peoples from east of the Rockies, including the Piikani (Blackfoot), and Nakoda (Stoney or Assiniboine), occasionally visited the Elk Valley for war or trade with the Ktunaxa or for other reasons through the early 1900s, and at times hunted or harvested resources west of the Rockies, there is no evidence that Ktunaxa authority over the Elk Valley was successfully challenged.</li> <li>• Other important nearby Ktunaxa settlements were at Whiteswan Lake (Ka?intak), and Tobacco Plains.</li> <li>• Ktunaxa knowledge holders also reported that there were important camping or settlement locations at Grave Prairie, Round Prairie, and near Elkford, as well as elsewhere along the Elk River.</li> <li>• As wage labour in the mining or forestry industry became more important to Ktunaxa livelihood, Ktunaxa families lived in work camps and other centres in the valley, but also maintained rights-based subsistence practices.</li> <li>• The K'aqawakanmituk are discussed in Ktunaxa oral histories as relying on a seasonal round that included regular bison hunts east of the Rockies, as well as residence, agriculture, and harvesting in the Elk Valley and nearby areas.</li> <li>• The annual round included hunting for sheep, deer, elk and goat, as well as other species in the Elk Valley and adjacent valleys, fishing for cutthroat trout and other fish in streams and lakes, fishing salmon at Columbia Lakes and along the Columbia River drainage, and fishing for Mariah or ling in winter in the area of Tobacco Plains. In summer, tobacco was cultivated at K'aqawakanmituk (Michel Prairie, now Sparwood), within the LSA.</li> <li>• Bison were hunted along the sheltered eastern slopes of the Rockies in the winter season, or farther afield on the plains in the summer. Numerous sources as well as archaeological evidence, indicate that mineral resources, including coal and stone tool material, were traditionally mined in the valley.</li> <li>• Beyond habitation, cultural use, hunting, trapping, fishing, and gathering of plants, mining of mineral sources in the Elk Valley is recorded, as is a Kutenai preference for sub-surface mining rather than surface collection. Ktunaxa mining and use of coal from the Elk Valley as a resource used by Ktunaxa to reliably transport fire in pre-contact times, especially for Ktunaxa peoples travelling east of the Rockies.</li> <li>• Archaeological work on quarries in the east and west Kootenays and trade routes for mined material extending through adjacent regions, reinforces the importance of Ktunaxa mining as critical to Ktunaxa subsistence, trade, and economy. Ktunaxa continue to practice quarrying for</li> </ul>		<p>adaptive management strategy that creates feedback loops through monitoring and reporting.</p> <p>The mitigation measures identified for the change to use of lands and resources for traditional harvesting and gathering purposes are as identified in Chapter 13 (e.g., riparian habitat, Section 13.6.5.2) and Chapter 14 (e.g., whitebark pine, Section 14.5.5.2.1) including the Vegetation and Ecosystems Management and Monitoring Plan and the Ecological Restoration Plan. Many of the measures to mitigate impacts to plants and vegetation VCs are part of protocols described in Chapter 33 including the Wildlife Management and Monitoring Plan (Section 33.4.1.13), Air Quality and Greenhouse Gas Management Plan (Section 33.4.1.1), the Soil Management Plan (Section 33.4.1.9), Spill Prevention, Control, and Countermeasures Plan (Section 33.4.1.10), and the Waste Management Plan (Section 33.4.1.12).</p> <p>Key mitigation measures for harvesting and gathering also include, where practicable:</p> <ul style="list-style-type: none"> <li>• Minimizing disturbance and encroachment into natural vegetation, to the extent feasible, by clearing and grubbing only what is required for Construction and Pre-Production activities and progressive development of pits and Mine Rock Storage Facility.</li> <li>• Clearing vegetation only in the year in which the area will be required for Construction or Operation activities to minimize the extent of cleared vegetation, to the extent possible.</li> <li>• Sequencing the development of pits and Mine Rock Storage Facility areas to limit total disturbance during any one period and maximizing progressive reclamation opportunities during Operations where practicable.</li> <li>• Implementation of the Erosion and Sediment Control Plan (Chapter 33, Section 33.4.1.4) to reduce the potential for sedimentation of riparian, wetland, and aquatic habitats and ecosystems.</li> <li>• Implement the Vegetation and Ecosystems Management and Monitoring Plan (Chapter 33, Section 33.4.1.11), to limit the effects that invasive plants may have on natural vegetation.</li> </ul>	<p>movement, and increased mortality on bighorn sheep arising from the Project during all phases are therefore considered not significant.</p> <ul style="list-style-type: none"> <li>• Baseline data was sufficient to evaluate effects for identified wildlife VCs, and the Ktunaxa Nation have identified some HHRA and sensory receptor locations within the Project footprint and the KNRI LSA that relate to current and rights-based use. Some of these receptor locations are understood to be related to hunting and trapping. There is potential for the Ktunaxa Nation to utilize the Project footprint for traditional hunting and trapping purposes as well as other areas in the KNRI LSA. Based on the identification of HHRA and sensory receptor locations related to current or rights-based use by Ktunaxa Nation within the KNRI LSA and those expected to occur in the KNRI LSA based on publicly-available information, coupled with the lack of significant adverse effects to wildlife VCs that are potentially used for hunting and trapping purposes, the assessment determined that the degree of severity to Ktunaxa Nation's rights and interests are rated as moderate. The mitigation measures proposed for the species as well as the characterization of the residual effects and recent trends in local grizzly bear, elk, and bighorn sheep population levels, the Project is unlikely to contribute to limiting the ability of these species to recover from past declines and maintain a stable population in the Terrestrial LSA. Follow-up monitoring will include monitoring wildlife movement across Grave Creek Road at Grave Creek Canyon, monitoring of use of the overland conveyor wildlife underpasses, and footprint and facility monitoring.</li> <li>• There is potential for the Project to result in the permanent alienation of Ktunaxa Nation from hunting and trapping locations within the Project footprint, for which there is no current mitigation identified. It is further noted that that this physical alteration and potential change in the opportunity of the Ktunaxa Nation to practice related traditional activities (e.g., hunting and trapping) may also have impacts on intangible cultural heritage. Due to the lack of current information available on their use of the Project footprint for traditional purposes, understanding and characterizing these potential related impacts to their intangible cultural heritage requires further input from the Ktunaxa Nation.</li> <li>• The Project, in combination with other reasonably foreseeable future projects and activities, is not anticipated to limit the ability of ungulates, carnivores, and birds to persist and maintain self-sustaining populations in the VC-specific regional study areas (i.e., Terrestrial RSA, Grizzly Bear RSA). No measurable residual effect on wildlife and wildlife habitat VCs are predicted beyond the KNRI LSA. The Project is not anticipated to result in the permanent loss of access or the ability to conduct traditional hunting and trapping within the Project footprint or the KNRI RSA. In consideration of the</li> </ul>

Table 23-A.1: Summary of Ktunaxa Perspectives on Rights and Interest related to the Project and Consultation on other Matters of Concern

Note: This table provides summary level information regarding the inclusion of Ktunaxa perspectives into the completed effects assessment, mitigation recommendations, and the impact on Ktunaxa Nation's rights and interests. For the full description of completed effects assessment, mitigation commitments, and the impact on rights assessment, please refer to the application sections referenced in the table.

Ktunaxa Nation Rights and Related Interests/VC	Ktunaxa Perspective on Rights and Interests/VC	Proponent Response	Summary of Key Measures and Commitments to Avoid, Mitigate, or Otherwise Manage Effects	Summary of Assessment of Potential Impacts on Rights and Interests
	<p>mineral resources, including for ceremonial use as pipes and for other purposes.</p> <ul style="list-style-type: none"> <li>• Travel to the east side of the Rockies by various mountain passes, including Crow's Nest Pass, Tornado Pass, and Fording Pass, continued until bison populations were decimated on the northern plains in the late 19th century.</li> <li>• Salmon remained a critical resource for Upper Ktunaxa along the Columbia drainage until the construction of the Grand Coulee Dam in Washington State in the late 1930s made it impossible for salmon to return to the upper Columbia.</li> <li>• The Michel Prairie people maintained a traditional seasonal round, including bison hunting on the eastern slopes of the Rockies, until at least the 1880s. When the bison became too scarce, the Michel Prairie people, as well as other Upper Ktunaxa, relied more heavily on other resources; these included fish, elk, berries, and deer in the Elk Valley and elsewhere in the valleys west of the Rockies, including the area of Columbia Lakes, and south along the Elk and Kootenay Rivers to Tobacco Plains and beyond.</li> <li>• A series of at least seven named Ktunaxa campsites along a trail system run from the White River, north of Whiteswan Lake and within the area of qukin ?amak?is, extending through the area of Round Prairie on the Elk River, south to the main village site at Michel Prairie and then east towards important camp and sacred areas in the area of Crowsnest Lake, Alberta.</li> <li>• Ktunaxa oral histories and ongoing land use indicate that Ktunaxa citizens have relied on, and to the extent possible, continue to rely on, the Elk Valley, including the aqawakanmituk or Michel Creek area, now Sparwood, for a range of practices including the harvesting of fish, plant, wildlife, and mineral resources, trails and transportation routes, and associated camps, cultural areas, and practices.</li> <li>• While impacts to Ktunaxa rights through land privatization, railway development, coal-related industrial development, and government policy (particularly provincial mining and hunting regulations) have been widespread in the Elk Valley, Ktunaxa elders and land users continue to actively use and occupy the valley and surrounding mountains as a location for the practice of Aboriginal rights.</li> <li>• Data from various KNC studies indicate that while Ktunaxa use of the Elk Valley is impaired by industrial footprints and concerns regarding contaminants, the Elk Valley continues to be widely valued and used by Ktunaxa citizens.</li> <li>• The Elk Valley includes multiple locations associated with Ktunaxa burials, ceremonial areas, rock art sites, and</li> </ul>		<ul style="list-style-type: none"> <li>• Develop and implement whitebark pine salvage, propagation, and restoration as outlined briefly in Chapter 14, Section 14.5.5.2.1.</li> <li>• Revegetation with Indigenous species to limit the effects that invasive plants may have on natural vegetation.</li> <li>• As there is potential for access within the Project footprint, NWP is committed to creating permanent access during the Post-Closure phase for future traditional activities including harvesting and gathering where practicable.</li> <li>• Developing NUE areas in collaboration with Ktunaxa Nation, regulators, and key stakeholders based on safety, logistical, and administrative considerations to restrict public access to traditional harvesting and gathering use areas within the Project footprint.</li> <li>• Respecting traditional harvesting and gathering timing windows and seasonal rounds where practicable.</li> <li>• Identifying opportunities for harvesting and gathering prior to construction for the Ktunaxa Nation citizens within the Project footprint and the reestablishment of plant harvesting activities in the reclamation phase.</li> <li>• Consideration of support for possible mapping of all high priority cultural use areas in the proximity to the Project by Ktunaxa Nation including support for research and development of approaches for restoring Landscape and Ecosystem VCs.</li> <li>• Progressive reclamation and revegetation throughout the mine life to reduce the Project footprint as quickly as possible to minimize the magnitude of Project impacts at the temporal scale with collaboration where practicable with Ktunaxa Nation. As part of Project Reclamation and Closure activities, the Project footprint will be reclaimed to similar ecosystem types to the local area, and which previously existed before disturbance.</li> <li>• Continued consultation and engagement with Ktunaxa Nation to identify and adapt mitigation measures to address impacts on the use of lands and resources for traditional purposes within the Project footprint and the KNRI LSA will be undertaken where appropriate to implement an</li> </ul>	<p>relatively small impact area of the Project, the anticipated effectiveness of the proposed mitigation, the availability of areas for traditional hunting and trapping use within the KNRI RSA, and existing potential for the use of wildlife; the Project is not anticipated to significantly reduce the ability and opportunity of Ktunaxa Nation to practice their rights and interests related to hunting and trapping within the KNRI RSA.</p> <ul style="list-style-type: none"> <li>• Continued consultation with Ktunaxa Nation, as well as through the development of potential follow-up and monitoring and adaptive management measures regarding wildlife VCs are expected to improve the confidence rating and the severity of impact on Ktunaxa Nation's rights and interests.</li> <li>• It is acknowledged that Ktunaxa Nation has the potential to use lands and resources for traditional hunting and trapping in the KNRI LSA given the importance of wildlife VCs such as grizzly bear, elk, and bighorn sheep within the local study area and the KNRI RSA. It is noted that Ktunaxa citizens have previously expressed elevated concern regarding industrial contaminants in the area with the potential for impact on hunting and trapping.</li> <li>• Past and ongoing projects and activities located in the KNRI LSA and RSA have likely been impacting the real or perceived quality and quantity of country foods available in relation to hunting and trapping for Ktunaxa Nation in preferred locations to exercise Ktunaxa Nation's rights and interests.</li> <li>• Based on past work in the Elk Valley, KNC has determined that cumulative effects on Ktunaxa Nation's rights and interests stemming from impacts to lands and waters within the Elk Valley drainage have already exceeded a threshold of significance, and that without substantial mitigations and other measures, adverse impacts from other projects in the region will act cumulatively to increase the magnitude and duration of significant effects. It is expected that the Ktunaxa ability to know and teach their way of living can continue within their Traditional Territory while recognizing their perspectives on the cumulative effects of the past and current development projects that have impacted the opportunities for these activities. Uncertainty also exists regarding the implications of regional climatic changes that may impact wildlife habitat availability.</li> </ul> <p>For Ktunaxa Nation's rights and interests in relation to traditional hunting and trapping, site-specific knowledge and use values that may include kill sites/traplines, noted locations of species of interest, further information on cultural values and teachings related to certain species, Ktunaxa knowledge on species health, and perspectives on species abundance would support and guide the assessment of Project-related effects within the Project footprint, the KNRI LSA, and the KNRI RSA. For traditional hunting and trapping, seasonal access</p>



Table 23-A.1: Summary of Ktunaxa Perspectives on Rights and Interest related to the Project and Consultation on other Matters of Concern

Note: This table provides summary level information regarding the inclusion of Ktunaxa perspectives into the completed effects assessment, mitigation recommendations, and the impact on Ktunaxa Nation's rights and interests. For the full description of completed effects assessment, mitigation commitments, and the impact on rights assessment, please refer to the application sections referenced in the table.

Ktunaxa Nation Rights and Related Interests/VC	Ktunaxa Perspective on Rights and Interests/VC	Proponent Response	Summary of Key Measures and Commitments to Avoid, Mitigate, or Otherwise Manage Effects	Summary of Assessment of Potential Impacts on Rights and Interests
	<p>archaeological values. Several of these locations are known by Ktunaxa knowledge holders, and accounts from the ethnographic record and from oral histories indicate a strong continuity of Ktunaxa cultural and ceremonial use in the valley extending from prehistoric times to the present.</p> <ul style="list-style-type: none"> <li>• High mountain areas, including high elevation forests, are spiritually important and especially susceptible to impacts from mountain-top removal and open-pit coal mining.</li> <li>• In addition to the site-specific values mapped by Ktunaxa knowledge holders and based on Ktunaxa oral histories, non-site specific values include reported Ktunaxa cultural properties or heritage sites in the vicinity of the Project including: <ul style="list-style-type: none"> <li>○ Particular oral histories regarding elders, ceremonies and “doings” that took place in the area of Sparwood through the 1930’s and likely much later.</li> <li>○ Non-site-specific values associated with oral histories of the Elk Valley, including the creation of the Rocky Mountains themselves from the body of Naṭmuq̓zin, the giant hero being known through the Ktunaxa creation story.</li> </ul> </li> <li>• Ktunaxa citizens have identified important physical and cultural barriers to Ktunaxa use of the Elk Valley due to impacts related to the coal industry, including contaminants, traffic, disturbance and noise (blasting) from mining, and both active and passive discouragement of Ktunaxa hunting in the valley, particularly in the past. Thus, while some Ktunaxa citizens continue to hunt and practice subsistence rights in the Elk Valley, the majority of land users indicated that their parents’ generation used the Elk Valley, but recent land users reported mine-related impairment and loss of use because of existing impacts.</li> <li>• Ktunaxa knowledge holders draw on a long history of experience with coal mines in the Elk Valley, as well as elsewhere on Ktunaxa lands. These include experience of slope failures, rivers contaminated by mine tailings, and observed changes in fish abundance and quality, including reported deformities and expressed concern regarding contamination of fish caught in the Elk River. This existing impairment of Ktunaxa use suggests that cumulative effects in portions of the Elk Valley affected by mining have already exceeded a threshold of significant and adverse effect on Ktunaxa use and that existing coal mine development is a major contributing factor. The duration of this impaired use is already in excess of one generation and is widespread in the Ktunaxa community; this means that a large body of cultural knowledge related to the area of kaqawakanmituk</li> </ul>		<p>adaptive management strategy that creates feedback loops through monitoring and reporting.</p> <p>The mitigation measures identified for the change to social, health, and economic conditions are as identified in Chapters 17 (Section 17.5.5) and 18 (Section 18.5.4), including the Health and Safety Management Plan. As noted in Chapter 22, Section 22.5.3, a wide array of design mitigation measures are having been recommended in relation to surface water and air, and considered in the assessment of impact on soil, plant/animal tissue (i.e., food) and sediment quality. As such, mitigation measures applicable to the surface water and air quality VCs are applicable, as well as the following in relation to social and health conditions as described in this chapter including the Air Quality and Greenhouse Gas Management Plan (Section 33.4.1.1), the Noise and Vibration Management Plan (Section 33.4.1.7), the Vegetation and Ecosystems Management and Monitoring Plan (Section 33.4.1.11), the Spill Prevention, Control, and Countermeasures Plan (Section 33.4.1.10), the Waste Management Plan (Section 33.4.1.12), and the Traffic Control Plan (Section 33.4.2.4) which includes access management.</p> <p>Key mitigation measures for change to social, health, and economic conditions also include, where practicable:</p> <ul style="list-style-type: none"> <li>• With respect to the use of water and lands and resources for traditional purposes (including fishing, hunting and trapping, harvesting and gathering, physical and cultural heritage, and social, health and economic conditions) NWP with guidance from the Ktunaxa Nation, will include a process to monitor during the relevant phases of the Project: <ul style="list-style-type: none"> <li>○ Potential Project contaminants to water, country foods, and medicines, including identifying areas or species of particular risk where practicable.</li> <li>○ The development and implementation of mitigation strategies and measures to address contaminants related to water, country foods, and medicines and their impact on Ktunaxa Nation citizens and Indigenous culture.</li> </ul> </li> </ul>	<p>and usage information from Ktunaxa Nation knowledge holders on the species of interest would support and guide the assessment of Project-related effects in terms of potential interactions during the Project lifecycle. At the time of the assessment the lack of this specific information requires continued consultation with the Ktunaxa Nation.</p> <p>The Project has the potential to impact Ktunaxa Nation’s harvesting and gathering rights and interests through the following:</p> <ul style="list-style-type: none"> <li>• The potential for reduction in the quality and accessibility of vegetation species of interest for traditional/cultural purposes or country foods.</li> <li>• The residual effects on landscapes and ecosystems within the Project footprint due to the Rail Loadout, the road, and the Project infrastructure footprint may remove areas currently or potentially used by the Ktunaxa Nation to harvest and gather plants.</li> <li>• The potential changes in vegetation communities/terrestrial ecosystems and introduction and colonization of invasive vegetation species that outcompete species of interest resulting in a loss of potentially traditionally/culturally important vegetation communities has the potential to impact on the Ktunaxa Nation’s rights and interests.</li> <li>• The potential for the permanent alienation of the Ktunaxa from harvesting and gathering locations within the Project footprint resulting in impacts to their ability to know and teach the Ktunaxa way of living.</li> </ul> <p>The degree in severity of impact on Ktunaxa Nation’s rights and interests for the use of lands and resources for harvesting and gathering is rated as moderate to high based on the following:</p> <ul style="list-style-type: none"> <li>• The potential impacts are likely to be small in spatial extent, reversible long-term, with few effects to health and/or country foods while there is potential for the Project to result in the permanent alienation of Ktunaxa Nation from harvesting and gathering locations within the Project footprint.</li> <li>• It is further noted that that this physical alteration and potential change in the opportunity of the Ktunaxa Nation to practice related traditional activities (e.g., harvesting and gathering) may also have impacts on intangible cultural heritage. Due to the lack of current information available on their use of the Project footprint for traditional purposes, understanding and characterizing these potential related impacts to their intangible cultural heritage requires further input from the Ktunaxa Nation. The currently identified level of use by Ktunaxa within the Project footprint indicates the degree of severity of adverse impact on the change in lands and resources for traditional harvesting and gathering.</li> </ul>

Table 23-A.1: Summary of Ktunaxa Perspectives on Rights and Interest related to the Project and Consultation on other Matters of Concern

Note: This table provides summary level information regarding the inclusion of Ktunaxa perspectives into the completed effects assessment, mitigation recommendations, and the impact on Ktunaxa Nation's rights and interests. For the full description of completed effects assessment, mitigation commitments, and the impact on rights assessment, please refer to the application sections referenced in the table.

Ktunaxa Nation Rights and Related Interests/VC	Ktunaxa Perspective on Rights and Interests/VC	Proponent Response	Summary of Key Measures and Commitments to Avoid, Mitigate, or Otherwise Manage Effects	Summary of Assessment of Potential Impacts on Rights and Interests
	<p>at Michel Prairie, currently held by a small number of Ktunaxa knowledge holders, is at risk of being lost unless Ktunaxa language, knowledge, use and occupancy in the region can be supported and revitalized.</p> <ul style="list-style-type: none"> <li>Future Ktunaxa relationship with and knowledge of land and water includes the ability of Ktunaxa citizens to maintain cultural relationships, including realizing plans for cultural and linguistic revitalization. Maintaining cultural relationships includes establishing future relationships with the Elk Valley in order to repair ecological and cultural impacts incurred over the past century, and to support the maintenance and reclamation of Ktunaxa relationships with, and knowledge of, the Elk Valley cultural landscape by future generations of Ktunaxa citizens.</li> </ul> <p>Summarized Information from Ktunaxa Submission on the Readiness Decision Recommendation for the Fording River Extension Project, Fording River Operations Swift Project:</p> <ul style="list-style-type: none"> <li>Ktunaxa leadership, and specifically Yaqitʔa-knuqʔi 'it First Nation, have been clear that Ktunaxa stewardship values are not being protected in the Elk Valley. Recent provincially approved EAs in the Elk Valley based on Ktunaxa perspective, confirm that Ktunaxa rights and interests, including knowledge and use, have already been impacted by mining in the area.</li> <li>Ktunaxa use and occupancy mapping shows that as per Ktunaxa Nation's perspective, the remaining, relatively intact high elevation slopes and ridges that would be impacted by the Project are uniquely important to Ktunaxa cultural practice in the area, including use of trails, preferred habitation areas, and preferred harvesting areas in one of the only intact drainages in the region where Ktunaxa can still follow the footsteps of their ancestors.</li> <li>Ktunaxa cultural rights, including knowledge transmission and stewardship, have already been displaced by more than 50 years (two generations) of mining in the Elk Valley and resulting impacts to Ktunaxa rights and cultural practice, particularly as exercised by Yaqitʔa-knuqʔi 'it, are already high magnitude and permanent.</li> <li>Based on Ktunaxa perspective, efforts to mitigate impacts to Ktunaxa rights, including knowledge and use, are partial and have had limited success. As a result, the majority of Project impacts to Ktunaxa Nation's rights and interests, in particular as they relate to Yaqitʔa-knuqʔi 'it, must be considered permanent and immitigable. Based on Ktunaxa perspective, the Project will worsen existing negative</li> </ul>		<ul style="list-style-type: none"> <li>A culturally appropriate communication strategy to inform Ktunaxa Nation citizens regarding the relative safety or risks of water, country foods, and medicine consumption in proximity of the Project based on scientific and Ktunaxa Traditional Knowledge.</li> <li>A joint process for the incorporation of Ktunaxa Traditional Knowledge and the participation of Ktunaxa Nation representatives in monitoring activities relate to water, country foods, and medicines within and downstream (Alexander Creek) of the Project.</li> <li>Avoidance strategies to reduce exposure by Indigenous harvesters active near the Project footprint during Operations, such as site fencing to preclude access and signage.</li> <li>Implementation of the Health and Safety Management Plan (Chapter 33, Section 33.4.2.3) to mitigate possible social issues that could emerge as a result of the changes to the environment due to the Project.</li> <li>Incorporating diversity and inclusivity and GBA+ in all areas of the company such that acceptable and expected behaviours are integrated in the company and are reflected at the community level;</li> <li>Implementation of social safety measures and preventative plans to reduce incidents and developing incident support programs.</li> <li>Collaborating with local Indigenous organizations on diversity and inclusivity initiatives and events.</li> <li>Providing preferential employment provisions including where applicable training programs that encourage the Ktunaxa Nation citizens to have the training, skills, and qualifications to apply for jobs that become available.</li> <li>Developing a well-being management plan with Indigenous partners to address ways to reduce the potential effects of shift work for new Indigenous employees and to promote the safety and security of Indigenous women, girls, and 2SLGBTQIAA+ people in the workplace.</li> <li>Defining goals for a certain percentage of the workforce to be comprised of Indigenous employees while prioritizing Indigenous women where applicable and requirements that all</li> </ul>	<ul style="list-style-type: none"> <li>The Project is anticipated to result in a reduction in the abundance and distribution of culturally significant plants and ecosystems, including the potential alteration of the respective composition and structure through a reduction in vigor and alteration of nutritional value. The Project's contribution to residual cumulative effects on changes in landscapes and ecosystems and relevant vegetation VCs is not anticipated to reduce the ability and opportunity for Ktunaxa Nation to practice their harvesting and gathering rights and interests within the KNRI RSA. In consideration of the impact area of the Project, the anticipated effectiveness of the proposed mitigation, the availability of areas for traditional harvesting and gathering hunting and trapping use within the KNRI RSA, the loss of terrestrial ecosystems that may be accessed and used for harvesting and gathering will be limited to the respective footprints of the Project and those of other reasonably foreseeable future developments within the KNRI RSA.</li> <li>Though baseline data was sufficient to evaluate effects on vegetation VCs and plant species, a few critical receptor locations related to the current or rights-based use by Ktunaxa Nation within the Project footprint and the KNRI LSA were utilized along with the publicly available Ktunaxa perspectives on the Elk Valley, to determine that the degree of severity of impact to Ktunaxa Nation's rights and interests. It should be noted that there is existing potential for harvesting and gathering for traditional purposes available in the KNRI LSA and RSA outside of the Project footprint.</li> <li>Continued consultation with Ktunaxa Nation, as well as through the development of potential follow-up and monitoring and adaptive management measures as necessary is expected to improve the confidence rating and the severity of impact on Ktunaxa Nation's rights and interests.</li> <li>It is acknowledged that Ktunaxa Nation has the potential to use the KNRI LSA given the importance of culturally important plants and species that the Ktunaxa rely on for foods, medicines, and spiritual uses within the KNRI LSA and RSA. It is noted that Ktunaxa citizens have previously expressed elevated concern regarding industrial contaminants in the area with the potential for impact on harvesting and gathering.</li> <li>Past and ongoing projects and activities located in the KNRI LSA and RSA have likely been impacting the real or perceived quality and quantity of country foods available for Ktunaxa harvesting and gathering in preferred locations to exercise Ktunaxa Nation's rights and interests. With respect to the reasonably foreseeable future projects and activities in the KNRI RSA and based on the historical baseline of cumulative effects, past and current development activity in the KNRI LSA and RSA includes for example other mines, forestry activity (including logging in the Elk Valley), housing</li> </ul>

Table 23-A.1: Summary of Ktunaxa Perspectives on Rights and Interest related to the Project and Consultation on other Matters of Concern

Note: This table provides summary level information regarding the inclusion of Ktunaxa perspectives into the completed effects assessment, mitigation recommendations, and the impact on Ktunaxa Nation’s rights and interests. For the full description of completed effects assessment, mitigation commitments, and the impact on rights assessment, please refer to the application sections referenced in the table.

Ktunaxa Nation Rights and Related Interests/VC	Ktunaxa Perspective on Rights and Interests/VC	Proponent Response	Summary of Key Measures and Commitments to Avoid, Mitigate, or Otherwise Manage Effects	Summary of Assessment of Potential Impacts on Rights and Interests
	<p>impacts that Yaqit?a-knuq#i ‘it has already been facing for many years.</p> <p>Summarized Information from Written Submissions of the Ktunaxa Nation Council to the Grassy Mountain Coal Project Joint Pane Review – Cumulative Effects:</p> <ul style="list-style-type: none"> <li>• The proposed Project is in an area of ?amak?is Ktunaxa with a deep history of Ktunaxa use and occupancy, and ongoing cultural-spiritual importance.</li> <li>• The proposed Project is a major coal mine in a region that is already nearing or past thresholds of significant impact on water quality, spatial disturbance, and other factors that impact Ktunaxa rights and interests.</li> <li>• The Crowsnest Pass area, like the Elk Valley, has been used and occupied continuously by the Ktunaxa Nation since time immemorial. Based on historic treaties and agreements with neighboring First Nations, the Ktunaxa Nation recognizes that other First Nations from further east also have histories and rights in the Project area, alongside those of the Ktunaxa Nation.</li> <li>• The Project is likely to contribute further adverse residual impacts on Ktunaxa use, rights and interests as ?amak?is Ktunaxa is used by the Ktunaxa Nation in place of “territory” to refer to the spatial area understood by the Nation and its citizens as representing the extent of Ktunaxa historical use and occupancy where Ktunaxa title, rights, and/or stewardship obligations apply, and upon which Ktunaxa citizens rely.</li> <li>• Impacts on cultural-spiritual values, include the sense of place and ability to pass on place-specific knowledge related to sacred landforms and Ktunaxa oral history of the Crowsnest Pass. This place-specific knowledge is reliant on the integrity of the viewscape and sensory environment surrounding qukin ?akit#a?is (Crowsnest Mountain), Ku#wia?ki (the Crowsnest Pass, and specifically Crowsnest Lake), Turtle Mountain and Frank, and other important areas within Ktunaxa Nation’s Traditional Territory.</li> <li>• Impacts on use of trails for travel and access to cultural landscapes include important traditional Ktunaxa travel routes connecting lands west of the Rockies with the southern Alberta plains, including routes generally followed by the current Crowsnest Highway corridor.</li> <li>• Impacts on ecological values, particularly related to currently vacant habitat, movement corridors, and hunting areas for plains bison, but also for grizzly bear and other culturally important species and habitats; and potential impacts on Ktunaxa governance, stewardship, and</li> </ul>		<p>contractors and subcontractors agree to the preferential hiring process.</p> <ul style="list-style-type: none"> <li>• Providing flexible and individually tailored shift work hours for Indigenous employees new to shift work and possibly wage based employment, as well as those Indigenous employees needing time off for traditional hunting, fishing, trapping, and/or gathering activities.</li> <li>• Designation of an Indigenous Project Liaison to assist Indigenous employees and to address workplace concerns, the availability of different types of cultural leaves for Indigenous employees where applicable.</li> <li>• Distribution of relevant materials where applicable in local languages and on-site interpretation where needed for Indigenous employees, and employment assistance programs that offer culturally relevant support for Indigenous employees where applicable.</li> <li>• Where practicable, contracting and sub-contracting related to the Project will be given to qualified businesses that are owned at least in part by Ktunaxa Nation citizens and requirements that all businesses contract employ Indigenous employees.</li> <li>• NWP will work with the Ktunaxa Nation to create economic benefits for the community that might include initiatives related to: <ul style="list-style-type: none"> <li>o Capacity building;</li> <li>o Direct and indirect employment;</li> <li>o Education and training; and</li> <li>o Procurement and business relationships.</li> </ul> </li> <li>• NWP will support activities related to monitoring and address potential beneficial and adverse economic and social effects related to increased participation of Ktunaxa Nation citizens in the NWP work force including providing support to related Ktunaxa Nation to conduct community-based surveys to monitor baseline trends and track positive and negative changes in socio-economic conditions.</li> <li>• Continued consultation and engagement with Ktunaxa Nation to identify and adapt mitigation measures to address impacts on social, health, and economic conditions within the Project footprint and the KNRI LSA will be undertaken where appropriate to implement an adaptive</li> </ul>	<p>development, transportation facilities (roads), and recreation activities. It is anticipated that these activities will continue in the future without the Project and will continue to have influence on lands and resources for traditional harvesting and gathering in the KNRI LSA.</p> <ul style="list-style-type: none"> <li>• The cumulative impact is also determined as moderate to high considering available Ktunaxa perspectives on the Elk Valley and the limited nature of information that has been provided to date by the Ktunaxa Nation regarding their level of use and interest to conduct traditional harvesting and gathering activities within the Project footprint. It is expected that their ability to know and teach the Ktunaxa way of living can continue within their Traditional Territory while recognizing their perspectives on the cumulative effects of the past and current development projects that have impacted the opportunities for these activities.</li> </ul> <p>For Ktunaxa Nation’s rights and interests in relation to traditional harvesting and gathering, site-specific knowledge and use values that may include further information on culturally significant plant species, their sites/locations, cultural values and teachings related to certain plant species, Ktunaxa knowledge on plant species health, and perspectives on the seasonality of access and usage from Ktunaxa Nation knowledge holders would support and guide the assessment of Project-related effects within the Project footprint, the KNRI LSA, and the KNRI RSA in terms of potential interactions during the Project lifecycle. At the time of the assessment the lack of this specific information requires continued consultation with the Ktunaxa Nation.</p> <p>While not specifically an impact on rights, the Project has the potential to have an impact on Ktunaxa Nation’s social, health, and economic conditions through the following:</p> <ul style="list-style-type: none"> <li>• The potential Project nuisance effects to residents and provided receptor locations due to noise and vibration.</li> <li>• The potential change in availability/reliance on country food.</li> <li>• The loss of potential access to species for traditional purposes due to loss of the West Alexander Creek.</li> <li>• The potential for the permanent alienation of the Ktunaxa Nation from traditional use locations within the Project footprint resulting in impacts to their ability to know and teach the Ktunaxa way of living.</li> <li>• The potential for public safety risks due to physical hazards.</li> <li>• The potential change in population and demographics.</li> <li>• The potential change in community health and well-being.</li> <li>• The potential change due to the influx of new employees to the region that could potentially contribute to social impacts, including safety risks.</li> </ul>

Table 23-A.1: Summary of Ktunaxa Perspectives on Rights and Interest related to the Project and Consultation on other Matters of Concern

Note: This table provides summary level information regarding the inclusion of Ktunaxa perspectives into the completed effects assessment, mitigation recommendations, and the impact on Ktunaxa Nation's rights and interests. For the full description of completed effects assessment, mitigation commitments, and the impact on rights assessment, please refer to the application sections referenced in the table.

Ktunaxa Nation Rights and Related Interests/VC	Ktunaxa Perspective on Rights and Interests/VC	Proponent Response	Summary of Key Measures and Commitments to Avoid, Mitigate, or Otherwise Manage Effects	Summary of Assessment of Potential Impacts on Rights and Interests
	relationships with neighbouring Indigenous Communities in the Elk Valley.		management strategy that creates feedback loops through monitoring and reporting.	<p>Based on the Human Health and Ecological Risk Assessment (HHERA; Chapter 22), which encompasses changes in surface water and air quality, and was estimated in consideration of current use and rights-based Indigenous traditional use lifestyle scenarios<sup>1</sup>, the overall Project-related risk to human health is considered to be low. Though the risk to human health is identified as low, there is the potential for community members to perceive that the quality of fish and wildlife resources to be impacted (e.g., fish in Alexandra Creek). As such there could be less reliance on country foods because of this perceived impact to their quality.</p> <p>Based on the background information research and the consultation activities with Ktunaxa Nation to date, there are no anticipated interactions between the Project and the Ktunaxa Nation housing, transportation, or social services and education, and therefore, no unmitigated Project effects on these aspects of social, health, and economic conditions are anticipated.</p> <p>There is also potential for positive change including the potential for economic benefit to the Ktunaxa Nation related to employment including for example the opportunity to take part in monitoring activities as outlined in the Indigenous Impact Management Plan. The Project is anticipated to result in positive economic outcomes for employment, income, and local and regional economies (detailed in Chapter 17).</p> <p>The degree in severity of impact on Ktunaxa Nation's social, health, and economic conditions is rated as low to moderate as potential impacts based on the following:</p> <ul style="list-style-type: none"> <li>The potential impacts are likely to be small in spatial extent, reversible long-term, and with few effects to health and/or country foods. The currently identified low level of use by Ktunaxa within the Project footprint other than the Grave Prairie Cultural Landscape indicates the low to moderate level of impact on the change in social, health, and economic conditions. It should be noted that through this assessment it has been determined that the impact on Ktunaxa Nations' rights and interests related to the potential for the Project to result in the permanent alienation of Ktunaxa Nation from locations within the Project footprint is also rated as a low to moderate level impact due to the current information available on Ktunaxa Nation's use of the Project footprint related to social, health, and economic conditions.</li> </ul>

<sup>1</sup> Indigenous communities represent the maximally exposed receptor, largely because of their increased presence on and use of traditional land, as well as increased consumption of country foods, as compared to non-Indigenous persons; as such, risk estimates calculated for Indigenous receptors are sufficiently conservative to infer maximal potential risk to non-Indigenous peoples also frequenting the HHERA LSA. Moreover, the rights-based use receptor lifestyle is inherently more engaged with land use and therefore offers the more conservative Indigenous risk scenario.

Table 23-A.1: Summary of Ktunaxa Perspectives on Rights and Interest related to the Project and Consultation on other Matters of Concern

Note: This table provides summary level information regarding the inclusion of Ktunaxa perspectives into the completed effects assessment, mitigation recommendations, and the impact on Ktunaxa Nation's rights and interests. For the full description of completed effects assessment, mitigation commitments, and the impact on rights assessment, please refer to the application sections referenced in the table.

Ktunaxa Nation Rights and Related Interests/VC	Ktunaxa Perspective on Rights and Interests/VC	Proponent Response	Summary of Key Measures and Commitments to Avoid, Mitigate, or Otherwise Manage Effects	Summary of Assessment of Potential Impacts on Rights and Interests
				<ul style="list-style-type: none"> <li>• Though baseline data was sufficient to evaluate effects for socio-community, human health, and economic VCs, the level of use by Ktunaxa Nation of the Project footprint other than the Grave Prairie Cultural Landscape, for traditional purposes has been based on Ktunaxa Nation's HHRA and sensory receptor locations within the Project footprint and the KNRI LSA that relate to current and rights-based use. Some of these receptor locations are understood to be related to their current use of the Project footprint for country food or activities that may be affected by Project nuisance effects.</li> <li>• The residual effects of the Project on aquatic and terrestrial wildlife health and human health during all Project phases are based on the wildlife and human health risk estimates and their magnitude considered through the predictive modelling of water quality, air quality, and secondarily food via transport, fate, and food chain modelling. Given the conservative nature of the exposure/risks and proposed mitigation in Reclamation and Closure phase, the Project is not anticipated to result in significance adverse effects to aquatic and terrestrial wildlife or Indigenous persons. The Project is not anticipated to act cumulatively with other future projects or activities to contribute significantly to a change in the health of terrestrial and aquatic country foods and Indigenous health.</li> <li>• Specific to the assessment of the impacts on rights, Ktunaxa Nation information that was included from other applications to define the degree of severity on impacts to health conditions, referred to the overall health of Ktunaxa citizens having improved as a result of increased access to health services, but lagged well behind non-Ktunaxa in the region. This information was also used to assess the future potential health conditions without the Project.</li> <li>• There are no anticipated interactions between the Project and Ktunaxa Nation housing, transportation, or social services and education, and therefore, no unmitigated Project effects on these aspects of social, health, and economic conditions are anticipated, and all anticipated residual socio-community effects are considered to be negligible. This determination was based on the background information research and the preliminary consultation activities with Ktunaxa Nation to date. Therefore, residual adverse cumulative effects on the socio-community and economic conditions are not expected. As such, there is no spatial or temporal overlap of Project effects in combination with those of past, present, or reasonably foreseeable future projects or activities.</li> <li>• It must be noted that due to the potential for change to the opportunity for access to country foods within the KNRI LSA, and the potential for the development of other reasonably foreseeable future projects and activities to overlap with these resources and sites, there is the potential for cumulative socio-community</li> </ul>

Table 23-A.1: Summary of Ktunaxa Perspectives on Rights and Interest related to the Project and Consultation on other Matters of Concern

Note: This table provides summary level information regarding the inclusion of Ktunaxa perspectives into the completed effects assessment, mitigation recommendations, and the impact on Ktunaxa Nation's rights and interests. For the full description of completed effects assessment, mitigation commitments, and the impact on rights assessment, please refer to the application sections referenced in the table.

Ktunaxa Nation Rights and Related Interests/VC	Ktunaxa Perspective on Rights and Interests/VC	Proponent Response	Summary of Key Measures and Commitments to Avoid, Mitigate, or Otherwise Manage Effects	Summary of Assessment of Potential Impacts on Rights and Interests
				<p>impacts. These potential cumulative effects will be confirmed through further consultation with Ktunaxa Nation.</p> <ul style="list-style-type: none"> <li>• The Project can be generally expected to result in positive economic outcomes for employment, income, the regional and local economies, and government finances within the KNRI RSA (Chapter 17). There is also potential for positive change in the potential availability of community services, the potential for Ktunaxa Nation to take part in monitoring activities as outlined in the Indigenous Impact Management Plan, and the potential economic benefit for Ktunaxa Nation members related to employment and economic investment during the Project phases.</li> <li>• Continued consultation with Ktunaxa Nation, as well as through the development of potential follow-up and monitoring and adaptive management measures as necessary is expected to improve the confidence rating and the severity of impact on Ktunaxa Nation's rights and interests.</li> <li>• It is noted that Ktunaxa citizens have previously expressed elevated concern regarding industrial contaminants in the area as well as the related social determinants of health and resulting in ongoing impacts to the real or perceived quality and quantity of country foods available for Ktunaxa harvesting in preferred locations and the potential human health risks associated with consumption.</li> <li>• Food insecurity has been increasing in recent years and in the coming years, the reasonably foreseeable future projects and activities in the Elk Valley and climate change, as well as other factors will likely influence food security in terms of potentially affecting traditional food systems, risking further serious consequences for livelihoods and health. The impact of food insecurity on health extends beyond diet and nutrition. In addition to income growth, housing tenure is an economic risk factor for food insecurity and is linked with other factors such as population growth, urbanization, industrialization, land use shifts, water scarcity, and trends in global energy supply and food trade.</li> <li>• The economic conditions without the Project are expected to be impacted as anticipated positive economic outcomes will diminish due to the lack of availability of economic opportunities related to the Project. Without the Project, there would be less opportunity for economic benefits to the Nation as the project related employment opportunities would not be present.</li> <li>• Without the Project, impacts on social and health conditions are expect to continue as a result of industrial activities in the Elk Valley as well as those outside of the Elk Valley. These activities have the potential to impact country food availability and related Ktunaxa Nation rights.</li> <li>• The cumulative impact is also determined as moderate considering available Ktunaxa perspectives on the Elk Valley and the limited nature of information that has been provided to date by the</li> </ul>

Table 23-A.1: Summary of Ktunaxa Perspectives on Rights and Interest related to the Project and Consultation on other Matters of Concern

Note: This table provides summary level information regarding the inclusion of Ktunaxa perspectives into the completed effects assessment, mitigation recommendations, and the impact on Ktunaxa Nation's rights and interests. For the full description of completed effects assessment, mitigation commitments, and the impact on rights assessment, please refer to the application sections referenced in the table.

Ktunaxa Nation Rights and Related Interests/VC	Ktunaxa Perspective on Rights and Interests/VC	Proponent Response	Summary of Key Measures and Commitments to Avoid, Mitigate, or Otherwise Manage Effects	Summary of Assessment of Potential Impacts on Rights and Interests
				<p>Ktunaxa Nation regarding their level of use and interest to conduct traditional activities related to country food consumption within the Project footprint. It is expected that their ability to know and teach the Ktunaxa way of living can continue within their Traditional Territory while recognizing their perspectives on the cumulative effects of the past and current development projects that have impacted the opportunities for these activities.</p> <p>For Ktunaxa Nation's social and health conditions, site-specific knowledge and use values associated with subsistence sites, water and land transportation, and related environmental features including seasonal access and usage from Ktunaxa Nation knowledge holders would support and guide the assessment of Project-related effects within the Project footprint, the KNRI LSA, and the KNRI RSA in terms of potential interactions during the Project lifecycle. At the time of the assessment the lack of this specific information requires continued consultation with the Ktunaxa Nation.</p>
Terrestrial Habitat	<p>Based on a Working Group Call, Ktunaxa Nation identified potential karst features within the Project's area of influence. As per Ktunaxa perspective, it is noted that it is important as it provides a rare and unique ecosystem with linkages to wildlife and terrestrial components such as bats, etc.</p> <p>Additional follow-up via email on February 18, 2021 from NWP confirmed that karst is an important landscape, ecosystem, and groundwater pathway. but it was felt that the EA already addresses Karst without including it as an additional VC.</p>	<p>Noted that there is limited knowledge on karst in the area. Erickson Ridge has potential for karst, and the assumption in the context of bats that there's a likelihood of caves that bats use for overwintering.</p> <p>NWP confirmed that while karst is an important landscape, ecosystem, and groundwater pathway, the Application/EIS already addresses karst without needing to include it as an additional VC. VCs which include karst in their analysis are:</p> <ul style="list-style-type: none"> <li>• All wildlife VC models (specifically bat model) incorporate the karst potential;</li> <li>• The terrain assessment; and</li> <li>• The groundwater Intermediate VC.</li> </ul> <p>Karst potential has been incorporated into baseline data collection using the following sources and analysis:</p> <ul style="list-style-type: none"> <li>• Overlay of provincial mapping for karst;</li> <li>• Review of the drilling campaigns' geophysical logs;</li> <li>• Review of geochemical analysis of the rock ;and</li> <li>• Review of detailed LiDAR data of the proposed footprint and adjacent areas shows potential karst cavern outcrops.</li> </ul> <p>Consultation and Engagement information on karst can be found in Section 23.5.2 and its incorporation into the effects assessment process can be found in Section 23.8.1.2. Presence of karst features as part of assessments for soils/terrain (Chapter 8) and habitat attributes modelling for bats (Chapter 15)</p>	N/A	N/A

Table 23-A.2: Comments Received from Ktunaxa Nation on the Draft Effects Assessment and Recommendations Addressed

Note: This table provides responses to the feedback received from Ktunaxa Nation Council on their review of the Application/EIS submission submitted in the first round of conformity review. NWP's responses and updates are based on KNC's comments and IAAC's clarification of those comments. Please refer to the application sections referenced in the table for where updates have been made to the submission based on KNC and IAAC's recommendations.

Date Received	Table of Concordance ID No.	Original EIS Section No.	Original EIS Section Title	Indigenous Community Comment on EIS Section	Changes to EIS Section as Recommended by Indigenous Community/Agency Response	Comments/Updates Related to Comments in EIS - Chapter 23	NWP's Response to Comment / Disposition of Issue
Mar-10-2023	169	23.3.10	Indigenous Impact Management Plan	Describe how the proposed measures to address biophysical effects will mitigate or accommodate potential impacts on the exercise of Aboriginal rights.	<p>Mitigation measures presented in the Indigenous Impact Management Plan (Section 23.3.10) mainly address biophysical effects, as opposed to the potential adverse impacts on each asserted or established Aboriginal right.</p> <p>Section 23.3.10 states that "Continued consultation and engagement with Ktunaxa Nation to identify and adapt mitigation measures to address impacts ..." While consultation and engagement between NWP and KNC are means to arrive at potential mitigation measures, they are not mitigation measures in and of themselves.</p> <p>The proponent may refer to the Agency guidance linked below, particularly Table 2, for examples of measures that speak to nations' rights and interests (the guidance is specifically for the assessment of 5(1)(c) effects but may also apply to the impacts on rights assessment).<a href="https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/technical-guidance-assessing-current-use-lands-resources-traditional-purposes-under-ceaa-2012.html#_Toc021">https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/technical-guidance-assessing-current-use-lands-resources-traditional-purposes-under-ceaa-2012.html#_Toc021</a></p> <p>Example: Access. How will NWP ensure access to KNC and other Indigenous peoples? How will NWP reduce access by project employees and contractors during the construction, operation and decommissioning of the Project? Re: the experience surrounding the exercise of the right - noise, light, reduced animals, need to travel further to access resources and experiences lands and waters, air quality, perceived changes, etc. Please refer to Agency Impacts on Rights guidance that speaks to all of these issues. <a href="https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/guidance-assessment-potential-impacts-rights-indigenous-peoples.html">https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/guidance-assessment-potential-impacts-rights-indigenous-peoples.html</a></p>	Updated Section 23.10: Indigenous Impact Management Plan with measures for each potential Sector including Sections 23.10.1: Water Sector Impact Management, 23.10.2: Lands and Resources Sector Impact Management, 23.10.3: Traditional Knowledge and Language Sector Impact Management, and 23.10.4: Social and Health and Economic Investment Sectors Impact Management which present mitigation measures that address biophysical effects, as well as those that address potential adverse impacts on each asserted or established Ktunaxa right.	
	170	23.3.9.2.1.1	Potential Impact on Ktunaxa Nation Rights and Interests: Characterization of Severity of Adverse Impacts	<p>Provide an assessment of residual impacts on Ktunaxa rights based on best available public information contained in Ktunaxa submissions and provide clear rationale for findings of severity of Project effects on Ktunaxa rights and interests.</p> <p>Ktunaxa Nation Council (KNC) indicated that the Ktunaxa Nation has communicated, through multiple past submissions, including publicly available Grassy Mountain materials, the kinds of Indigenous rights and interests that it maintains in the Elk Valley, consistent with Ktunaxa law and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), as well</p>	<p>As noted in column E and at the meeting on April 27, provide an assessment of residual impacts on Ktunaxa rights based on best available public information contained in Ktunaxa submissions, and provide clear rationale for findings of severity of Project effects on Ktunaxa rights and interests.</p> <p>To clearly demonstrate that the EIS has included the perspectives of KNC, create a subsection within Section 23.3.9.2.1.1 to incorporate Ktunaxa's perspectives on residual effects, including perspectives shared on past submissions.</p>	Updated Section 23.11.2.1: Characterization of Severity of Adverse Impacts on Ktunaxa Nation's Rights and Interests with a subsection under each Sector: 23.11.2.1 Water, 23.11.2.2: Lands and Resources Sector: Fishing, Hunting and Trapping, Harvesting and Gathering, 23.11.2.3: Traditional Knowledge and Language Sector, and 23.11.2.4: Social and Health and Economic Investment Sectors for Shared Ktunaxa Perspectives.	N/A



Table 23-A.2: Comments Received from Ktunaxa Nation on the Draft Effects Assessment and Recommendations Addressed

Note: This table provides responses to the feedback received from Ktunaxa Nation Council on their review of the Application/EIS submission submitted in the first round of conformity review. NWP's responses and updates are based on KNC's comments and IAAC's clarification of those comments. Please refer to the application sections referenced in the table for where updates have been made to the submission based on KNC and IAAC's recommendations.

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				as BC's Declaration on the Rights of Indigenous Peoples Act (DRIPA). These include a wide range of cultural rights, commercial rights, access and use rights, subsurface rights to resources, governance and stewardship rights, as well as others. KNC indicated that the proponent's assessment, in Section 23.3.9., follows some of the concepts of the Mikisew method, but seems to have been informed by a much more limited set of potential Ktunaxa rights related to hunting, fishing, trapping, harvesting and archaeological sites. An assessment of the seriousness of residual impact on Ktunaxa rights under CEAA 2012 is distinct from an assessment of the significance of residual effects on factors under 5(1)C.			
	171	23.3.10	Indigenous Impact Management Plan	Incorporate suggestions raised by KNC for mitigating potential effects or accommodating potential adverse impacts on rights.	<p>"Under Section 23.3.10, on page 200, it is stated that ""Mitigation measures identified for the potential impacts on the Ktunaxa Nation's rights and interests is based on both the publicly available information and preliminary consultation activities summarized in Section 23.3.3 (IAAC, 2015a; Appendix 23-A, Table 23.A-1)."" However, throughout the section, it is unclear what specific suggestions were raised by KNC, related to this Project, through consultation activities summarized in Section 23.3.3.</p> <p>Section 23.3.6.4 lists out mitigation measures for 5(1)(c) effects but does not specify whether any of them were suggested by KNC.</p> <p>Section 23.3.9 is the assessment of impacts on Ktunaxa Nation's rights and interests. There is no mitigation measures subsection within it; rather, it points to Section 23.3.10 for mitigation measures.</p> <p>To clearly demonstrate that the EIS has incorporated suggestions raised by the Ktunaxa Nation, create a subsection within Section 23.3.10 to lay out Ktunaxa Nation's suggestions, if any, or revise the quote above to state that no information has been provided."</p>	Updated Section 23.10: Indigenous Impact Management Plan with measures for each potential Sector including Sections 23.10.1: Water Sector Impact Management, 23.10.2: Lands and Resources Sector Impact Management, 23.10.3: Traditional Knowledge and Language Sector Impact Management, and 23.10.4: Social and Health and Economic Investment Sectors Impact Management which present mitigation measures that address biophysical effects, as well as those that address potential adverse impacts on each asserted or established Ktunaxa right and indicate measures recommended by the KNC where applicable.	N/A
	172	23.3.10	Indigenous Impact Management Plan	Incorporate views expressed by KNC on the effectiveness of the mitigation of potential effects or mitigation or accommodation of potential adverse impacts on rights.	<p>"All are new citations. TOC references 23.3.3 Consultation and Engagement Summary only.</p> <p>It is unclear where Ktunaxa's view on the effectiveness of mitigation or accommodation measures is included in Section 23.3.10, 23.3.6.4 and 23.3.9.</p>	Updated Section 23.10: Indigenous Impact Management Plan with measures for each potential Sector including Sections 23.10.1: Water Sector Impact Management, 23.10.2: Lands and Resources Sector Impact Management, 23.10.3: Traditional Knowledge and Language Sector Impact Management, and 23.10.4: Social and Health	NWP to address the effectiveness of mitigation or accommodation measures, through continued

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					<p>It appears that the only mention of effectiveness is under Section 23.3.9.3, on page 200, where it is stated that ""Based on existing available information, and uncertainties related to the effectiveness of proposed mitigation, impacts on Ktunaxa Nation's rights and interests have the potential to occur, although as previously noted, are assessed to be of low to moderate severity."" It is unclear whether it is Ktunaxa's view or NWP's view that there are uncertainties related to the effectiveness of proposed mitigation measures, and what those uncertainties are.</p> <p>Create a subsection within the appropriate sections to include the views expressed by Ktunaxa Nation on the effectiveness of mitigation or accommodation measures, if any, or clearly state that no information has been provided. "</p>	and Economic Investment Sectors Impact Management which present mitigation measures that address biophysical effects, as well as those that address potential adverse impacts on each asserted or established Ktunaxa right. Section 23.10 includes the views expressed by Ktunaxa Nation on the effectiveness of mitigation or accommodation measures, if any, and where no information has been provided.	consultation with the Ktunaxa Nation.
	184	23.3.3	Consultation and Engagement	Provide detailed tracking records of engagement activities with KNC. KNC advised that Section 4 and Appendix 23A are missing key issues raised by KNC including: request for the suspension of coal mine environmental assessments (EAs) in the Elk Valley, the most recent communication surrounding the Grave Prairie Cultural Landscape and commitments to respect Ktunaxa decision making and consent-based agreements. Although some of these issues were spoken to in Section 23, none are listed in the consultation records within the EIS. KNC indicated that they are available for further discussion on the consultation record.	Incorporate key engagement records in column E into Section 4, Section 23.3.3 and Appendix 23A as appropriate.	Updated Section 23.5: Ktunaxa Nation Consultation and Engagement Summary, Appendix 23.A, Table 23.A-1: Ktunaxa Nation Perspectives on Rights and Interests and Summary of the Results of Consultation, and Chapter 4, Section 4.4: Indigenous Communities Consultation and Engagement with updates as noted including creation of Appendix 23.A, Table 23.A-2: Comments Received from KNC during Conformity Review Round #2.	
	784	23.3.4 and 23.3.5	Ktunaxa Nation Baseline Conditions and Ktunaxa Nation Rights and Interests	Provide the following information: 1) Primary information provided by KNC to NWP, including mapping of sensitive receptor locations associated with Ktunaxa camps and harvesting areas reflected in Chapter 22, Figure 22.2-2, Critical Human Receptor Location ID 1 to 15. KNC indicated that existing statements that this primary project specific material was not provided by Ktunaxa are incorrect; 2) Publicly available information on extensive lands within the footprint that are owned and managed directly, or in partnership, by KNC. These include what are often called the Teck Conservation Lands which include the entirety of Grave Prairie, and large portions of the West Alexander and Alexander Creek watersheds. KNC asked that the proponent recognize these are managed jointly for conservation and to support Ktunaxa stewardship and practice of rights. A public access map of these lands is located here:	Addressed at the meeting on April 27, 2023. The Agency believes that partnering with KNC in our Round 2 conformity review of the Ktunaxa chapter would provide useful information and direction to NWP. It is our hope that the Agency's and KNC's combined comments and feedback will assist NWP in developing a chapter that meets the requirements of the EIS Guidelines. There may be some additional comments that weren't included in Round 1 but these requirements on matters related to Indigenous peoples are very much interrelated. And a missing component or something that doesn't fulfil the requirements for one nation will likely be repeated in a chapter for another nation. If information is missing re the baseline descriptions of the exercise of a right, it will have cascading effects on the requirements for impacts assessment, mitigations, residual impacts and also likely for s(5)(1)(c) sections.	Updated Section 23.6.3: Ktunaxa Lands and Communities and Figure 23.6-2: Ktunaxa Nation Communities and Reserve Land with the publicly available information on the Teck Conservation Lands as below:  Figure 23.6-2 also depicts the Access Management Areas/Motorized Vehicle Closed Areas (AMAs/MVCAs) designated and regulated under the <i>B.C. Wildlife Act</i> that are located within the Qukin ʔamakʔis, the Grave Prairie AMA and the Alexander Creek AMA which are in proximity to the Project. Figure 23.6-2 also includes the publicly available information on extensive lands within the footprint that are owned and managed directly, or in partnership, by the KNC (Teck, 2022).	N/A

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				<p><a href="https://www.teck.com/access">https://www.teck.com/access</a> .Provide an assessment of impacts on these Ktunaxa lands as part of the assessment of Ktunaxa Rights and Interests.</p>	<p>Incorporate primary information provided by KNC and publicly available information into Chapter 23.</p>	<p>In 2021, the Ktunaxa Nation and Teck signed a Joint Management Agreement for more than 7,000 hectares of land purchased by Teck in 2013 for conservation. The lands are located in Qukin ?amak?is Ktunaxa and in the region of Teck's steelmaking coal operations in southeast British Columbia. The Teck Conservation Lands include the entirety of Grave Prairie, and a small portion of the Alexander Creek watershed. Under the Agreement, the Ktunaxa Nation and Teck agree to jointly manage the land for conservation purposes protecting significant fish and wildlife habitat. The Agreement will also support the Ktunaxa Nation Stewardship Principles, and Teck's goal to achieve a net positive impact on biodiversity in the areas where it operates. Both parties recognize the importance of ensuring that communities of interest are involved in the conservation planning for the lands consistent with Teck's commitment at the time of purchase (Teck, 2022). The West Alexander watershed, and all Project infrastructure, aside from the Rail Loadout facility, are not inside the Teck Conservation Lands. NWP began negotiations to purchase the lands by the Rail Loadout prior to Teck purchasing them and designating them for conservation in 2013.</p> <p>Updated Section 23.7.1: Overview of the Historic and Current Use of the Elk Valley by Ktunaxa Nation and Figure 23.7-1: Ktunaxa Nation HHRA and Sensory Receptors in Proximity to the Project with the primary information provided by KNC to NWP, including mapping of sensitive receptor locations associated with Ktunaxa camps and harvesting areas as below:</p> <p>Traditional practices and key cultural values of the Ktunaxa Nation in both historic and current times are described below, and Figure 23.7-1 depicts some of the important areas for traditional purposes identified by</p>	

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						<p>the Ktunaxa Nation utilizing their HHRA and sensory receptor locations for current and rights-based use. The HHRA and sensory receptor locations in proximity to the proposed Project footprint were provided by KNC based on Ktunaxa categories for traditional use including dwellings (permanent and seasonal), transportation use (upland seasonal), subsistence use (full and upland seasonal), and habitation and subsistence use sites.</p> <p>As noted in Section 23.5, at the time of the Application/EIS submission, Ktunaxa Nation did not author a Section C submission and additionally did not provide a Traditional Land-Use Study (TLU) to NWP. Where Indigenous Knowledge was provided by Ktunaxa Nation (during the review of Project Planning and Design documents and during Pre-Application Engagement) it has been incorporated into the effects assessment for the use of water, lands, and resources in relation to the Project. As such, the limitations of the information sources considered include those publicly available (e.g., other development project EA/IA applications, including Baldy Ridge Extension Project, the Castle Project, Grassy Mountain Coal Project, the Line Creek Operations Project) and those activities and correspondence that detail Project-specific information available to be shared publicly related to traditional activities. Where Ktunaxa Nation did provide information related to mitigation measures, those have been included in the Indigenous Impact Management Plan (Section 23.10).</p> <p>Limitations of information for assessing the Project effects to Ktunaxa's rights and interests include the lack of specific information regarding the spatial distribution of site-specific knowledge and use values reported by Ktunaxa citizens in the Project footprint based on subsistence sites,</p>	

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						<p>ceremonial and cultural/spiritual uses, transportation features, habitation values, and environmental features. In addition to any site-specific values mapped by Ktunaxa knowledge holders and based on Ktunaxa oral histories, any non-site specific values that may include reported Ktunaxa cultural properties or heritage sites in the vicinity of the Project including particular oral histories regarding Elders, ceremonies, and events that took place in the area and non-site specific values associated with oral histories of the area were those included from publicly available sources as no Project-specific information was provided.</p> <p>For the use of water, lands, and resources for traditional purposes, site-specific knowledge and use values associated with subsistence sites, transportation, and related environmental features including seasonal access and usage from Ktunaxa Nation knowledge holders would further support and guide the assessment of Project-related effects within the Project footprint, the KNRI LSA, and the KNRI RSA in terms of potential interactions during the Project lifecycle. The available HHRA and sensory receptor locations show information on portions of the range and geographic extent of Ktunaxa practice in the Elk Valley and nearby areas based on the living knowledge and practice of today's Ktunaxa citizens as provided by the KNC. Detailed information regarding the use of water, lands, and resources in proximity to these receptor locations has not been provided including the frequency of specific activities, their seasonality, and the cultural values linked to their usage.</p> <p>Figure 23.7-1 also identifies Alexander Creek AMA which was based on the critical importance of the Alexander Creek Valley and served as the reason for the legislated establishment of the Alexander Creek</p>	

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						<p>Management Area (KNC, 2018). As notes by the KNC (KNC, 2018):</p> <ul style="list-style-type: none"> <li>• "The purpose of the AMA is to provide refugia for wildlife populations from motorized activity in high quality wildlife habitats and to reduce the risk of displacement and disturbance of wildlife and adverse impacts to high habitat quality and effectiveness. The rationale for creating the AMA was because the area has had extensive access development for coal exploration and forest harvesting. The objective of the AMA was to maintain wildlife accessibility and utilization at early 1990 levels and to address concerns raised by stakeholder groups (KNC, 2018)."</li> </ul> <p>As depicted in Figure 23.7-1, the Project footprint overlaps with the Alexander Creek AMA and the rail loadout overlaps with the Grave Prairie AMA.</p>	
	785	23.3.3	Consultation and Engagement	<p>Clearly identify discrepancies in views obtained through engagement with KNC.</p> <p>KNC advised to update Chapters 16, 23 and 32 of the EIS related to the Grave Prairie Cultural Landscape to make clear that the Ktunaxa view is that impact cannot be mitigated, including through archaeological excavation. If the proponent believes that impacts to Indigenous cultural heritage can be mitigated through excavation, clearly state that throughout the EIS (for example, portions of Chapter 16 indicates ability to mitigate all significant impacts to cultural heritage values).</p>	<p>Chapter 16 is new citation.</p> <p>See comment 171 and 784. The proponent's and Ktunaxa's views have not been fully incorporated into Chapter 16, 23 and 32. Please create a subsection within the relevant chapters to record Ktunaxa's view and clearly lay out the discrepancies related to the Grave Prairie Cultural Landscape: "Ktunaxa view is that impact cannot be mitigated, including through archaeological excavation. If the proponent believes that impacts to Indigenous cultural heritage can be mitigated through excavation, clearly state that throughout the EIS (for example, portions of Chapter 16 indicates ability to mitigate all significant impacts to cultural heritage values.)"</p> <p>As the Agency raised as an early technical issue during the first round of conformity review, the EIS redirects the reader to Chapters 2, 3, 6, 15, 16 and 19 for information related to Grave Prairie. The Proponent is strongly encouraged to provide a fulsome and coherent assessment of the issues raised by KNC and by Shuswap Nation, which clearly outlines the baseline, potential effects, mitigation measures, residual effects and cumulative effects related to Grave Prairie.</p>	<p>Updated 23.10.3: Traditional Knowledge and Language Sector Impact Management with measures for the Grave Prairie Cultural Landscape as included below:</p> <p>Impacts on physical and cultural heritage related to the Grave Prairie Cultural Landscape may be addressed through:</p> <ul style="list-style-type: none"> <li>• Continued collaboration with the Ktunaxa Nation and other identified Indigenous Communities to consult on alternative means of access to the Rail Loadout including utilization of the proposed road access that may be situated in the previously disturbed footprint of a current road which may require further assessment (KNC, 2020).</li> <li>• Providing opportunities for ceremonies on the land prior to construction of Project infrastructure.</li> </ul>	<p>NWP to address the effectiveness of mitigation or accommodation measures, through continued consultation with the Ktunaxa Nation.</p>

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						<ul style="list-style-type: none"> <li>• Evaluating all options to reduce impacts of the rail loadout on the Grave Prairie Cultural Landscape including the adequate consideration to avoidance impact through alternative means that may include:                             <ul style="list-style-type: none"> <li>○ Longer truck haul to a less sensitive load out location,</li> <li>○ The extension of rail to the Alexander Valley section of the facility, and</li> <li>○ Agreements with existing operators to share already existing rail load out infrastructure if possible (KNC, 2022b).</li> </ul> </li> <li>• As the Grave Prairie Cultural Landscape includes a "Culturally Sensitive Area" which requires rigorous in-depth assessments prior to contemplating additional development, NWP will continue to work with the Ktunaxa Nation to address related concerns.</li> </ul> <p>Updates to Section 23.7.1.3.3 Physical and Cultural Heritage with references to Grave Prairie Cultural Landscape noted as:</p> <p>Based on information provided by Ktunaxa Nation Council (KNC, 2018; KNC, 2022b), Grave Prairie is a landscape containing extremely important Ktunaxa cultural values and is located within the Project footprint. As noted earlier in Section 23.7.1.3.1, the area of Grave Prairie has cultural significance to Ktunaxa based on the direction from Ktunaxa Knowledge Holders (KNC, 2022b). Ktunaxa knowledge holders have also identified the Qukin ʔakitʔaʔis (Crownsnest Mountain) which is 13 km away from the Project and separated by a mountain ridge with relatively few passes. The potential for negative changes to the view-scape and sensory environment (e.g., noise, smell, air quality) associated with direct (e.g., mine construction and operations) and incidental (e.g., rail traffic) Project activities are a</p>	

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						<p>primary concern for Ktunaxa current and future use, and stewardship of the values associated with of Oukin ?akit#a?is, Ku#wia?ki (Crownsnest Lake), and nearby areas associated with place-based cultural-spiritual practices (KNC, 2020a).</p> <p>Updates to the assessment of effect of the changes to the environment on Ktunaxa Nation to include the characterization of potential residual effects in Section 23.8.2.2.3: Traditional Knowledge and Language Sector: Change to Physical and Cultural Heritage, and Potential Change to a Structure, Site, or Thing that is of Historical, Archaeological, Paleontological, or Architectural Significance and Section 23.8.3.4.3: Traditional Knowledge and Language Sector: Change to Physical and Cultural Heritage, and Change to any Structure, Site, or Thing that is of Historical, Archaeological, Paleontological, or Architectural Significance. Updates to the assessment of potential impacts on Ktunaxa Nation rights and interests to include the characterization of severity of adverse impacts on Ktunaxa Nation's rights and interests in Section 23.11.2.1.3: Traditional Knowledge and Language Sector: Impact on Physical and Cultural Heritage and Change to a Structure, Site, or Item that is of Historical, Archaeological, Paleontological, or Architectural Significance and Chapter 16, Section 16.4: Project Effects Assessment include references to the Grave Prairie Cultural Landscape.</p>	
	787	23.3.5	Ktunaxa Nation Rights and Interests	Include Ktunaxa information provided to, or available to, the Proponent, including information on key Ktunaxa habitation and harvest areas provided through identification of most vulnerable receptors (see Chapter 22); information on the Ktunaxa transportation and movement corridors in the area of the Project that is publicly available on maps related to the Regional Study Area used in past Ktunaxa environmental assessment submissions (e.g. Line Creek, Baldy Ridge Extension, Fording Swift); and information on other	See response to item 784. Incorporate primary information provided by KNC and publicly available information into Chapter 23.	Updated Section 23.6.3: Ktunaxa Lands and Communities and Figure 23.6-2: Ktunaxa Nation Communities and Reserve Land and Section 23.7.1: Overview of the Historic and Current Use of the Elk Valley by Ktunaxa Nation and Figure 23.7-1: Ktunaxa Nation HHRA and Sensory Receptors in Proximity to the Project and Sections 23.7.1.3.2: Access and Travel Routes and 23.8.2.2.3: Traditional Knowledge and Language Sector:	



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				Ktunaxa lands, including those managed jointly for conservation and Ktunaxa stewardship purposes with Teck, in the Grave Prairie and Alexander Creek areas.		Change to Access and Travel Routes with the primary information provided by KNC to NWP, including mapping of sensitive receptor locations and information on the Ktunaxa transportation and movement corridors in the area of the Project that is publicly available on maps related to the Regional Study Area used in past Ktunaxa environmental assessment submissions (e.g. Line Creek, Baldy Ridge Extension, Fording Swift); and information on other Ktunaxa lands, including those managed jointly for conservation and Ktunaxa stewardship purposes with Teck, in the Grave Prairie and Alexander Creek areas.	
	794	23.3.5.3.1.2	Lands and Resources Sector: Hunting and Trapping	Include primary information provided by KNC to NWP that includes mapping of sensitive receptor locations associated with Ktunaxa camps and harvesting areas reflected in Chapter 22, Figure 22.2-2, Critical Human Receptor Location ID (CRID) 1 to 15.	See response to item 784. Incorporate primary information provided by KNC on critical human receptor locations into Section 23.3.5.3.1.2 on Hunting and Trapping.	Updated Section 23.6.3: Ktunaxa Lands and Communities and Figure 23.6-2: Ktunaxa Nation Communities and Reserve Land and Section 23.7.1: Overview of the Historic and Current Use of the Elk Valley by Ktunaxa Nation and Figure 23.7-1: Ktunaxa Nation HHRA and Sensory Receptors in Proximity to the Project and Sections 23.7.1.2.2: Lands and Resources Sector: Hunting and Trapping and 23.8.2.2.2: Lands and Resources Sector: Change to Use of Lands and Resources for Traditional Hunting and Trapping Purposes with the primary information provided by KNC to NWP, including mapping of sensitive receptor locations associated with Ktunaxa camps and harvesting areas.	N/A
	795	23.3.5.5	Social and Health Sector	Include primary information provided by KNC to NWP that includes mapping of sensitive receptor locations associated with Ktunaxa drinking water sources reflected in Chapter 22, Figure 22.2-2, Critical Human Receptor Location IDs 1 to 15.	See response to item 784. Incorporate primary information provided by KNC on critical human receptor locations into Section 23.3.5.5 on Social and Health Sector.	Updated Section 23.6.3: Ktunaxa Lands and Communities and Figure 23.6-2: Ktunaxa Nation Communities and Reserve Land and Section 23.7.1: Overview of the Historic and Current Use of the Elk Valley by Ktunaxa Nation and Figure 23.7-1: Ktunaxa Nation HHRA and Sensory Receptors in Proximity to the Project and Sections 23.7.1.1.1: Water Sector, 23.8.2.2.1: Water Sector and 23.8.2.2.4 Social and Health Sector: Change to Social and Health Conditions with the primary information provided by KNC to NWP, including mapping of sensitive receptor locations associated with Ktunaxa drinking water sources.	N/A

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	799	23.3.5.3	Lands and Resources Sector	Include primary information provided by KNC to NWP that includes mapping of sensitive receptor locations associated with Ktunaxa traditional use areas reflected in Chapter 22, Figure 22.2-2, Critical Human Receptor Location IDs 1 to 15.	See response to item 784. Incorporate primary information provided by KNC on critical human receptor locations into Section 23.3.5.3 on Lands and Resources Sector.	Updated Section 23.6.3: Ktunaxa Lands and Communities and Figure 23.6-2: Ktunaxa Nation Communities and Reserve Land and Section 23.7.1: Overview of the Historic and Current Use of the Elk Valley by Ktunaxa Nation and Figure 23.7-1: Ktunaxa Nation HHRA and Sensory Receptors in Proximity to the Project and Sections 23.7.1.2: Lands and Resources Sector, 23.7.1.3: Traditional Knowledge and Language Sector, 23.8.2.2.2: Lands and Resources Sector, and Section 23.8.2.2.3: Traditional Knowledge and Language Sector with the primary information provided by KNC to NWP, including sensitive receptor locations associated with Ktunaxa traditional use areas.	N/A
	801	23.3.5.3	Lands and Resources Sector	Include primary information provided by KNC to NWP that includes mapping of sensitive receptor locations associated with Ktunaxa resource harvesting areas reflected in Chapter 22, Figure 22.2-2, Critical Human Receptor Location IDs 1 to 15.	See response to item 784. Incorporate primary information provided by KNC on critical human receptor locations into Section 23.3.5.3 on Lands and Resources Sector.	Updated Section 23.6.3: Ktunaxa Lands and Communities and Figure 23.6-2: Ktunaxa Nation Communities and Reserve Land and Section 23.7.1: Overview of the Historic and Current Use of the Elk Valley by Ktunaxa Nation and Figure 23.7-1: Ktunaxa Nation HHRA and Sensory Receptors in Proximity to the Project and Sections 23.7.1.2: Lands and Resources Sector and 23.8.2.2.2: Lands and Resources Sector with the primary information provided by KNC to NWP, including mapping of sensitive receptor locations associated with Ktunaxa resource harvesting areas.	N/A
	802	23.3.5.4.1.2	Access and Travel Routes	Include primary information provided by KNC through past environmental assessment processes, especially in relation to the Regional Study Area for Line Creek, Baldy Ridge Extension, Fording Swift and Grassy Mountain, includes transportation corridors in the vicinity of the Project.	See response to item 784. Incorporate primary information provided by KNC and publicly available information into Section 23.3.5.4.1.2 Access and Travel Routes.	Updated Section 23.6.3: Ktunaxa Lands and Communities and Figure 23.6-2: Ktunaxa Nation Communities and Reserve Land and Section 23.7.1: Overview of the Historic and Current Use of the Elk Valley by Ktunaxa Nation and Figure 23.7-1: Ktunaxa Nation HHRA and Sensory Receptors in Proximity to the Project and Sections 23.7.1.3.2: Traditional Knowledge and Language Sector: Access and Travel Routes, and 23.8.2.2.3: Traditional Knowledge and Language Sector with the primary information provided by KNC to NWP, through past environmental assessment processes, especially in relation to the Regional Study Area for Line Creek,	N/A

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						Baldy Ridge Extension, Fording Swift and Grassy Mountain, includes transportation corridors in the vicinity of the Project.	
	807	23.3.5.3	Lands and Resources Sector	<p>Update Chapter 23 and relevant chapters on wildlife and fish to recognize the critical importance of all living things, including rare species or species at risk such as Westslope cutthroat trout, whitebark pine and limber pine, to Ktunaxa.</p> <p>KNC also indicated that Chapter 23 must recognize and assess Project impacts on these species and habitats, and resulting impacts on Ktunaxa fishing, harvesting, and practice of rights, including governance rights. Particular attention should be paid to habitats and populations in West Alexander Creek, in the Grave and Harmer systems, and on the Elk River, as well as other habitats directly or indirectly impacted by the Project.</p> <p>Update references in the EIS as some sections do not address the issue (Section 23.3.5.3) or do not exist (Section 23.6.3.1.2).</p>	No further comment to Columns D, E and F.	N/A	N/A
	808	23.3.4	Ktunaxa Nation Baseline Conditions	Describe how input from Ktunaxa was used in establishing the baseline conditions. Include information provided by KNC to the Proponent, and available in publicly accessible documents, related to lands owned or managed by KNC jointly with others, including Teck conservation lands surrounding Grave Creek and large portions of the West Alexander watershed within the Project footprint.	See response to item 784. Incorporate primary information provided by KNC and publicly available information into Chapter 23.	Updated Section 23.6.3: Ktunaxa Lands and Communities and Figure 23.6-2: Ktunaxa Nation Communities and Reserve Land with the publicly available information on the Teck Conservation Lands.	N/A
	812	23.3.9	Assessment of Potential Impacts on Ktunaxa Nation Rights and Interests	Assess impacts resulting from the loss of terrestrial and fish habitat, especially in the West Alexander valley, and impacts on Ktunaxa use of lands, including conservation lands managed jointly by Ktunaxa and Teck.	See response to item 784. Incorporate primary information provided by KNC and publicly available information into Chapter 23. Chapter 19 is new citation.	Updated Section 23.6.3: Ktunaxa Lands and Communities and Figure 23.6-2: Ktunaxa Nation Communities and Reserve Land and Section 23.7.1: Overview of the Historic and Current Use of the Elk Valley by Ktunaxa Nation and Figure 23.7-1: Ktunaxa Nation HHRA and Sensory Receptors in Proximity to the Project and Sections 23.7.1.1.1: Water Sector, 23.8.2.2.1: Water Sector, 23.11.2.1.1: Impact on Use of Water for Traditional Purposes, 23.7.1.2.1: Lands and Resources Sector: Fishing, 23.8.2.2.2: Lands and Resources: Change to Use of Lands and Resources for Traditional Fishing Purposes, and 23.11.2.1.2: Lands and Resources Sector: Impact on Use of Lands and Resources for Traditional Fishing Purposes	N/A

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						with the assessment of impacts resulting from the loss of terrestrial and fish habitat, especially in the West Alexander valley, and impacts on Ktunaxa use of lands, including conservation lands managed jointly by Ktunaxa and Teck.	
	813	23.3.6	Assessment of the Effects of the Changes to the Environment on Ktunaxa Nation	Discuss effects of alternations to access used for current use of lands and resources for traditional purposes, including increased non-Indigenous hunting and fishing pressure resulting from increased access and traffic along improved roads extending along Alexander Creek; and physical and sensory disturbance related to the primary access road and rail loop proposed within the Grave Prairie Cultural Landscape.	Section 23.3.5.4 describes the baseline conditions, which does not address this requirement about the Project's effects to the access of areas used for traditional uses.  Create a subsection within Section 23.3.6.3.1.2 to incorporate potential effects identified in column E, including increased non-Indigenous hunting and fishing pressure resulting from increased access and traffic along improved roads extending along Alexander Creek; and physical and sensory disturbance related to the primary access road and rail loop proposed within the Grave Prairie Cultural Landscape.	Updated Section 23.6.3: Ktunaxa Lands and Communities and Figure 23.6-2: Ktunaxa Nation Communities and Reserve Land and Section 23.7.1: Overview of the Historic and Current Use of the Elk Valley by Ktunaxa Nation and Figure 23.7-1: Ktunaxa Nation HHRA and Sensory Receptors in Proximity to the Project and Sections 23.7.1.3.2: Traditional Knowledge and Language Sector: Access and Travel Routes, 23.8.2.2.3: Traditional Knowledge and Language Sector, and 23.11.2.1.3: Traditional Knowledge and Language Sector with the effects of alterations to access used for current use of lands and resources for traditional purposes, including increased non-Indigenous hunting and fishing pressure resulting from increased access and traffic along improved roads extending along Alexander Creek; and physical and sensory disturbance related to the primary access road and rail loop proposed within the Grave Prairie Cultural Landscape.	N/A
	814	23.3.6	Assessment of the Effects of the Changes to the Environment on Ktunaxa Nation	Describe and analyse any effects on cultural value or importance associated with traditional uses or areas affected by the Project, with a focus on Ktunaxa knowledge transmission and teaching, including current and ongoing use of Grave Prairie and Grave Lake area as a cultural retreat and teaching area, as reflected in publicly available documents, including the Ktunaxa Nation Lands and Resources Newsletter (see <a href="https://www.ktunaxa.org/wp-content/uploads/KtunaxaLnR_NewsletterJUN2019.pdf">https://www.ktunaxa.org/wp-content/uploads/KtunaxaLnR_NewsletterJUN2019.pdf</a> ).		Updated Section 23.8.2.2.3 Traditional Knowledge and Language Sector and Section 23.11.2.1.3 Traditional Knowledge and Language Sector to include the potential Project related effects on the cultural value or the importance associated with traditional uses or areas with a focus on Ktunaxa knowledge transmission and teachings in relation to the current and ongoing use of Grave Prairie and Grave Lake area as a cultural retreat and teaching area, where available.  Section 23.11.1.1 Limitations of the Impact on Rights and Interests Assessment notes that not all heritage is "tangible" and can be quantified as physical sites and objects.	NWP to address the effectiveness of mitigation or accommodation measures, through continued consultation with the Ktunaxa Nation.

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						Intangible cultural heritage for the Ktunaxa Nation includes traditional knowledge, practices, and skills which can define culture such as language, oral history, art techniques, rituals, stories, intergenerational transfer of knowledge, representations, values, landscapes, and place names. Ktunaxa Nation's language and culture, which are intangible cultural resources are understood to include non-site specific values that are based in Ktunaxa Traditional Knowledge but which may be spatially indistinct or difficult to record using maps. The connection that the Ktunaxa have with the land is an example of intangible cultural heritage. As a result of environmental change, including from urbanization and industrial development, the connection to the land can be "broken" and result in impacts to intangible cultural heritage.	
	815	23.3.6	Assessment of the Effects of the Changes to the Environment on Ktunaxa Nation	Describe how project construction timing correlates to the timing of Ktunaxa traditional practices, considering the seasonality of sheep and elk harvest, berry collection, and other relevant practices noted in Chapter 23. Identify any potential impacts resulting from overlapping periods.	Section 23.3.5.4 describes the baseline conditions, which does not address this requirement about the Project's effects to the access of areas used for traditional uses.  Create a subsection within Section 23.3.6.3.1.2 to incorporate potential effects identified in column E, including increased non-Indigenous hunting and fishing pressure resulting from increased access and traffic along improved roads extending along Alexander Creek; and physical and sensory disturbance related to the primary access road and rail loop proposed within the Grave Prairie Cultural Landscape.	Updated Sections 23.7.1: Overview of the Historic and Current Use of the Elk Valley by Ktunaxa Nation and 23.8.2.1 Project Components and Interactions with the correlation of project construction timing correlates to the timing of Ktunaxa traditional practices, considering the seasonality of sheep and elk harvest, berry collection, and other relevant practices noted in Chapter 23 and identified any potential impacts resulting from overlapping periods.	N/A
	816	23.3.6	Assessment of the Effects of the Changes to the Environment on Ktunaxa Nation	Provide an assessment of the importance of the regional value of traditional use of the project area. In particular, KNC advised to recognize 1) the unique cultural importance of Grave Prairie as a sacred cultural landscape within a larger Elk Valley where industrial and cumulative effects have already seriously impacted other cultural and stewardship values; and 2) the critical importance of the West Alexander and Alexander Creek watersheds as two of the last, and largest, remaining Elk Valley watersheds sustaining healthy Westslope cutthroat trout populations, and providing Ktunaxa cultural opportunities that are relatively free from impacts of industrial coal mining.	23.3.9.2 and 23.3.6.3 are in the TOC , but the subsections 23.3.9.2.1.1 and 23.3.6.3.1.2 are not specified.  Section 23.3.6.3.1.2 identifies certain areas that would potentially be affected by the project but does not draw the connection between the regional values of those areas and Ktunaxa's traditional use. For example, the subsection on fishing within Section 23.3.6.3.1.2 points to Chapter 12 for the biophysical assessment on Alexander Creek, West Alexander Creek, Grave Creek, but the effects to the importance of these areas to Ktunaxa as being " two of the last, and largest, remaining Elk Valley watersheds sustaining healthy Westslope cutthroat trout populations, and providing Ktunaxa cultural opportunities that are relatively free from impacts of industrial coal mining" is not assessed. Create a subsection within the	Updates to the assessment of effect of the changes to the environment on Ktunaxa Nation to include the characterization of potential residual effects in Section 23.8.2.2.3: Traditional Knowledge and Language Sector: Change to Physical and Cultural Heritage, and Potential Change to a Structure, Site, or Thing that is of Historical, Archaeological, Paleontological, or Architectural Significance and Section 23.8.3.4.3: Traditional Knowledge and Language Sector: Change to Physical and Cultural Heritage, and Change to any Structure, Site, or Thing that is of Historical, Archaeological, Paleontological, or	NWP to address the effectiveness of mitigation or accommodation measures, through continued consultation with the Ktunaxa Nation.

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					<p>section on fishing on page 97 to incorporate the comment in column E.</p> <p>Similarly, include the comment in column E about the "unique cultural importance of Grave Prairie as a sacred cultural landscape within a larger Elk Valley where industrial and cumulative effects have already seriously impacted other cultural and stewardship values" in the subsection Physical and Cultural Heritage, and Potential Change to a Structure, Site, or Thing that is of Historical, Archaeological, Paleontological, or Architectural Significance on page 101.</p>	<p>Architectural Significance on the unique cultural importance of Grave Prairie as a sacred cultural landscape within a larger Elk Valley where industrial and cumulative effects have already seriously impacted other cultural and stewardship values.</p> <p>Updates to the assessment of effect of the changes to the environment on Ktunaxa Nation to include the characterization of potential residual effects in 23.8.2.2.1: Water Sector, 23.11.2.1.1: Impact on Use of Water for Traditional Purposes, 23.7.1.2.1: Lands and Resources Sector: Fishing, 23.8.2.2.2: Lands and Resources: Change to Use of Lands and Resources for Traditional Fishing Purposes, and 23.11.2.1.2: Lands and Resources Sector: Impact on Use of Lands and Resources for Traditional Fishing Purposes on the critical importance of the West Alexander and Alexander Creek watersheds as two of the last, and largest, remaining Elk Valley watersheds sustaining healthy Westslope Cutthroat Trout populations, and providing Ktunaxa cultural opportunities that are relatively free from impacts of industrial coal mining.</p>	
	817	23.3.9	Assessment of Potential Impacts on Ktunaxa Nation Rights and Interests	Provide an assessment of indirect or direct effects likely to result in avoidance and loss of use (e.g., noise, altered sense of place, loss of cultural privacy, etc.)	<p>23.3.9.2 and 23.3.6.3 are in the TOC, but the subsections 23.3.9.2.1.1 and 23.3.6.3.1.2 are not specified.</p> <p>Section 23.3.6.3.1.2, page 98, redirects reader to other chapters for this information without presenting an assessment that is specific to Ktunaxa: ""In addition, changes to air quality (Chapter 6) and noise (Chapter 7) may result in indirect sensory disturbance to Indigenous land users and alter or deter their use of the lands for hunting and trapping.""</p> <p>In Section 23.3.6.3.1.2, describe how the changes to air quality and noise, as assessed in Chapter 6 and 7, and other disturbances may indirectly affect Ktunaxa people. For example, what are the sources of disturbance, when would they occur, what areas would be affected, how does Ktunaxa's practice of rights and interests interact with the disturbances temporally and spatially.</p>	<p>Updated Section 23.11.2.1 Characterization of Severity of Adverse Impacts on Ktunaxa Nation's Rights and Interests to include an assessment of the impact on Ktunaxa Nation's rights based on the indirect effects referenced as potential Project nuisance effects (related to noise and vibration) and the potential for the permanent alienation of the Ktunaxa Nation from traditional use locations within the Project footprint resulting in impacts to their ability to know and teach the Ktunaxa way of living. For Project nuisance effects (direct and indirect) those are included in Section 23.11.2.1.4 Social and Health and Economic Investment Sectors: Impact on Social, Health, and Economic Conditions.</p>	

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						Section 23.8.2.1 Project Components and Interactions describes how the changes to air quality and noise, and other disturbances may indirectly affect Ktunaxa people in terms of the sources of disturbance, temporal and spatial disturbance aspects as a result of the Project's components and their potential for interaction with the practice of Ktunaxa Nation's rights and interests. As direct effects to air quality and noise are determined as not significant, Sections 23.8.2.2.2 Lands and Resources Sector: Change to Use of Lands and Resources for Traditional Hunting and Trapping Purposes and 23.8.2.2.4 Social and Health Sector: Change to Social and Health Conditions undertake the assessment of indirect effects to Ktunaxa Nation.	
	818	23.3.6	Assessment of the Effects of the Changes to the Environment on Ktunaxa Nation	Provide an assessment of the potential to return affected areas to pre-disturbance conditions to support traditional practices.	For KNC, it is Present. This requirement can be considered met in the Reversibility assessment under 23.3.6.5.1.2 Characterization of Residual Effects.	N/A	
	833	23.3.10	Indigenous Impact Management Plan	<p>Potential effects to Grave Prairie, a significant historic area, were identified. Identify what mitigation measures are proposed to mitigate potential effects of changes to Grave Prairie on Ktunaxa Nation, including adequate consideration to avoidance of impact through alternate means. KNC suggested that means of avoidance related to the Grave Prairie load out may include</p> <ol style="list-style-type: none"> <li>1) longer truck haul to a less sensitive load out location,</li> <li>2) extension of rail to the Alexander Valley side of the facility, and</li> <li>3) Agreement with existing operators to share already existing rail load out infrastructure.</li> </ol> <p>Describe how the proposed measures to address biophysical effects will mitigate potential effects of changes to the environment on Ktunaxa citizens as described in s.5(1)(c) of the Canadian Environmental Assessment Act, 2012 (CEAA 2012). The assessment of a biophysical VC may inform the assessment of a section 5(1)(c) effect and related mitigation measures. However, those effects and mitigation measures cannot always be entirely captured solely on an independent assessment of biophysical components. KNC noted consultation may be a means to arrive at</p>	<p>23.3.6.4 and 23.3.10 are in the TOC. 23.3.7.4, 23.3.9.2.1.1, Chapter 16, 18, 22 and 17 are new citations.</p> <p>As noted in the response to comment 169, ongoing consultation and engagement between NWP and KNC are means to arrive at potential mitigation measures but are not mitigation measures in and of themselves.</p> <p>Concrete mitigation measures proposed to mitigate the potential effects of changes to Grave Prairie on Ktunaxa Nation are found in Chapter 16 only. For example, on page 16-7, it is noted that KNC "recommended that the proposed road used to access the Rail Loadout be situated in the previously disturbed footprint of a current road, which comes in from the west, crosses the existing rail line and turns south towards the rail loop." This is consistent with the information request in column E.</p> <p>Incorporate mitigation measures related to Grave Prairie identified in other chapters, including Chapter 16, in Section 23.3.10.5. As appropriate, create a subsection within Section 23.3.10.5 to describe the specific mitigation measures suggested by KNC to demonstrate that their perspectives have been incorporated into the EIS.</p>	<p>Updated 23.10.3: Traditional Knowledge and Language Sector Impact Management with measures for the Grave Prairie Cultural Landscape as included below:</p> <p>Impacts on physical and cultural heritage related to the Grave Prairie Cultural Landscape may be addressed through:</p> <ul style="list-style-type: none"> <li>• Continued collaboration with the Ktunaxa Nation and other identified Indigenous Communities to consult on alternative means of access to the Rail Loadout including utilization of the proposed road access that may be situated in the previously disturbed footprint of a current road which may require further assessment (KNC, 2020).</li> <li>• Providing opportunities for ceremonies on the land prior to construction of Project infrastructure.</li> <li>• Evaluating all options to reduce impacts of the rail loadout on the</li> </ul>	NWP to address the effectiveness of mitigation or accommodation measures, through continued consultation with the Ktunaxa Nation.

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				reasonable mitigation, but it is not a reliable mitigation itself.		<p>Grave Prairie Cultural Landscape including the adequate consideration to avoidance impact through alternative means that may include:</p> <ul style="list-style-type: none"> <li>○ Longer truck haul to a less sensitive load out location,</li> <li>○ The extension of rail to the Alexander Valley section of the facility, and</li> <li>○ Agreements with existing operators to share already existing rail load out infrastructure if possible (KNC, 2022b).</li> </ul> <ul style="list-style-type: none"> <li>● As the Grave Prairie Cultural Landscape includes a "Culturally Sensitive Area" which requires rigorous in-depth assessments prior to contemplating additional development, NWP will continue to work with the Ktunaxa Nation to address related concerns.</li> </ul>	
	840	23.3.10	Indigenous Impact Management Plan	Describe how the proposed measures to address biophysical effects will reduce the significance of adverse effects of changes to the environment on Ktunaxa citizens as described in section 5(1)(c) of CEAA 2012. The assessment of a biophysical VC may inform the assessment of a section 5(1)(c) effect and related mitigation measures. However, those effects and mitigation measures cannot always be entirely captured solely on an independent assessment of biophysical components.	See response to item 169.  23.3.9 is new citation.	Updated Section 23.10: Indigenous Impact Management Plan with measures for each potential Sector including Sections 23.10.1: Water Sector Impact Management, 23.10.2: Lands and Resources Sector Impact Management, 23.10.3: Traditional Knowledge and Language Sector Impact Management, and 23.10.4: Social and Health and Economic Investment Sectors Impact Management which present mitigation measures that describe how the proposed measures to address biophysical effects will reduce the significance of adverse effects of changes to the environment on Ktunaxa citizens as described in section 5(1)(c) of CEAA 2012. Section 23.10 includes the views expressed by Ktunaxa Nation on the effectiveness of mitigation or accommodation measures, if any, and where no information has been provided.	NWP to address the effectiveness of mitigation or accommodation measures, through continued consultation with the Ktunaxa Nation.



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	859	23.3.7	Cumulative Effects Assessment	<p>Update the cumulative effects assessment for all required section 5(1)(c) factors where residual adverse effects are anticipated following mitigation, including:</p> <ul style="list-style-type: none"> <li>(1) consideration to significant Project effects on fish habitat in West Alexander Creek predicted in Chapter 12,</li> <li>(2) residual Project and cumulative effects on the Harmer and Grave Creek systems,</li> <li>(3) the importance of fishing to Ktunaxa rights practice, and</li> <li>(4) serious impacts to fish, fish habitat, and Ktunaxa fishing rights elsewhere in the Elk Valley and in Ktunaxa territory.</li> </ul> <p>KNC indicated that it is not acceptable to provide an assessment of effects on fish as a simple proxy where an assessment on impacts to Indigenous fishing is required, as the Proponent indicates was done for Chapter 23.</p>	<p>23.3.7 and 23.3.9.2.1.1 are in the TOC, but the subsections 23.3.7.3 and 23.3.7.4 are not specified.</p> <p>As stated on page 139, Section 23.3.7.3 identifies the ""potential residual cumulative effects for VCs or VC groups related to Ktunaxa Nation,"" not the cumulative effects on Ktunaxa Nation.</p> <p>Section 23.3.7.4 outlines the potential mitigation measures for cumulative effects of VCs and therefore does not provide the information requested in column E, which asks for the assessment of effects.</p> <p>Section 23.3.9.2.1.1 assess the severity of adverse impacts on Ktunaxa's rights.</p> <p>Section 23.3.7.5 seems to provide an analysis of potential residual cumulative effects on Ktunaxa Nation. However, the analysis is based primarily on the results of the biophysical chapters and the linkages to Ktunaxa Nation is unclear. For example, Section 23.3.7.5.1.2 describes the general effects to fish and fish habitat but does not take into account site-specific locations (as noted in column E) and Ktunaxa's seasonal rounds of fishing. Include in Section 23.3.7.5:</p> <ul style="list-style-type: none"> <li>(1) consideration to significant Project effects on fish habitat in West Alexander Creek predicted in Chapter 12,</li> <li>(2) residual Project and cumulative effects on the Harmer and Grave Creek systems,</li> <li>(3) the importance of fishing to Ktunaxa rights practice, and</li> <li>(4) serious impacts to fish, fish habitat, and Ktunaxa fishing rights elsewhere in the Elk Valley and in Ktunaxa territory.</li> </ul>	<p>Updates to the assessment of effect of the changes to the environment on Ktunaxa Nation to include the characterization of potential residual cumulative effects based on Section 23.8.3.2.1: Historical Baseline Conditions Considered for Cumulative Effects for Sections 23.8.3.3: Identification of Potential Cumulative Effects of the Changes to the Environment on Ktunaxa Nation, 23.8.3.4.1: Water Sector: Change to Use of Water for Traditional Purposes, 23.8.3.4.2: Lands and Resources: Change to Use of Lands and Resources for Traditional Fishing Purposes, and 23.9: Overview of the Changes to the Environment on Ktunaxa Nation and their Perspectives where residual adverse effects are anticipated following mitigation, including consideration to significant Project effects on fish habitat in West Alexander Creek, residual Project and cumulative effects on the Harmer and Grave Creek systems, the importance of fishing to Ktunaxa rights practice, and serious impacts to fish, fish habitat, and Ktunaxa fishing rights elsewhere in the Elk Valley and in Ktunaxa territory.</p> <p>Updated Section 23.10: Indigenous Impact Management Plan with measures for Sections 23.10.1: Water Sector Impact Management and 23.10.2.1: Lands and Resources Sector Impact Management: Fishing present mitigation measures that describe how the proposed measures to address potential residual cumulative effects to fish and fish habitat will reduce the significance of adverse effects of changes to the environment on Ktunaxa citizens as described in section 5(1)(c) of CEAA 2012. Section 23.10 includes the views expressed by Ktunaxa Nation on the effectiveness of mitigation or accommodation measures, if any, and where no information has been provided.</p>	<p>NWP to address the effectiveness of mitigation or accommodation measures, through continued consultation with the Ktunaxa Nation.</p>

Table 23-A.2: Comments Received from Ktunaxa Nation on the Draft Effects Assessment and Recommendations Addressed

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Date Received	Table of Concordance ID No.	Original EIS Section No.	Original EIS Section Title	Indigenous Community Comment on EIS Section	Changes to EIS Section as Recommended by Indigenous Community/Agency Response	Comments/Updates Related to Comments in EIS - Chapter 23	NWP's Response to Comment / Disposition of Issue
						Updates to the assessment of potential impacts on Ktunaxa Nation rights and interests to include the characterization of severity of adverse impacts on Ktunaxa Nation's rights and interests in Sections 23.11.2.1.1: Impact on Use of Water for Traditional Purposes and 23.11.2.1.2: Lands and Resources Sector: Impact on Use of Lands and Resources for Traditional Fishing Purposes further address the cumulative impacts to Indigenous fishing opportunities and activities.	