

Appendix 24-A

Summary of Indigenous Consultation

Table 24-A.1: Summary of the Results of the Shuswap Band Consultation Related to their Aboriginal Rights and Interests and Other Matters of Concern

Shuswap Band Rights and Related Interests/VC	Shuswap Perspective on Rights and Interests/VC	Proponent Response	Summary of Proposed Measures to Avoid, Mitigate, or Otherwise Manage Effects	Summary of Assessment of Potential Impacts on Rights and Interests	Status of Issue / Path Forward
Traditional Use	<p>Issue provided in the Draft Effects Assessment Response November 5, 2021</p> <p>Recommend NWP wait until Shuswap Indian Band's traditional use information can be incorporated into the draft Effects Assessment before proceeding. In the intervening time, expect that Shuswap Indian Band's interests and asserted uses be incorporated into the effects assessment.</p>	<p>Potential residual effects including Shuswap perspective within the Project footprint, the ATRI LSA, and ATRI RSA have been considered in the Application/EIS in the following ways:</p> <ul style="list-style-type: none"> 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 24, Section 24.7.3.2. The potential residual effects assessment is based on inputs from Shuswap Band through engagement identified in Section 24.5.2 that outline the Shuswap perspectives on the development of the Project. The potential residual effects assessment for the Project utilizes Shuswap information where publicly available to determine the level of significance of effects to the use of water, lands, and resources for traditional activities are based on publicly available Shuswap perspectives on development in the Elk Valley as outlined in Section 24.6.6. Impact management measures with respect to potential residual effects and where Shuswap perspectives were available are addressed in Section 24.9. Shuswap Band'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 24.10.2.1 where previous determinations on the degree of severity of adverse impacts were updated based on shared Shuswap perspectives. NWP has also indicated in Chapter 24 that it is committed to ongoing communication on cumulative effects through future consultation and engagement with the Shuswap Band. <p>As noted by NWP, limitations of information provided by Shuswap Band are identified in</p>	<p>The key mitigation measures to reduce impacts to the Shuswap Band's rights and interests include:</p> <ul style="list-style-type: none"> NWP is committed to an ongoing dialogue with the Shuswap Band, including commitments to the following: Best management practices and procedures related to each VC of interest including the design of mitigation measures as outlined in the Application/EIS. Follow-up, monitoring and offsetting and compensation programs related to anticipated residual effects of select VCs. Implementation of the engagement agreement between NWP and the Shuswap Band. Confirmation and implementation of the Indigenous Impact Management Plan that outlines mitigation measures to avoid, minimize, reduce, and/or offset potential direct and indirect impacts of the Project and utilizes adaptive management approaches for follow-up strategies and monitoring programs. Consideration of collaborative strategies for addressing the cumulative effects where applicable, with the Shuswap Band, the identified Indigenous Communities, other proponents, and regulatory agencies. Follow the spirit and intent of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and its guiding principles. Support the recognition of Indigenous stewardship and governance in the Elk Valley. Recognize and respect the deep personal, community, and cultural attachment of the Shuswap Band to the land and resources where NWP does business. Incorporate NWP's understanding of Indigenous interests, values, knowledge, and ways of knowing into NWP decision making where practicable where practicable. To this end, NWP is committed to the Canadian Council for Aboriginal Business' Progressive Aboriginal Relations program . <p>In addition to the mitigations outlined in the specific VC chapters, the following mitigation measures are proposed to reduce the potential impact on the Shuswap Band's rights and interests based on the response to the concerns raised by the Shuswap Band and the identified Indigenous Communities:</p> <ul style="list-style-type: none"> Engaging with the Shuswap Band to refine the Indigenous Impact Management Plan specific to the rights-based activities and other interests (e.g., cultural activities, hunting, trapping, fishing, gathering, and cultural heritage) exercised by the Shuswap Band within the Project footprint. The Indigenous Impact Management Plan will further describe cross-cultural awareness training, which will be developed in collaboration where practicable, with the Shuswap Band. This 	<p>The Project has the potential to impact Shuswap Band's rights and interests related to:</p> <p>Fishing:</p> <ul style="list-style-type: none"> The potential for reduction in populations of fish species of interest (e.g., Kokanee, Mountain Whitefish, Westslope Cutthroat Trout, and the Longnose Sucker) due to impacts on fish habitat (though recognizing that habitat loss will be replaced with new habitat through the Fisheries Act required fish habitat compensation measures). The potential for temporary restrictions on access to the remaining sections of Alexander Creek due to Project activities (e.g., during blasting activities). 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 fishing activities. The potential changes to the actual or perceived health and quality of potential fish species of cultural interest/use for country foods. The potential for the permanent alienation of the Shuswap Band from fishing locations within the Project footprint resulting in impacts to their ability to know and teach the Shuswap way of living. <p>The degree in severity of impact on Shuswap Band's rights for the use of lands and resources for fishing and fish opportunities is rated as low to moderate based on the following:</p> <ul style="list-style-type: none"> The potential impacts to fish and fish habitat are predicted to be small in spatial extent. The recommended impact management measures 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. There is potential for the Project to result in the permanent alienation of Shuswap Band 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 Shuswap Band 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 	<p>Addressed in the Application and ongoing resolution through consultation and engagement with the Shuswap Indian Band.</p>

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Shuswap Band Rights and Related Interests/VC	Shuswap Perspective on Rights and Interests/VC	Proponent Response	Summary of Proposed Measures to Avoid, Mitigate, or Otherwise Manage Effects	Summary of Assessment of Potential Impacts on Rights and Interests	Status of Issue / Path Forward
		<p>the setting of Shuswap Band's rights and interests in Section 24.6.6.</p>	<p>training is expected to build awareness and reduce potential adverse interactions with the identified Indigenous Communities and will include cultural awareness education and training for staff and on-the-ground personnel during the applicable phases of the Project.</p> <ul style="list-style-type: none"> • Supporting possible opportunities to augment VC-specific monitoring programs to include responses to concerns raised by the Shuswap Band utilizing adaptive management approaches for follow-up strategies. • Participation in the Elk Valley Cumulative Effects Management Framework as co-led by the KNC. • Encouraging the participation of the Shuswap Band to the applicable Project Advisory, Environmental Stewardship, and in the Environmental Monitoring Committee to review, shape, and steer monitoring activities and to guide future priorities. • Encouraging the participation of the Shuswap Band in the Reclamation Planning Committee to review how traditional knowledge has been incorporated, including Indigenous traditional use and cultural expression as part of the Project closure goals. • Supporting access to the Project site and provide applicable available resources for the Indigenous-Guardians Program to develop and lead monitoring programs related to the Project. • Incorporating feedback from the Shuswap Band in the development of an Access Management and Monitoring Program which would address any concerns raised regarding access to areas that might be temporarily restricted due to safety concerns (e.g., in the Project footprint during construction and operations) by creating alternatives to guarantee access to key land use areas. NWP will establish No Unauthorized Entry (NUE) areas in order to ensure worker and public safety within and near the Project. • Supporting the establishment of conservation lands that may be privately held by NWP, an Indigenous Community, or a recognized conservation organization. • Supporting Indigenous work related to land and resource use planning objectives in proximity to the Project and following the EAC, NWP will support Indigenous work related to land and resource use planning objectives for consideration during the relevant Project phases. • Providing access to requested reports and identify feedback opportunities where applicable including the various mitigation and monitoring plans as well as those related to the Indigenous Impact Management Plan. <p>For each potential impact as previously described and assessed in Section 24.7, the specific mitigation measures identified that relate</p>	<p>intangible cultural heritage requires further input from the Shuswap Band.</p> <ul style="list-style-type: none"> • Though baseline data was sufficient to evaluate effects for the fish and fish habitat VCs, there is no current information available indicating that the Shuswap Band use the watercourses within the Project footprint. • The Shuswap Band has also not expressed to date an interest in possibly using the Project-impacted watercourse (Alexander Creek) in the future. • It should be noted that there is existing potential for fish and fishing opportunity available in the ATRI LSA and RSA with respect to watercourses outside of the Project footprint. • Continued consultation with Shuswap Band, 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 Shuswap Band's rights and interests. <p>Hunting and Trapping:</p> <ul style="list-style-type: none"> • The potential localized changes in accessibility to wildlife associated with riparian vegetation/habitat. • The potential for changes to accessibility to aquatic wildlife species of interest (e.g., waterfowl) with the change or loss of aquatic habitats. • The potential for changes in wildlife food sources through changes to ecosystems/vegetation communities resulting in changes to wildlife species of interest movements/migrations. • 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. • The potential for reduction of the quality and accessibility of wildlife species of interest for traditional/cultural purposes or country foods. • The potential for the permanent alienation of the Shuswap Band from hunting and trapping locations within the Project footprint resulting in impacts to their ability to know and teach the Shuswap way of living. <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 Shuswap Band 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 ATRI LSA.</p>	

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			<p>to the Shuswap Band's rights and interests are described in the following sections and are also summarized in Table 24.9-1.</p> <p>Key mitigation measures for each Shuswap Band right/interest that may potentially be impacted include:</p> <ul style="list-style-type: none"> • Fishing: 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 Chapter 33 (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 will be the primary means by which the Project will address adverse effects to fish and fish habitat. These are identified in combination with the key mitigations for traditional fishing activities to reduce the impacts on the Shuswap Band's fishing rights including those related to their ability to know and teach the Shuswap way of living during all Project phases. • Hunting and Trapping: 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. These are identified in combination with the key mitigations for traditional hunting and trapping activities to reduce the impacts on the Shuswap Band's hunting and trapping rights including those related to their ability to know and teach the Shuswap way of living during all Project phases. • Harvesting and Gathering: 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 	<p>In terms of specific wildlife VCs, grizzly bear, elk, and bighorn sheep have important significance within Shuswap Band's spiritual and ceremonial teachings, songs, ceremonies, medicines, and stories as currently identified in Sections 24.5.4 and 24.6.6 based on preliminary feedback from Shuswap Band. Follow-up on impact management measures related to grizzly bear, elk, and bighorn sheep are identified in Chapter 15, and included in the Indigenous Impact Management Plan (Section 24.9.2).</p> <p>The degree in severity of impact on Shuswap Band's rights and interests for the use of lands and resources for hunting and trapping is rated as low to moderate based on the following:</p> <ul style="list-style-type: none"> • 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. • 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 ATRI LSA including those for traditional purposes. • With specific regard to grizzly bear, as identified in Section 24.7.3.2.2, based on the recent trends in local grizzly bear population levels, the Project is unlikely to 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. • With specific regard to elk, as identified in Section 24.7.3.2.2, 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 displace elk; 	

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			<p>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). These are identified in combination with the key mitigations for traditional harvesting and gathering activities to reduce the impacts on the Shuswap Band's harvesting and gathering rights including those related to their ability to know and teach the Shuswap way of living during all Project phases.</p> <ul style="list-style-type: none"> Physical and Cultural Heritage: 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 Shuswap Band. 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 Heritage Conservation Act, 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. <ul style="list-style-type: none"> Impacts on physical and cultural heritage related to the Grave Prairie Cultural Landscape may be potentially mitigated through continued collaboration with the Shuswap Band 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. Providing opportunities for ceremonies on the land prior to construction of Project infrastructure. Evaluating all options to reduce impacts of 	<p>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.</p> <ul style="list-style-type: none"> With specific regard to bighorn sheep, as identified in Section 24.7.3.2.2, 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 movement, and increased mortality on bighorn sheep arising from the Project during all phases are therefore considered not significant. Though baseline data was sufficient to evaluate effects for identified wildlife VCs, areas currently or potentially used by Shuswap Band for hunting and trapping have not been identified within the Project footprint through publicly-available information. Information related to Shuswap Band's use of the ATRI LSA to hunt and trap was not made available prior to the assessment and the currently identified low level of use by Shuswap Band in the Project footprint, coupled with the lack of significant adverse effects to wildlife VCs that are potentially used for hunting and trapping purposes, indicates the level of impact on Shuswap Band's rights and interests related to the use of lands and resources for traditional hunting and trapping. There is potential for the Project to result in the permanent alienation of Shuswap Band 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 Shuswap Band to practice related traditional activities (e.g., 	

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			<p>the rail loadout on the Grave Prairie Cultural Landscape including the adequate consideration to avoidance impact through alternative means that may include longer truck haul to a less sensitive load out location, the extension of rail to the Alexander Valley section of the facility, and agreements with existing operators to share already existing rail load out infrastructure if possible. 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 Shuswap Band to address related concerns.</p> <ul style="list-style-type: none"> • Social, Health, and Economic Conditions: 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 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. These are identified in combination with the key mitigations for the Shuswap Band's traditional activities to reduce the impacts on the Shuswap Band's interests including those related to their ability to know and teach the Shuswap way of living during all Project phases. 	<p>hunting and trapping) may also have impacts on intangible cultural heritage.</p> <ul style="list-style-type: none"> • 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 Shuswap Band. • Continued consultation with Shuswap Band, 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 Shuswap Band's rights and interests. <p>Harvesting and Gathering:</p> <ul style="list-style-type: none"> • The potential for reduction in the quality and accessibility of vegetation species of interest for traditional/cultural purposes or country foods. • The potential for the permanent alienation of the Shuswap Band from harvesting and gathering locations within the Project footprint. • 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 Shuswap Band to harvest and gather plants. • 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 Shuswap Band's rights and interests. • The potential for the permanent alienation of the Shuswap Band from harvesting and gathering locations within the Project footprint resulting in impacts to their ability to know and teach the Shuswap way of living. <p>The degree in severity of impact on Shuswap Band's rights and interests for the use of lands and resources for harvesting and gathering is rated as moderate based on the following:</p> <ul style="list-style-type: none"> • 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 Shuswap Band from harvesting and gathering 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 Shuswap Band to practice 	

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				<p>related traditional activities (e.g., harvesting and gathering) may also have impacts on intangible cultural heritage.</p> <ul style="list-style-type: none"> • 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 Shuswap Band. • Though baseline data was sufficient to evaluate effects for the related Project VCs, there is no current information available indicating that the Shuswap Band use the Project footprint for harvesting and gathering. As previously identified, a conservative approach has been used in the assessment of impact on rights that assumes that the current and potential use of the lands and resources occurs throughout the ATRI RSA. • It should be noted that there is existing potential for harvesting and gathering for traditional purposes available in the ATRI LSA and RSA outside of the Project footprint. Continued consultation with Shuswap Band, 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 the Shuswap Band's rights and interests. <p>Physical and Cultural Heritage:</p> <ul style="list-style-type: none"> • The potential loss of pre-contact archaeological artifacts (if present) and tree throws related to physical and cultural heritage. • The potential loss/disconnection of historic and present-day travel routes and trail if present within or crossing new roads and infrastructure footprint. • 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. • 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. • The Project has the potential to impact on Shuswap Band'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. • The potential for changes to ceremonial or sacred areas associated with Grave Creek and West Alexander Creek. • There is also the potential discovery of pre-contact archaeological resources (if present) in unconsolidated material or during progressive clearing activities. 	

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				<ul style="list-style-type: none"> The potential for the permanent alienation of the Shuswap from their cultural heritage due to the intangible value associated with a sense of place within the Project footprint. <p>The degree in severity of impact on Shuswap Band'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 based on the following:</p> <ul style="list-style-type: none"> The potential impacts are likely to be small in spatial extent, and with no effects to health. These heritage resources may be of interest to the Shuswap Band based on their potential linkage to Shuswap Band ancestry though none other than the Grave Prairie Cultural Landscape, have been identified based on preliminary consultation with Shuswap Band. Though baseline data was sufficient to evaluate effects for known heritage resources, the lack of regional information on Shuswap Band'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. There is potential for the permanent alienation of the Shuswap from their cultural heritage 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 Shuswap Band 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 the Shuswap Band's intangible cultural heritage requires further input from the Shuswap Band. Continued consultation with Shuswap Band, 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 Shuswap Band's rights and interests. <p>Social, Health, and Economic Conditions:</p> <ul style="list-style-type: none"> The potential Project nuisance effects to residents due to noise and vibration. The potential change in availability/reliance on country food. The loss of potential access to species for traditional purposes due to loss of sections of West Alexander Creek. The potential for the permanent alienation of the Shuswap Band from traditional use locations within the Project footprint. The potential for public safety risks due to physical hazards. 	

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				<ul style="list-style-type: none"> • The Project has the potential to impact on Shuswap Band's rights and interests due to the potential change in population and demographics. • The potential change in community health and well-being. • The potential change due to the influx of new employees to the region that could potentially contribute to social impacts, including safety risks. <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 use and rights-based Indigenous traditional use lifestyle scenarios, the overall Project-related risk to human health is considered to be low. Though the risk is identified as low, there is potential for residual effects to wildlife and human health, and as such, to the actual or perceived quality of fish and wildlife resources consumed as country foods. As such there is potential for 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 Shuswap Band to date, there are no anticipated interactions between the Project and Shuswap Band housing, transportation, or social services and education, and therefore, no unmitigated Project effects on these aspects of health and social, health, and economic conditions are anticipated.</p> <p>There is also potential for potential modest positive change in the availability of community services, the potential for Indigenous Communities to take part in monitoring activities as outlined in the Indigenous Impact Management Plan (Section 24.9), and the potential economic benefit for Indigenous Community members related to employment and economic investment during the Project phases. The Project is anticipated to result in positive economic outcomes for employment, income, and local and regional economies.</p> <p>The degree in severity of impact on Shuswap Band's social, health, and economic conditions is rated as low based on the following:</p> <ul style="list-style-type: none"> • The potential impacts are likely to be small in spatial extent, reversible long-term, and with few effects to health and/or country foods. • It should be noted that through this assessment it has been determined that there is potential for the Project to result in the permanent alienation of Shuswap Band from locations within the Project footprint. It is further noted that that this physical alteration and potential change in the opportunity of the Shuswap Band to practice related traditional activities (e.g., consumption of country food) may also have impacts on 	

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				<p>intangible cultural heritage. The understanding and characterizing of these potential related impacts to Shuswap's intangible cultural heritage requires further input from the Shuswap Band.</p> <ul style="list-style-type: none"> • Though baseline data was sufficient to evaluate effects for socio-community, economic, and human health VCs, areas currently or potentially used by Shuswap Band for traditional purposes have not been identified within the Project footprint other than the Grave Prairie Cultural Landscape by Shuswap Band and the impact on rights assessment is based on the publicly-available information. • As such, there is no information indicating that the Shuswap Band currently uses the Project footprint other than the Grave Prairie Cultural Landscape for social, health, and economic conditions. • Continued consultation with Shuswap Band, 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 Shuswap Band's rights and interests. 	
Cumulative Effects Assessment	<p>Issue provided in the Draft Effects Assessment Response November 5, 2021</p> <p>Shuswap Band recommends NWP engages with Shuswap Band on the proposed project at the high end of the consultation spectrum (CEAA 2012), in order to improve relations between the Parties and to create efficiencies down the road, as Shuswap Band is actively pursuing amplified recognition of its Indigenous rights and interests. Further consideration of cumulative effects project related to Shuswap Band as a whole is required.</p>	<p>Potential residual cumulative effects including Shuswap perspective within the Project footprint, the ATRI LSA, and ATRI RSA have been considered in the Application/EIS in the following ways:</p> <ul style="list-style-type: none"> • The shared perspectives have formed the basis of the potential cumulative effects assessment with the overall assessment methodology documented in Chapter 5, Section 5.3 and the potential cumulative effects assessed in Chapter 24, Section 24.7.4.4. • The potential cumulative effects assessment is based on inputs from Shuswap Band through engagement identified in Section 24.5.2 that outline the Shuswap perspectives on the development of the Project. • The potential cumulative effects assessment for the Project utilizes Shuswap information where publicly available to determine the level of significance of effects to the use of water, lands, and resources for traditional activities are based on publicly available Shuswap perspectives on development in the Elk Valley as outlined in Section 24.6.6. 	<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 Shuswap Band's rights and interests:</p> <ul style="list-style-type: none"> • Best management practices and procedures related to each VC of interest are based on Shuswap perspectives shared with respect to the principles of reclamation and restoration including the design of mitigation measures for cumulative effects as outlined in the various specific VC chapters in the Application/EIS. • Restoration and progressive reclamation at various phases of the Project related to cumulative effects in an effort to address the usually slow reclamation progress in the Elk Valley. • As part of the cumulative effects mitigation and the overall impact management measures, NWP will encourage the participation of the Shuswap Band on the applicable Project Advisory, Environmental Stewardship and Reclamation Planning committees. • 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. • Confirming and implementing the Indigenous Impact Management Plan that outlines mitigation measures to avoid, minimize, reduce, and/or offset potential direct and indirect 	<p>Within the ATRI RSA, lands have experienced and are experiencing past disturbances as a result of mining, forestry, agricultural/commercial/residential development, and natural disturbances (e.g., avalanches, forest fires). Based on the results of the relevant VC potential residual cumulative effects assessments and in consideration of potential regional mitigation measures as well as the requirements of Section 5(1)(c) of CEA Act, 2012, potential residual cumulative effects are anticipated to occur as they relate to:</p> <ul style="list-style-type: none"> • The use of lands and resources for traditional purposes (i.e., fishing, hunting and trapping, harvesting and gathering); • Physical and cultural heritage, and structures, sites, or things of historical, archaeological, paleontological, or architectural significance; and • Social, health, and economic conditions. <p>Though potential residual cumulative effects to VC or VC groups that may be of interest to the Shuswap Band are not assessed as significant, a conservative approach to the assessment of residual cumulative effects on the Shuswap Band indicates residual cumulative effects may occur. Residual cumulative effects assessments for potential cumulative effects are presented in Sections 24.7.4.4.1 to 24.7.4.4.5.</p> <p>The Project has the potential to impact Shuswap Band's rights and interests related to cumulative effects that may result in cumulative impacts addressed as follows:</p> <ul style="list-style-type: none"> • Fishing; 	<p>Addressed in the Application and ongoing resolution through consultation and engagement with the Shuswap Indian Band.</p>

Table 24-A.1: Summary of the Results of the Shuswap Band Consultation Related to their Aboriginal Rights and Interests and Other Matters of Concern

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		<ul style="list-style-type: none"> Impact management measures with respect to potential cumulative effects and where Shuswap perspectives were available are addressed in Section 24.9. Shuswap Band'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 24.10.2.1 where previous determinations on the degree of severity of adverse impacts were updated based on shared Shuswap perspectives. NWP has also indicated in Chapter 24 that it is committed to ongoing communication on cumulative effects through future consultation and engagement with the Shuswap Band. <p>As noted by NWP, limitations of information provided by Shuswap Band are identified in the setting of Shuswap Band's rights and interests in Section 24.6.6.</p>	<p>impacts of the Project on the Shuswap Band's rights and related interests and utilizes adaptive management approaches for follow-up strategies and monitoring programs.</p> <ul style="list-style-type: none"> Consideration of collaborative strategies for addressing the cumulative effects where applicable, with Shuswap Band, the identified Indigenous Communities, other proponents, and regulatory agencies. Participation in the Elk Valley Cumulative Effects Management Framework as co-led by the KNC and other relevant regional cumulative effects initiatives, where appropriate. Supporting possible opportunities to augment VC-specific monitoring programs to include responses to concerns raised by the Shuswap Band utilizing adaptive management approaches for follow-up strategies. Adopting management practices and measures to meet regional planning objectives, where practicable, over the course of the Project. Supporting the recognition of Indigenous stewardship and governance in the Elk Valley and respecting Shuswap perspectives on their use of lands and resources for traditional purposes. Continued consultation and engagement with the Shuswap Band over the course of the Project to identify and understand current use of lands and resources for traditional purposes within the ATRI LSA and ATRI RSA. Opportunity for ceremonies on the land prior to construction of project infrastructure as well as opportunities for harvesting and gathering within the Project footprint prior to construction for Indigenous community members. 	<ul style="list-style-type: none"> While the degree in severity of impact on Shuswap Band's rights for the use of lands and resources for fishing and fish opportunities is rated as low to moderate, the cumulative impacts are rated as moderate. The Project in combination with other reasonably foreseeable future projects and activities is not anticipated to result in measurable cumulative residual Project effects that will reduce the ability and opportunity of Shuswap Band to practice their rights and interests related to fishing within the ATRI RSA over the already existing reduced ability that has been previously identified (Section 24.7.4.2). The cumulative impacts have been assessed as moderate due to the on-going impacts of past and present projects and activities in combination with other reasonably foreseeable future projects and activities, on watercourses in the Elk Valley, the limited information currently available on the current and potential use of lands and resources within the ATRI RSA, and the uncertainty regarding the implications of regional climatic changes that may impact fish habitat availability. Shuswap Band perspectives on cumulative effects note that the cumulative impacts of development throughout the region have an impact on historically the loss of Salmon, and a decline in Westslope Cutthroat Trout. The cumulative impact is determined as moderate based on the information available from the Shuswap Band regarding their opportunity to conduct traditional fishing within the Project footprint at this time. It is expected that their ability to know and teach the Shuswap way of living can continue outside of the Project footprint during all Project phases. <ul style="list-style-type: none"> Hunting and Trapping: <ul style="list-style-type: none"> While the degree in severity of impact on Shuswap Band's rights and interests for the use of lands and resources for hunting and trapping is rated as low to moderate, the cumulative impacts are rated as moderate. The Project, in combination with other reasonably foreseeable future projects and activities is not anticipated to reduce the ability and opportunity of Shuswap Band to practice rights and related interests related to hunting and trapping within the ATRI RSA. The wildlife and wildlife habitat conditions within the regional study areas of relevant wildlife species of interests (e.g., grizzly bear, elk, and bighorn sheep), including their ecology, habitat availability, and distribution, and occurrence and abundance, are well understood at the 	

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				<p>scale of the VC regional study areas (e.g., Terrestrial RSA and Grizzly Bear RSA).</p> <ul style="list-style-type: none"> ○ The rating also reflects that the Shuswap Band has not provided any specific information to date regarding their current use of the Project footprint for hunting and trapping for traditional purposes or whether they have an interest in using the area in the future. ○ It is expected that their ability to know and teach the Shuswap way of living can continue outside of the Project footprint during all Project phases. ○ Uncertainty also exists regarding the implications of regional climatic changes that may impact wildlife habitat availability. <ul style="list-style-type: none"> ● Harvesting and Gathering: <ul style="list-style-type: none"> ○ The degree in severity of impact on Shuswap Band's rights and interests for the use of lands and resources for harvesting and gathering is rated as moderate to reflect the cumulative impacts. ○ The Project, in combination with other reasonably foreseeable future projects and activities, is not anticipated to result in measurable residual Project effects to reduce the ability and opportunity for Shuswap Band to practice their rights and interests related to harvesting and gathering within the ATRI RSA. ○ The opportunity to harvest and gather within the ATRI RSA is dependent on the location of ecosystems and plant species of interest as well as the access to these areas. ○ Due to on-going impacts of past and present projects and activities in combination with other reasonably foreseeable future projects and activities, on the Elk Valley, the limited information currently available on the current and potential use of lands and resources within the ATRI RSA, the uncertainty regarding the implications of regional climatic changes that may impact terrestrial ecosystems and vegetation communities, the changes in the accessibility to harvest and gather in the ATRI RSA that may potentially impact the ability to undertake cultural and traditional practices for community members, and the importance of available lands for traditional practices, the cumulative impacts have been assessed as moderate. ○ The cumulative impact is also determined as moderate due to the lack of information available from the Shuswap Band regarding their opportunity to conduct traditional harvesting and gathering activities within the Project footprint at this time. It is expected that their ability to know and teach the Shuswap way of living can continue outside of the Project footprint during all Project phases. 	

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				<ul style="list-style-type: none"> • Physical and Cultural Heritage: <ul style="list-style-type: none"> ○ The degree in severity of impact on Shuswap Band'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 to reflect the cumulative impacts. ○ There is potential for physical and cultural heritage resources and structures, sites, or things of historical, archaeological, paleontological, or architectural significance to be located with the ATRI RSA and as such, a potential for development of reasonably foreseeable future projects and activities to overlap with these resources and sites. ○ At this time, the locations of these resources and sites require further consultation with the Indigenous Communities within the ATRI RSA, other than those documented as part of the Project Archaeological Baseline Assessment within the Project footprint and the Archaeological LSA (Chapter 16). ○ It is anticipated that mitigation measures to identify heritage resources will be implemented as part of current and reasonably foreseeable future projects and activities prior to development. ○ Within the ATRI RSA, the location of physical and cultural heritage and of structures, sites, or things that are of historical, archaeological, paleontological, or architectural significance currently outside of the Project footprint and the Archaeological LSA include Crowsnest Mountain and Crowsnest Lake. ○ Should reasonable foreseeable future projects and activities be carried out within the ATRI RSA and mitigation measures be implemented to protect and avoid physical and cultural heritage and any structure, site, or thing that is of historical, archaeological, paleontological, or architectural significance (i.e., no permanent loss), the residual cumulative effects to physical and cultural heritage and to any structure, site, or thing that is of historical, archaeological, paleontological, or architectural significance arising from the Project in combination with other past, present, and reasonably foreseeable future projects and activities during all phases are anticipated to be moderate to high. ○ The cumulative impact is determined as moderate to high due to the information available from the Shuswap Band regarding their opportunity to conduct traditional activities within the Project footprint at this time. It is expected that 	

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				<p>their ability to know and teach the Shuswap way of living can continue outside of the Project footprint during all Project phases.</p> <ul style="list-style-type: none"> • Social, Health, and Economic Conditions: <ul style="list-style-type: none"> ○ The degree in severity of impact on Shuswap Band’s social, health, and economic conditions is rated as low to reflect the cumulative impacts. ○ The assessment of residual cumulative effects of the Project in combination with those of past, present, and reasonably foreseeable future projects and activities on wildlife and human health concluded no significant adverse cumulative effects on terrestrial, aquatic, and human health. ○ Additionally, no adverse residual effects on social, health, and economic conditions were predicted, therefore no cumulative effect to social, health, and economic conditions are expected to occur. ○ The residual cumulative effects on social, health, and economic conditions arising from the Project in combination with other past, present, and reasonably foreseeable future projects and activities during all phases are also considered not significant. ○ The cumulative impact is determined as low due to the lack of information available from the Shuswap Band regarding their opportunity to conduct traditional activities related to country food consumption within the Project footprint at this time. ○ It is expected that their ability to know and teach the Shuswap way of living can continue outside of the Project footprint during all Project phases. <p>Continued consultation with Shuswap Band, 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 Shuswap Band’s rights and interests.</p>	

Table 24-A.2: Comments Received from Shuswap Band on the Draft Effects Assessment and Recommendations Addressed

Date Received	Comment No.	Original EIS Section No.	EIS Section Title	Indigenous Community Comment on EIS Section	Changes to EIS Section as Recommended by Indigenous Community	Comments / Updates Related to Comments in Updated EIS - Chapter 24	NWP's Response to Comment / Disposition to Issue
Nov-05-2021	1	23.4.3.2	Pre-Application Engagement	The draft version of the initial sections sent on January 26, 2021 was not sent to the relevant technical staff at Shuswap Band; therefore, a confirmation of receipt was not sent back to NWP and this information was not reviewed. However, it was noted via e-mail between NWP and Shuswap Band representatives on May 25, 2021 who the appropriate contacts were at Shuswap Band, to ensure the Draft chapter would be received and reviewed. The remaining section with the effects assessment included was received September 2, 2021. Furthermore, adequate resources for Shuswap Band to undertake a detailed review of this material was not provided until recently, and initial delay in Shuswap Band feedback does not meet the standard of adequate consultation and engagement.	Currently, the chapter is very limited in sources and knowledge on Shuswap Band's land use and interests near the proposed project; therefore, we look forward to seeing NWP incorporate the details of the incoming cultural heritage report into the impact assessment process. Further, it is our expectation that NWP will work directly with Shuswap Band as a co-author for this section the Application/EIS due to the significant lack of accurate information in the current draft chapter.	N/A	NWP notes that engagement discussions and consultation with the Shuswap Band are ongoing and information provided will be reviewed and considered.
	2	23.4.3.3	Future Engagement	Shuswap Band has only recently built its internal capacity and begun work on documenting its cultural heritage and oral history as they pertain to its Caretaker Area (Traditional Territory), which includes the Elk Valley. Research and discussions are currently underway to adjust the IAAC's assessment of Shuswap Band rights and title. While the proposed project is currently categorized under CEAA 2012, which considers a Band's strength of claim on the Haifa Spectrum; the United Nations Declaration for the Rights of Indigenous Peoples (UNDRIP) speaks to an Indigenous Nation's rights to self-determination, as well as their rights to use and care for all resources found in the areas traditionally used (Article 20.1, 24.1, 25). Further, when the proposed project transitions to the Impact Assessment Act (2019), as noted in previous discussion, Shuswap Band's level of consultation will increase.	Shuswap Band recommends NWP engages with Shuswap Band on the proposed project at the high end of the consultation spectrum (CEAA 2012), in order to improve relations between the Parties and to create efficiencies down the road, as Shuswap Band is anticipating the duty to consult to increase for various reasons due to improved research documentation currently underway, ongoing discussions with government, and the changing political landscape on the topic of rights and title.	N/A	NWP consulted with IAAC on Shuswap Band's Traditional Territory and Asserted Rights.
	3	23.4.4.1	Governance	This section references Shuswap Band's Land Use Plan, which describes how the community has planned to develop and manage the lands found on Reserve at Aptamer. It is important to note that this Land Use Plan was not developed for or intended for public use and reference throughout Shuswap Band's broader traditional territory, recognizing that there may be some underlying values of relevance. As Secwepemc, Shuswap Band is also responsible for protecting and managing the lands and resources within its Caretaker Area of Secwépemcúl'ecw (Secwepemc Traditional	It is recommended that a description of Secwepemc governance laws and jurisdictions be better described in this section. Currently, governance is described only from the lens of provincial and federal contexts as they relate to Shuswap Band. Currently, reconciliation is progressing, and under UNDRIP and DRIPA, Secwepemc Governance is highly relevant. The Land Use Plan referenced is not relevant to the Crown Mountain project, and it is clear a better understanding of territory governance	Update added to Section 24.6.1: Governance: Secwépemc law is founded upon, inspired by and responsible for the Secwépemc Traditional Territory, known as Secwépemcúl'ecw. It is expressed, among other ways, through the wisdom and teachings of oral histories and stories that have been learned, lived, and passed down through generations (SNTC, 2018a). Secwépemc peoples are responsible under Secwépemc laws for the care and management of Secwépemcúl'ecw, which is the name in the Secwépemc language for Secwépemc territories. For thousands of years, Secwépemc peoples	NWP notes that engagement discussions and consultation with the Shuswap Band are ongoing and information provided will be reviewed and considered.

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				<p>Territory). Therefore, Shuswap Band's Indigenous right and responsibility to act as stewards over a vast area, which includes the Elk Valley and as far east as the Eastern Foothills of the Rocky Mountains should also be discussed here as a highly relevant aspect of the Band's governance. These details would need to be directly provided by Shuswap Band as part of the broader EA process, with sufficient resources provided to undertake these works.</p>	<p>needs to be captured in this section. It is suggested to use the following as starting points:</p> <ul style="list-style-type: none"> • Ignace, Marianne B. and Ronald Ignace. (2014). The Secwepemc: Traditional Use and Rights to Land. • In R. B. Morrison and C. R. Wilson (Eds.), Native Peoples: The Canadian Experience. Don Mills, ON: Oxford University Press. • Shuswap Nation Tribal Council and Indigenous Law Research Unit. (2017). Secwepemc: Lands and Resources Law Research Project. Kamloops: Shuswap Nation Tribal Council. <p>Again, further information provided by Shuswap Band directly is required as part of our work together.</p>	<p>have lived as a self-governing nation composed of independent communities (or "campfires") united by common Secwépemc culture, language, law and connection to Secwépemcúl'ecw. The Secwepemc nation consisted of 32 campfires, but as a result of the impacts of colonization it currently consists of 17 bands organized into different groupings. The Secwepemc nation has held its territorial authority and sovereignty in Secwépemcúl'ecw through the application of Secwépemc laws and governance processes. However, colonization has done damage to the exercise of Secwépemc laws, including by impeding the Secwépemc legal processes used to govern and make decisions about the land, water and sky worlds in Secwépemcúl'ecw (SNTC, 2018b). Secwépemcúl'ecw was occupied by the Secwépemc peoples prior to contact and this occupation included a network of camps, village sites, and permanent winter villages. Secwépemc governance was generally comprised of three units:</p> <ul style="list-style-type: none"> • Family was the basic unit in the complex system of Secwépemc governance. Families were the source of local traditional knowledge and land use which was passed to the next generation. Heads of the families were often given the responsibility of making decisions about resources. Some property was inheritable (Ignace & Ignace, 2017). • Groupings in the Shuswap Nation correlate to geographic descriptions of where people lived. Each of the geographic areas are governed by caretakers, or Yucwmintn, whom are responsible for being caretakers to the land and managing its resources while acting as guardians of their citizens for the larger Secwépemc Nation (NEB: Oral Presentation from Chief Ignace, 2014). • Tribal units refer to the larger cultural grouping of the Secwépemc people. Land and hunting grounds were viewed as tribal property while each grouping 'owned' fishing, hunting, and trapping grounds that could be accessed freely by other Secwépemc members (Ministry of Attorney General, 2007). <p>Families interacted within bands and bands interacted within the nation while nations interacted through regional trade and protocol agreements (WLFN, 2021). The goal of the Secwépemc nation is to move beyond Indian Act bands to restore and revitalize its system of governance according to a shared vision of (SNTC, 2017): "a unified nation operating under our own governance, guided by our own laws, supported by the management</p>	

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						<p>of our own resources, and founded in the strength of our language and ceremonies (SNTC, 2017)."</p> <p>In an effort to gain greater autonomy in exercising its right to self-govern, the Shuswap Band entered into the Framework Agreement on First Nation Land Management with Canada on April 13th, 2012. The community is currently in the Operational Phase of First Nations Land Management. The Shuswap Band, through their Land Code have the ability to develop and manage their own lands while preserving Shuswap culture, heritage, and traditions. The Shuswap Band has exclusive legislative authority over how its reserve lands are used and managed (SIB, 2014a). It should be noted however that the Shuswap Band's Land Use Plan, which describes how the community has planned to develop and manage the lands found on the Reserve, was not developed for or intended for use and reference throughout Shuswap Band's broader Traditional Territory (SIB, 2021). The Shuswap Land Use Plan (2018) does not affect lands outside reserve, or new lands that are added to the reserve. Land use planning would have to be revisited in order to address all Shuswap lands (SIB, 2018b). The Shuswap Band entered into a Forest and Range Consultation and Revenue Sharing Agreement with the province of British Columbia in 2014 (SIB, 2014b).</p>	
	4	23.4.4.1	Governance	This explanation of the Letter of Commitment is very limited and does not describe the extent of what this Qwelmintec Secwepemc G2G process is achieving in terms of reconciliation and elevating Secwepemc laws and governance styles. Further, the process does not include all of the Secwepemc.	Recommended to update wording to "Seven Secwepemc signatories, including Shuswap Band" were part of a Letter of Commitment (March 2019) outlining an agreement between the Secwepemc signatories and the province of BC." A further explanation of what has occurred in this process is also recommended. The letter of commitment has committed to developing a series of working groups as a way to collaborate and better integrate Secwepemc governance and laws into lands and resource management.	<p>Update added to Section 24.6.1 Governance:</p> <p>Seven Secwépemc signatories, including Shuswap Band (collectively listed as the Stk'emulupsemc te Secwépemc in the document) were part of a Letter of Commitment (March 2019) outlining an agreement between the Secwépemc signatories and the province of B.C. The letter of commitment has committed to developing a series of working groups as a way to collaborate and better integrate Secwépemc governance and laws into lands and resource management. This agreement indicates that, as part of the Secwépemc, Shuswap Band have their own given laws laid out in their oral histories relating to their ways of life and responsibilities (Government of British Columbia, 2019). A key piece of this collaboration is implementing the principles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) (QS, 2021). In British Columbia, Bill 41, the <i>Declaration on the Rights of Indigenous Peoples Act</i> (DRIPA) was given Royal Assent on November 28, 2019 (BC, 2021). The Qwelmintec Secwépemc (QS) conducts its work consistent with the Divisions or Campfire and this concept of yecwemíñem relating to territorial areas of responsibility</p>	N/A

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						<p>within Secwépemcúl'ecw. Under the Letter of Commitment, the historic Divisions or Campfires of the Secwépemc Nation include (QS, 2021):</p> <ul style="list-style-type: none"> • Stk'emlupsemc te Secwepemc Nation: comprised of Tk'emlups te Secwepemc and Skeetchestn; • Simpcwemc: comprised of Simpcw First Nation; • Lakes Division: comprised from the Pespesellkwe – Adams Lake Indian Band, Splatsin, Little Shuswap Lake Band; and • Columbia Basin Division: Shuswap Band. <p>The Qwelminite Secwépemc Government to Government (G2G) table collectively works at supporting the reconciliation between the Province and the seven signatories, by supporting the implementation of the UNDRIP and DRIPA, the recognition of the inherent jurisdiction of the QS and rights to participate in decision making matters that would affect those rights, and collaboration within the G2G relationship consistent with the UNDRIP and DRIPA. The Qwelminite Secwépemc G2G table also collectively works to support engagement with other initiatives and government institutions including other Indigenous Nations and groups within the Secwépemc Nation, and with other provincial ministries and agencies (QS, 2021).</p> <p>Secwépemc jurisdiction is often spoken about in relation to yecwminúl'ecwem, defined as take care of the tmicw (lands and waters). In accordance with Secwépemc law, and within the system of Secwépemc collective ownership and access to the lands and resources that comprise Secwépemcúl'ecw, there existed and continues to exist the caretaker or stewardship role (yecwemiñem). This responsibility is upheld by an interconnected network of families (kwséltkten) over particular areas within Secwépemcúl'ecw, in relation to their seasonal rounds. This collective title and inherent connection with Secwépemcúl'ecw reflects a relationship not only to each other as Secwépemc but all our relatives throughout Secwépemcúl'ecw, including tmicw (QS, 2021).</p> <p>As Secwépemcúl'ecw is unceded, and due to the collective governance approach of the Secwépemc Nation, with Caretaker Area pockets under the stewardship of specific communities/Bands, it is Shuswap Band's Indigenous right, per UNDRIP, to continue to steward over the lands and resources in its Caretaker Area (SIB, 2021). For the Shuswap Band this area includes the Columbia Basin Division or Campfire underlining their</p>	

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						clear role as caretakers of such a significant watershed (QS, 2021).	
	5	23.4.4.2	History and Ethnography	This is a very light explanation of territory, which does not touch on the culturally specific aspects to Secwepemc and specifically Shuswap Band.	It is recommended that a description of what the Secwépemcúlecw (Secwepemc Territory) is, and how it is governed and managed by Secwepemc. Secwépemcúlecw is unceded and the governance approach is that the land is under the collective governance of the Secwepemc Nation, with Caretaker Area pockets of it under the stewardship of specific communities/Bands. It is Shuswap Band's Indigenous right, per UNDRIP, to continue to steward over the lands and resources in its Caretaker Area.	Update added to Section 24.6.1 Governance: As Secwépemcúlecw is unceded, the collective governance approach of the Secwepemc Nation, with Caretaker Area pockets under the stewardship of specific communities/Bands, it is Shuswap Band's Indigenous right, per UNDRIP, to continue to steward over the lands and resources in its Caretaker Area (SIB, 2021).	N/A
The seasonal round and traditional economy also involves interactions with other Nations, not just those within the Secwepemc Nation.				This system includes agreements and protocols with neighbouring Nations, including the Ktunaxa, Stoney, Piikani, and Carrier.	Update added to 24.6.2 History and Ethnography: In the past, and for some people still today, families traveled around their territories in a patterned seasonal round, stopping and camping, sometimes for weeks at a time to harvest and preserve the meat, roots, berries, and other resources they needed for year 'round living. Before horses arrived, people traveled by canoe and on foot, sometimes with their dogs (Ignace et al., 2016). Around 1750—before Europeans actually arrived in Secwépemc country—horses had entered the Secwépemc culture and economy through trade, and were quickly adopted by the Secwépemc and their neighbours. These animals allowed easier travel over the land, making certain harvesting sites more readily available. They also provided more efficient transportation of foods and other resources from harvest sites to camps and winter village sites, as well as to centres for trading and exchanging goods with neighbouring peoples. The seasonal round and traditional economy involved interactions with other Nations, and included agreements and protocols with neighbouring Nations, including the Ktunaxa, Stoney, Piikani, and Carrier (Dakelh) (SIB, 2021).	N/A	
It is worth noting that an important aspect of Shuswap seasonal round includes rotating harvest areas as a method of stewardship. This rotation was to ensure no area was ever overstressed, and as a result a wide variety of productive valleys were accessed.				"Repeated use" is only partially accurate; this section should better describe the stewardship and rotation of resource areas in Shuswap Caretaker Areas.	Update added to Section 24.6.2 History and Ethnography: The Interior Salish based their economy on salmon and ungulates, concentrated in high-value areas, resulting in a pattern of occupation along river meadows and forest edges (SIB, 2008). The Interior Salish's movement was timed to align with salmon runs and seasonal ripening of food and medicinal plants. Secwépemc society was organized around seeking out food and resources required for survival with a value system that emphasized the "necessity for self-reliance and experience" and the "equality and mutual obligations of both maternal and		

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						<p>paternal kin" (SIB, 2008). Traditionally, the Secwépemc depended on the natural resources of the land. Bands usually spent the winter in their own village of pit houses and during the rest of the year most Secwépemc lived a nomadic lifestyle (Tk'emlúps, 2021). The pit house was vital for survival in the harshest season, when water froze, and ground covered in snow, making traveling difficult. These permanent homes/villages can be found by archaeological evidence throughout the Columbia Valley and region (SIB, 2018b). They moved from place to place, as foods became available in different areas, developing a unique culture that was completely self-sufficient (Tk'emlúps, 2021). It is worth noting that an important aspect of Shuswap seasonal round includes rotating harvest areas as a method of stewardship. This rotation was to ensure no area was ever overstressed, and as a result a wide variety of productive valleys were accessed (SIB, 2021).</p> <p>The salmon that were abundant in the Columbia River system were integral to the Secwepemc culture and identity. Fishing camps could be found along the Columbia River, mouths of Windermere and Columbia Lakes and they would remain there for large harvests of salmon to be divided amongst families, stored and prepared for long winter months and journeys. Way of life in traditional times were planned for and by the community to ensure everyone was cared for and enough resources (SIB, 2018b).</p> <p>The Secwépemc were conscious of their place in the environment and of their responsibilities to the places and the other species they depended upon. Guided by their deeply held values of reciprocity and spiritual connections with the places they lived, traveled, and harvested their resources, and with the other lifeforms that sustained them, and by their own experiences and shared observations, they developed methods, strategies, and technologies to maintain and enhance the species and habitats, to make them more productive and more diverse (Ignace et al., 2016). Habitual use and occupation of camping areas and village sites, along with common hunting, fishing, and gathering places, formed the structure that connected networks of families and households together in a band (Ignace et al., 2016).</p>	

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				Chiefs of local Bands on behalf of their community acted as Stewards or caretakers of designated areas. The designated area of Shuswap Band overlaps the proposed project, and that should be clear in this document.	Chiefs of local Bands on behalf of their community acted as Stewards or caretakers of designated areas. The designated area of Shuswap Band overlaps the proposed project, and that should be clear in this document.	Update added to Section 24.6.2 History and Ethnography: The traditional Secwépemc lived as a self-governing nation grouped into bands. Although the bands were separate and independent, a common language and a similar culture and belief system united them. Before the smallpox epidemic of 1862 there were thirty-two Secwepemc bands, today, there are 17 remaining bands that make up the Secwepemc Nation (Tk'emlúps, 2021). The Secwépemc shared a tribal or nation-wide system of land tenure and access to resources, with the chiefs of local bands, on behalf of their communities, acting as Stewards or caretakers of designated areas or the benefit of all people of the nation (SIB, 2021).	
	6	23.4.4.2	History and Ethnography	This statement would be refuted by the same source used elsewhere in this document, which shows selective bias in the author. Shuswap Band settled in the early 1800s, but used and accessed the area prior to the settlement at Athalmer, known by some as the Kinbasket migration.	Note this excerpt from Ignace, referenced elsewhere in this document: "The move of the Kinbasket into Windermere area was thus more of a "resettlement" than a new migration outward." (Ignace 2017). As well, Teit 1909 comments on this same topic, with the area being used and harvested by Shuswap Band ancestors prior to the "migration." Ignace, Marianne B. and Ronald Ignace. (2017). Secwépemc People, Land, and Laws: Yeri7 re Stsq'ey's-kucw. Montreal: McGill-Queens University Press/Shuswap Nation Tribal Council. Teit, James A. (1909). The Shuswap. In Franz Boas (Ed.), Memoirs of the American Museum of Natural History. New York, NY: American Museum of Natural History	Update added to Section 24.6.2 History and Ethnography: Oral history and archival documentation attest to Shuswap Band's ancestral use of the Rocky Mountains and the Crownsnest Pass route, for access to subsistence harvesting areas and cross-cultural events or trading with neighbours to the east. Shuswap Band's extensive travel and resource access was acknowledged by James Teit (1909: 447, 471) as he noted their ancestors to be among the "greatest travellers", often trading their salmon resources with neighbouring groups to the east (Teit, 1909). Shuswap Band historic use and interests in the Rocky Mountains and to areas further east, are reflected in the 1895 resource sharing treaty (Memorandum of Agreement) between Shuswap Band, Stoney Nakoda, and the former Columbia Lake Band (currently known as Akisqinuk and Aq'am) which showcases the historic and continued sharing of resources on both sides of the mountain range (SIB, 2020b). The Shuswap Band migrated in the early 1800s along the Columbia and Canoe Rivers, settling in the area of Invermere. The move of the Kinbaskets into the Windermere area was thus more of a "resettlement" than a new migration outward (SIB, 2021). The Shuswap named the places of geographical and cultural significance by indicating the area's use, significance, or appearance.	N/A
	7	23.4.4.2	History and Ethnography	Prior Chiefs have been noted and certainly existed prior to Chief Pierre; however, Chief Pierre was the first documented under Indian Act regulations.	Revised acknowledgement of Shuswap Band leadership history and ties to the area in the reference section of this chapter.	Update added to Section 24.6.2 History and Ethnography: At the time of contact with the first Europeans in the late 18th century, the Secwépemc Nation consisted of approximately 30 bands. Today, 17 Secwépemc bands remain, including the Shuswap Band. In 1883, Gilbert	N/A

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						<p>Malcolm Sproat was sent on behalf of the provincial government to allocate reserves for the Kootenay and Shuswap Bands, and in 1884 the Shuswap Reservation was established. Secwépemc bands were run by a hereditary Chief with the advice of Elders. Prior Chiefs have been noted and certainly existed earlier than Chief Pierre Kinbasket; however, Chief Pierre was the first documented under Indian Act regulations of the Shuswap Band, which was established in 1884. Chief Kinbasket was a 'hereditary' chief, which is passed down through lineage and not by the formal election process that the band currently follows (SIB, 2021).</p> <p>Chief Pierre Kinbasket and his twin brother Charlie were some of the first permanent settlers of the Kinbasket Clan in the valley. They built pithouses and salmon caches along the Columbia River to Brisco that are still visible today. The Shuswap people developed an intricate system of travel corresponding with the seasons, as well as an important social and political system that governed their interactions with each other and the use of their traditional lands. The system was passed down from generation to generation, through stories, using a rich oral history that continues to play an important role among the Shuswap to this day (SIB, 2018b). The Kinbaskets traded and were allies with the Stony Tribe of Alberta, as well as their neighbours, the Akisqnuk — part of the Ktunaxa First Nation — resulting in mixed lineage and affiliations that continue to this day. However, the Kinbasket Shuswap officially withdrew from the Ktunaxa Nation Tribal Council to re-join the Shuswap Nation in 2006 (SIB, 2018b).</p>	
	8	23.4.4.3	Language	For a more fulsome description, Ignace and Ignace 2017 can be reviewed. Shuswap Band speaks the Eastern Dialect, as well as a further regionally specific aspect of that which was lost through the Indian Act and Residential School assimilation efforts.	Could use this text (note 'Secwepemc People' would translate to "the spread out people", therefore recommended to change all reference to "Secwepemc people" to just "Secwepemc" throughout this document): "Some Shuswap Band members speak the eastern dialect of Secwépemctsin, the language of the Secwépemc people belonging to the Interior Salish group of the Salishan language family. The word Secwépemctsin is formed by the combination of its root cwep "spread out", together with lexical suffixes -emc "people" and -tsin "mouth, talk" (Ignace and Ignace, 2017:123)." Excerpt from internal Shuswap Band report.	<p>Updated everywhere applicable to Secwépemc</p> <p>Updated added to Section 24.6.3 Language:</p> <p>Some Shuswap Band members speak the eastern dialect of Secwépemctsin, the language of the Secwépemc people belonging to the Interior Salish group of the Salishan language family. The word Secwépemctsin is formed by the combination of its root cwep "spread out", together with lexical suffixes -emc "people" and -tsin "mouth, talk" (Ignace & Ignace, 2017).</p>	N/A

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	9	23.4.4.5	Traditional Territory and Asserted Rights	This description is missing some of the land base, which is shared with the Ktunaxa. As well, an important aspect of the territory and associated rights is tied to Caretaker Responsibilities and Areas. Caretaker Areas may overlap or be shared with other Secwepemc communities or neighbouring Nations.	The following should be added to this description: "encompassing the Shuswap region, south to Castlegar and the Columbia River valley, to the eastern the slopes of the Rocky Mountains, west toward Williams Lake and the Fraser River, and north to the upper Fraser River." As well, a description of Shuswap Band's Caretaker Area and associated stewardship responsibilities and rights needs to be incorporated. Shuswap Band's Caretaker Area includes the Columbia Basin watershed, including the eastern foothills of the Rocky Mountains, north encompassing Kinbasket Lake, and west to include the Kicking Horse River and Columbia River valleys near Golden and Revelstoke.	<p>Updated added to Section 24.6.5 Community, Reserve, and Traditional Territory:</p> <p>The Secwépemc asserted Traditional Territory, also known as Secwépemcúl'ecw, covers approximately 180,000 square kilometers. The territory encompasses the Shuswap region, south to Castlegar and the Columbia River valley and the Arrow Lakes, to the eastern the slopes of the Rocky Mountains, west toward Williams Lake and the Fraser River, and north to the upper Fraser River including the Fraser River valley. Within the greater Secwépemcúl'ecw, Shuswap Band is responsible for the governance of its caretaker area which extends to the eastern foothills of the Rocky Mountains. Shuswap Band's Caretaker Area includes the Columbia Basin watershed, including the eastern foothills of the Rocky Mountains, the north encompassing Kinbasket Lake, and the west including the Kicking Horse River and Columbia River valleys near Golden and Revelstoke. As reflected in the historic record and the Qwelminte Secwépemc G2G structure, Shuswap Band belongs to the Columbia Campfire and implements Secwépemc governance and laws in the Columbia Campfire Region, which includes the Rocky Mountains (SIB, 2021).</p>	N/A
	10	23.4.4.5	Traditional Territory and Asserted Rights	Shuswap Band's Aboriginal Rights as part of the Shuswap Nation are noted here in association with UNDRIP; however, how these points relate to this project is not made clear.	Article 25, 26 comment on the rights of Indigenous Peoples to govern, protect, and access lands traditionally owned or used. However, acknowledgement of Shuswap Band's ties to the region need to be better captured.	<p>Update added to Section 24.6.2 History and Ethnography:</p> <p>The Shuswap people developed an intricate system of travel corresponding with the seasons, as well as an important social and political system that governed their interactions with each other and the use of their traditional lands. The system was passed down from generation to generation, through stories, using a rich oral history that continues to play an important role among the Shuswap to this day (SIB, 2018b).</p> <p>Update added to Section 24.6.5 Community, Reserve, Traditional Territory:</p> <p>As a member of the Secwépemc (Shuswap) Nation, Shuswap Band's Aboriginal rights and title have never been ceded, surrendered or extinguished. Under the UNDRIP, Shuswap Band has the following the rights (UN, 2007):</p> <ul style="list-style-type: none"> The right to stewardship and recognition of Indigenous Peoples' right to conserve, protect, and determine related strategies; 	N/A

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						<ul style="list-style-type: none"> The right to governance and self-determination, and to maintain and develop political institutions over their lands and territories; and The right to natural resource decision making that moves from collaboration to consensus and consent-based decision making. <p>Since contact with the European explorers and settlers, the Shuswap way of life has changed dramatically. Like many other First Nations, the Shuswap Band's Traditional Territory has become increasingly committed to tourism and recreation, as well as industrial and resource development (SIB, 2018b). Shuswap Band has frequently used and moved through the Crowsnest Pass, both in the past (by previous generations) and presently and intend to continue and revive stewardship through the area for future generations. Today, as Shuswap Band move through their caretaker area, land users camp as needed when accessing resources or other land-use sites (SIB, 2020b).</p>	
	11	23.4.4.5	Traditional Territory and Asserted Rights	This section of the report is not accurate or relevant to Shuswap Band.	It should be noted here that Shuswap Band was previously a participant in the Ktunaxa-Kinbasket Tribal Council treaty discussions, until their departure in 2005. Due to the shared territory and close connections between community members and traditions, Shuswap Band will continue to be closely consulted on the continuing treaty negotiations underway for the Ktunaxa Nation Council.	<p>Update added to Section 24.6.5: Community, Reserve, and Traditional Territory:</p> <p>The Shuswap Band was previously a participant in the Ktunaxa-Kinbasket Tribal Council treaty discussions, until their departure in 2005. Due to the shared territory and close connections between community members and traditions, Shuswap Band will continue to be closely consulted on the continuing treaty negotiations underway for the Ktunaxa Nation Council (SIB, 2021). The Shuswap Band does not have ongoing land claims based on the Aboriginal and Treaty Rights Information System (ATRIS).</p> <p>Update added to Section 24.5.4 Preliminary Understanding of Rights and Interests:</p> <p>The following summarizes the Agency's understanding of their rights:</p> <ul style="list-style-type: none"> <i>"Shuswap Band's Caretaker Area of Secwépemcúlecw occupies a significant area of Southeastern British Columbia, covering the Columbia Basin, including the Elk Valley and extending to the eastern foothills of the Rocky Mountains of Alberta. The area has been used ancestrally, contemporarily, and is intended for future use by Shuswap Band for hunting, gathering, fishing, spiritual purposes, and trade. Shuswap Band's culture and history are deeply embedded in the cultural landscape of its Caretaker Area.</i> 	N/A

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						<ul style="list-style-type: none"> • A January 31, 2020 map of Shuswap Band's Area of Caretaker Responsibility was submitted to the Agency. • An 1895 resource sharing treaty with Stoney, Kootenay and Shuswap people highlights the historic and continued sharing of resources on both sides of the mountain range including for hunting. • Shuswap Band resource sharing and trade with the Piikani and Stoney continues today. • The Crowsnest Pass route is an important travel corridor used by Shuswap Band ancestors and contemporary community members. Shuswap Band oral history recalls resource harvesting within Crowsnest Pass, and the presence of significant pictographs. It is a named and storied place" (IAAC, 2022)." <p>The above is in addition to the following preliminary summary the Agency provided earlier in the process (IAAC, 2015b) that identified the Agency's understanding of their rights:</p> <ul style="list-style-type: none"> • "The site of the proposed mine falls inside the asserted traditional territory of the Shuswap Band. We understand that there are citizens from Shuswap Band who may be exercising their potential Aboriginal right to harvest, hunt, fish, and trap within the proposed project area. • The construction, operation, and decommissioning of the mine and related project infrastructure may pose the following potential impacts to your Aboriginal rights: <ul style="list-style-type: none"> ○ Changes to water quality, fish habitat, and specific access points used for fishing may impact potential rights to fish; and ○ Changes to wildlife habitat (including grizzly bear), vegetation, and access may impact potential rights to hunt, trap, and/or harvest (IAAC, 2015b)." 	
	12	23.4.4.6	Historic and Current Use of Lands and Resources for Traditional Purposes	This document notes the territory as 180,000 square km in Section 24.4.4.5, and 150,000 square km here. 180,000 km is the most widely referenced territory size throughout various sources.	Include Shuswap Band self-identified territory area.	<p>Update added to Section 24.6.6 Shuswap Band's Rights and Interests: Historic and Current Use of Lands and Resources for Traditional Purposes:</p> <p>The Shuswap Band has a strong connection to their traditional lands, where their ancestors travelled in annual seasonal migrations for thousands of years following the accessibility and availability of resources (SIB, 2018b). Secwépemcúfecw (Shuswap asserted Traditional Territory including Shuswap Band self-</p>	N/A

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						identified territory area) comprises approximately 180,000 square kilometres and encompasses nine major Biogeoclimatic Zones and diversity of habitats, resources, and cultural elements (Ignace et al., 2016) (Figure 24.6-1).	
				This is the first mention of the Columbia Campfire and their Caretaker Area.	Recommend unpacking the context of Caretaker Area and the Campfire title in earlier section, per previous comments on Caretaker Area and Qwelmintec Secwepemc LOC. Further detailed context on the Columbia Campfire should also be sought from Shuswap Band for inclusion in this report.	Updated in earlier comment response for Section 24.6.1: Governance.	NWP notes that engagement discussions and consultation with the Shuswap Band are ongoing and information provided will be reviewed and considered.
	13	23.4.4.6	Historic and Current Use of Lands and Resources for Traditional Purposes	For the context of this document, it should also discuss the areas environmentally and culturally significant closer to the project, as they are under the stewardship of Shuswap Band. Use of the Shuswap Land Use Plan, out of proper context, has been previously noted and should be rectified.	This section should not be limited to discussing areas near the reserve, as Shuswap Band's Aboriginal rights and interests are tied to the Elk Valley near the proposed project area as well. Further detailed information is required directly from Shuswap Band.	Update added to Section 24.6.6 Shuswap Band's Rights and Interests: Historic and Current Use of Lands and Resources for Traditional Purposes: There are areas within the Shuswap Band's Reserves that are environmentally and culturally significant and outlined as thus on the basis of known wildlife corridors in the Shuswap Band's Land Use Plan (SIB, 2018b). For Shuswap Band, sawllkwa (water) is sacred and must be protected and treated with respect in order for the surrounding ecosystem to function. Water impacts the animals who drink it, plants which are nourished from it, and fish who live in it. Spiritual practices and ceremonies rely on the quality of the water and plant resources involved. Mountainous areas hold the highest quality of water and plant resources for this purpose. It is very important to Shuswap Band's spiritual well-being for these resources to be protected. Potential for changes to water may have impacts on stewardship responsibilities and the transmission of knowledge and practices related to water systems. Water features prominently in the brushing off ceremony which is utilized to take all negativity away and requires clean water to bathe in afterwards thus carelessness and disrespect to the water may impact the integrity and usability of plant resources (IAAC, 2022a). As water is an overarching issue, historic and current use of lands and resources for traditional purposes related to water are fishing, hunting and trapping, harvesting and gathering, ceremonial/sacred areas, and access and travel routes. Specific to the Project, historic and current use of lands and resources for traditional purposes are addressed within fishing due to the effects assessment for the interconnections between surface and groundwater quality and quantity, where applicable.	NWP notes that engagement discussions and consultation with the Shuswap Band are ongoing and information provided will be reviewed and considered.
	14	23.4.4.6	Historic and Current Use of Lands and Resources for Traditional Purposes	This recognition is good but doesn't address the concern thoroughly. Mere recognition without reconciliatory action is not acceptable.	The loss of knowledge between generations should be acknowledged to have been caused by acts of cultural oppression, under the assimilation efforts of the Indian Act and	Update added to Section 24.6.6 Shuswap Band's Rights and Interests: Historic and Current Use of Lands and Resources for Traditional Purposes:	N/A

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					Residential School system. Community member movements were heavily restricted, and cultural practices were aggressively oppressed.	Traditional practices of the Shuswap Band in both historic and current times are described below. It is understood that present day availability of lands for the practice of traditional activities is reduced from the increased pressure on those lands by agriculture, residential development, mining, forestry, and park creation, among other modern developments. There is recognition within this process that current use may not be reflective of desired current use, as Indigenous Communities have been impacted in many ways that may have impeded their ability to undertake some traditional activities (e.g., loss of knowledge between generations due to acts of cultural oppression, under the assimilation efforts of the Indian Act and Residential School system) (SIB, 2021).	
	15	23.4.4.6.1	Fishing, Historic Use & Current Use	This sentence downplays the Shuswap Band context, as the source is based from the central Shuswap region.	The Columbia River system was crucial to Shuswap Band survival, spirituality, and overall way of life prior to the salmon extirpation. Athalmer salmon beds and Brisco were central to Shuswap Band ancestors and were a base of cross-cultural interactions and trade with other neighbouring groups, such as the Ktunaxa and Stoney.	Update added to Section 24.6.6.1.1 Fishing – Historic Use: All of the Secwépemc bands had salmon streams in their territory, important fishing areas include the Fraser, Thompson, North Thompson, and South Thompson River, and major tributaries. The Columbia River system also supplied salmon bed sites (SNTC, 2016) and was crucial to Shuswap Band survival, spirituality, and overall way of life prior to the salmon extirpation. Athalmer salmon beds and Brisco were central to Shuswap Band ancestors and were a base of cross-cultural interactions and trade with other neighbouring groups, such as the Ktunaxa and the Stoney (SIB, 2021).	N/A
				The Elk River, Old Man River are also fishing areas and hold more relevance to this project.		Update added to Section 24.6.6.1.2 Fishing – Current Use: The Secwépemc Fisheries Commission is the First Nations fisheries body that works within the mandate of Shuswap Nation Tribal Council communities and Tribal Chiefs. As part of the SNTC's larger initiative to establish self-government, the SFC advocates for First Nations rights and title with respect to fisheries interests. Central to the SFC's mission is a commitment to protect existing fisheries resources and promote integrated, holistic approaches to ecosystem conservation and management (SNTC, 2020b). One of the Shuswap Band's advocacy roles includes the restoration of the salmon fishery and habitat within the Columbia River. This restoration is viewed as an important step to re-establish cultural, spiritual, communal, and economic losses (SIB, 2020c). The area around Invermere has numerous fishing sites but four stand out in importance. The lakes near Jubilee Mountain, the lakes near Steamboat Mountain, Whiteswan Lake, and the lakes to the west of Invermere are favourite places (SIB, 2008).	N/A

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						The Elk River and the Old Man River within the ATRI RSA are also fishing areas that are utilized (SIB, 2021).	
	16	23.4.4.6.2	Hunting and Trapping, Historic Use	Hunting areas are used and accessed in the Elk Valley. As part of Shuswap Band's approach to land management and stewardship, hunting areas are rotated to reduce stress on animal populations. As such, the Elk Valley is an area part of this resource management system. While the cumulative effects of the Elk Valley do impact Shuswap Band community members' ability to reliably hunt in the region, hunting does occur there today.	The reliance of the Land Use Plan information is not relevant to this document's context. Information on Shuswap Band's use of the Elk Valley for hunting needs to be incorporated.	Update added to Section 24.6.6.2.2 Hunting and Trapping – Current Use: Hunting, an important traditional activity of sustenance, has now also become a recreational activity for members of the Shuswap Band. It remains an important social and inter-generational educational activity for community members. The Shuswap reserve is home to ungulate populations that are an important food source for members (SIB, 2018b). Hunting areas are used and accessed in the Elk Valley. As part of Shuswap Band's approach to land management and stewardship, hunting areas are rotated to reduce stress on animal populations. As such, the Elk Valley is an area part of this resource management system. While the cumulative effects of the Elk Valley do impact Shuswap Band community members' ability to reliably hunt in the region, hunting does occur there today (SIB, 2021).	N/A
				Sentence missing a verb	Suggested edit: "During early engagement activities for the Castle Project, animal species of importance harvested by Shuswap Band members were noted to include elk, deer, and fur bearing species (B.C. EAO, 2020)."	Update added to Section 24.6.6.2.2 Hunting and Trapping – Current Use: During early engagement activities for the Castle Project, animal species of importance harvested by Shuswap Band members were noted to include elk, deer, and fur bearing species (B.C. EAO, 2020).	N/A
	17	23.4.4.6.3	Harvesting and Gathering	Current use (also traditionally relevant) plants in the region also include: mullein, cranberries, huckleberries, saskatoons, juniper, fireweed, spruce, strawberry, yarrow, thimbleberry, raspberries, soapberries, and Antennaria.	Current use (also traditionally relevant) plants in the region also include: mullein, cranberries, huckleberries, saskatoons, juniper, fireweed, spruce, strawberry, yarrow, thimbleberry, raspberries, soapberries, and Antennaria.	Update added to Section 24.6.6.3.2 Harvesting and Gathering – Current Use: Many medicines, foods and materials that are provided by their Traditional Territory are still important to the members of the Shuswap Band. Agricultural land use is currently identified in three areas on the Shuswap Band's Reserve, and these lands are used for light grazing and keeping horses (SIB, 2018b). During the community's 2018 Land Use Plan engagement activities, it was identified that the community would like to promote the development of community gardens and the agricultural production/cultivation of food and medicines on the community's lands in an environmentally conscious manner (SIB, 2018b). Sacred medicinal plants are obtained from mountainous areas; the Crowsnest Pass area is used for medicinal plant collection and harvesting. Spiritual activities and cleanses are done and specific medicinal plants would aid the experience. Women traditionally cleanse using rosewood, whereas men use cedar. Berries are among the most	N/A

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						<p>significant plant foods for Shuswap Band, including the following within the Band's caretaker area: sxúsem (soapberries), speqpeq7úwl (Saskatoons), huckleberries, sessép (blueberries), s7éytsqwem (raspberries), tekwlóse7 (choke cherries), and tqítqe (strawberries). Given the range of elevations available to berry collectors, harvesting is done at different times for differing elevations (IAAC, 2022). Current use (also traditionally relevant) plants in the region also include: mullein, cranberries, juniper, fireweed, spruce, yarrow, thimbleberry, and Antennaria (SIB, 2021)</p>	
	18	23.4.4.6.4	Ceremonial/Sacred Areas	<p>Site specific locations for ceremonial and sacred use places are not shared; however, mountainous areas and those near water are typically associated. Both of these landscape features occur near the proposed project. These types of sites are not limited to those listed in the Land Use Plan which only focuses on areas near the Reserve.</p>		<p>Update added to Section 24.6.6.4.2 Current Use:</p> <p>It is acknowledged that the intimate ceremonial practices and sacred areas of the Shuswap Band are held closely to its members, and may not be fully described or divulged in detail in publicly available information sources. It is also acknowledged that the ceremonial practices of the Shuswap Band are tied to the environmental and ecological attributes of their lands, as they were with their ancestors. Spirituality encompasses aspects of belief systems, art and ceremony. Secwépemc people believe that all things, inanimate or animate, have a spirit or soul. Songs and dances are used to by people to connect with the spirit world and to guide their everyday lives, including daily activities such as berry picking or hunting. Sacred ceremonies such as vision quests typically occur in high alpine regions (IAAC, 2022a).</p> <p>Based on the community's 2018 Land Use Plan, areas of Environmental and Cultural Significance within the community's Reserve lands are associated with the lands adjacent to the Columbia River and Shuswap Creek. These types of sites are not limited to those listed in the Land Use Plan which only focuses on areas near the Reserve. The community's use of their ceremonial and sacred areas across Secwépemcúl'ecw are tied to those areas used by their ancestors for sustenance (both spiritual/cultural and resource-based sustenance). Site specific locations for ceremonial and sacred use places are not shared; mountainous areas and those near water are typically associated. Both of these landscape features occur within the ATRI LSA. Interests in continued access to areas of key cultural and spiritual significance including trails, travel corridors, waterways, mountains, and burial sites is important. The Crownsnest Pass area is a named and storied place and access is essential for the protection of the community's interests and way of life (IAAC, 2022a).</p>	N/A

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	19	23.4.4.6.5	Access and Travel Routes	The Elk Valley is intersected by several trails, used by Shuswap Band both ancestrally and contemporarily.	The 1895 Hunting protocol points to the heavy travel both east and west through the Rocky Mountains by Shuswap Band ancestors and others. The Elk River is also a travel route documented in Shuswap Band's oral history.	<p>Update added to Section 24.6.6.5.1 Historic Use:</p> <p>Along with the intricate system of travel corresponding with the seasons, the Shuswap and other Secwépemc developed an important social and political system that governed their interactions with each other and the use of their traditional lands (SIB, 2018b). As noted in Section 24.6.2 above, oral history and archival documentation attest to Shuswap Band's ancestral use of the Rocky Mountains and the Crowsnest Pass route, for access to subsistence harvesting areas and cross-cultural events or trading with neighbours to the east (SIB, 2020b). Crowsnest Pass is a named and storied place as the Shuswap Band's oral history recalls resource harvesting within Crowsnest Pass, and the presence of significant pictographs (IAAC, 2022a).</p> <p>Update added to Section 24.6.6.5.2 Current Use:</p> <p>Secwépemc traditional way of life is governed by the seasonal round, and necessitated movement throughout the vast Secwépemcúl'ecw. Certain subsistence activities and physical movements through the territory are done at specific times of the year. This practice ensures resources are procured at a time that would be best received by the land, incorporating the management and care of areas considered sensitive or of lower production. Non-subsistence activities, including storytelling, camping, travel and settlement, are also intertwined with the seasonal round (IAAC, 2022a).</p> <p>As noted above, the Shuswap Band have a long-standing movement through the Rocky Mountains for sharing and travel as referenced in the 1895 hunting agreement. Resource sharing and trade continues today between Shuswap Band and the Piikani and Stoney. Shuswap Band continues to trade beadwork, Soopolallie, furs, medicines, and tubers with friends and family at the Stoney and Piikani communities and at Pow Wow events (IAAC, 2022). Various mountain trails have been used to access resources east of the Rocky Mountains. Shuswap Band's continual travel through the surrounding region follow the highway through the Pass in addition to mountain ranges and waterways for access to specific land-use areas. Contemporary community members travel to and through the Elk Valley to practice traditional cultural activities; to access lands and for recreation. The Crowsnest Pass route is an important travel corridor used</p>	N/A

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						<p>by Shuswap Band ancestors and contemporary community members (IAAC, 2022).</p> <p>The Shuswap Band takes part in present day traditional practices and stewardship of the lands Secwépemcúfecw, their Caretaker Area and Columbia Campfire Region (SIB, 2020a); whereby accessing these areas through modern-day roads and access points in combination with using their traditional knowledge and wisdom of their territory. As noted in Section 24.6.5 above, as Shuswap Band move through their caretaker area, land users camp as needed when accessing resources or other land-use sites. Continued access to, and use of, Shuswap Band's trails is necessary for the protection of the community's Indigenous Interests and way of life (SIB, 2020b).</p>	
	20	23.4.4.6.6	Physical and Cultural Heritage: Current Use	This section focuses on the Land Use Plan, and intentions of cultural initiatives on reserve; it does not address physical and cultural heritage interests with respect to the project area.	It must be noted here that Shuswap Band considers the restoration and protection of physical and cultural heritage sites to be a high priority. As stewards of the area, Shuswap Band requires cultural monitors from its community to be involved in all developments in its Caretaker Area, which includes the Elk Valley,	<p>Update added to Section 24.6.6.6.1 Historic Use:</p> <p>As stated in the Shuswap Land Use Plan (2018), in the winter, Shuswap Band entered their "winter homes" in November and would remain in that location throughout the season. Semi-underground pit-houses (kekulis) are traditional habitation sites that are evidence of the traditional way-of-life and cultural connection to the land (SIB, 2018b). The pit-house was vital for survival in the harshest season, when water froze, and ground covered in snow, making traveling difficult. These permanent homes/villages can be found by archaeological evidence throughout the Columbia Valley and the region. Shuswap Band's oral history recalls resource harvesting within the Crowsnest Pass, as well as the presence of significant pictographs connected to the Band's ancestors (SIB, 2020b).</p> <p>Update added to Section 24.6.6.6.2 Current Use:</p> <p>The physical and cultural heritage of the Shuswap Band is immensely important. Based on the community's 2018 Land Use Plan, it was identified that there is a need to develop a cultural center and museum within the community. Crowsnest Pass further connects Shuswap Band to land use sites including those used for medicinal plant collection and fishing, as well as a named and storied place (SIB, 2020b). It is acknowledged that Shuswap Band considers the restoration and protection of physical and cultural heritage sites to be a high priority. As stewards of the area, Shuswap Band requires cultural</p>	N/A

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						monitors from its community to be involved in all developments in its Caretaker Area, which includes the Elk Valley (SIB, 2021).	
	21	23.4.4.8.1	Housing, Transportation, and Social Services	Shuswap Band does not participate within the SCFSA, but rather the Ktunaxa-Kinbasket version.	This section needs to be updated to accurately reflect Shuswap Band's participation in the Ktunaxa Kinbasket Child and Family Services Society (KKCFSS).	<p>Update added to Section 24.6.7.1 Housing, Transportation, and Social Services:</p> <p>The Ktunaxa Kinbasket Child & Family Services (KKCFSS) is a non-profit Delegated Aboriginal Agency governed by the Ktunaxa Nation Council Social Sector Board. KKCFSS is available to Ktunaxa citizens, First Nations, Métis, and Inuit living on and off-reserve in the Ktunaxa Traditional Territory. The KKCFSS program was established in 1992 after all five Bands of the Ktunaxa Kinbasket Tribal Council decided to conduct pre-planning work on the transfer of family support and child protection services mandate from the BC government, at the time under the Ministry of Social Services. In December 1996, the Ktunaxa Kinbasket Child and Family Services Society was established with the support of the five communities based out of Cranbrook, BC. In 2007, the ʔakisq̓nuk (Windermere) office began delivery of delegated Child Protection Services which provides services to both ʔakisq̓nuk First Nation and Shuswap Band. The KKCFSS supports all Aboriginal children and family living in the Ktunaxa Traditional Territory in a culturally relevant manner. KKCFSS believes in a holistic approach to providing services with fundamental beliefs that focus on supporting healthy communities and programs that provide children and families with culturally relevant services that emphasize community involvement. KKCFSS's integrated, multi-disciplinary teams deliver holistic services through key programs areas including Intake and Child Protection, Guardianship and Family Delegated Services, Kinship and Residential Care, Aboriginal Family Support Services, Prevention, Early Intervention, and Therapies Programs, Child and Youth Mental Health Wellness and Family Counselors, the Early Years Program, Reconnection and Cultural Support, Justice Support Services, Aboriginal Youth Services, and Admin Support Services and Maintenance. Involvement of family, culture, and community are encouraged through all programs. The KKCFSS receives funding from both the Ministry of Children and Family Development and Indigenous Services Canada's First Nations Child and Family Services program (KKCFSS, 2021).</p>	N/A
	22	23.4.4.10	Physical and Cultural Heritage	Kekuli and other archaeological sites of interest to Shuswap Band are also present in the eastern portion of Shuswap Band's Caretaker Area, including the Elk Valley.	This section should also comment on Shuswap Band's interests on this topic in relation to the project area.	<p>Update added to Section 24.6.6.6.2 Current Use:</p> <p>Archaeological records in the Shuswap Band's Traditional Territory are incomplete. The resources are considered to</p>	N/A

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						<p>be impacted by natural sedimentary processes and more recent development in areas that would have been heavily used by pre-contact cultures, particularly along old travel corridors, trails, and campsite locations (SIB, 2018d). Archaeological excavations in the Columbia Trench and the Rocky Mountains have occurred sporadically mostly focussed on assessing development impacts. Previously conducted impact assessment of heritage resources spanning much of the Columbia River valley between Golden and Canal Flats have resulted in the recording of over 200 sites. None of these sites were investigated in detail but the study indicated that there were significant archaeological resources in the area (SIB, 2018d). Kekulis and other archaeological sites of interest to Shuswap Band are also present in the eastern portion of Shuswap Band's Caretaker Area, including the Elk Valley (SIB, 2021).</p> <p>C7istken' (pit house) sites in the east Kootenays, Waterton Lake Park and Banff National Park, are unregistered and registered archaeological sites recalled through oral history. Archaeological quarries have been identified within Shuswap Band's caretaker area. Secwépemc interests in aggregates throughout Secwépemcúíecw continue to be of importance to the current traditional economy. There is archaeological potential near the confluence of the Kootenay and Elk rivers, with additional patches of archaeological potential in the surrounding mountains (IAAC, 2022a).</p>	
	23	Table 23.4-4	Table 23.4-4 Summary of Shuswap Band Interests in Relation to the Project	Plants of cultural interest to Shuswap Band are present in the Elk Valley, and there are community members who harvest them.	Remove the word "potentially" from the first sentence; they do harvest many plants and medicines continually to this day. Additional plants of interest, which are located in the Elk Valley include: mullein, cranberries, juniper, fireweed, spruce, strawberry, yarrow, thimbleberry, soapberries, and Antennaria.	<p>Updated Table 24.6-5: Summary of Shuswap Band's Rights and Interests in Relation to the Project:</p> <p>The Shuswap Band have the right to harvest plants in their Traditional Territory and based on publicly available information, they harvest various plant species for nutritional, spiritual, and medical significance. Shuswap Band members harvest plants and medicines available such as cow parsnip, yellow glacier lily, spring beauty, balsamroot, Saskatoon berry, chokecherry, Soopolallie, various blueberries and huckleberry, wild raspberry, hazelnut, lodgepole pine, and Ponderosa Pine. Labrador tea, Devil's club, cedar, rosewood, willow, and Canby lovage were indicated as species harvested by the Shuswap Band. Additional plants of interest, which are located in the Elk Valley include: mullein, cranberries, juniper, fireweed, spruce, strawberry, yarrow, thimbleberry, soapberries, and Antennaria.</p>	N/A
				While specific ceremonial/sacred places will not be shared during this process, it should be noted that	It should be noted that there are features considered sacred near the project.	Updated Table 24.6-5: Summary of Shuswap Band's Rights and Interests in Relation to the Project:	N/A

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				<p>mountainscapes are often used for various activities in this category. As well, waterways are considered highly sacred.</p>		<p>Based on the preliminary understanding of the Shuswap Band's rights and interests and publicly available information, the right to conduct traditional activities in their ceremonial/sacred areas is undertaken within the Shuswap Band's Traditional Territory. Based on publicly available information, Shuswap Band members potentially have ceremonial/sacred activities tied to environmental and ecological attributes available within the Project footprint.</p> <p>The Crowsnest Pass area is a named and storied place and access is essential for the protection of the community's interests and way of life. Sacred ceremonies such as vision quests typically occur in high alpine regions and mountainscapes are often used for various activities in this category. Interests in continued access to areas of key cultural and spiritual significance including trails, travel corridors, waterways, and burial sites. Waterways particularly are considered highly sacred. Due to the lack of Project-specific information provided by the Shuswap Band at this time further details are not available.</p> <p>Based on publicly available information, the exercise of Shuswap Band's rights and interests related to ceremonial practices and sacred areas in the ATRI LSA and RSA have likely been impacted by past and ongoing development activity (e.g., reduced access to cultural sites).</p>	
				<p>Several travel routes are documented and/or used in the Elk Valley both north-south and east-west.</p>	<p>The word "potential" should be removed; phrasing should be altered to note that travel routes surround the project.</p>	<p>Updated Table 24.6-5 Summary of Shuswap Band's Rights and Interests in Relation to the Project:</p> <p>Based on the preliminary understanding of the Shuswap Band's rights and interests and publicly available information, the right to access traditional travel routes is related to the Shuswap's cultural heritage within their Traditional Territory. Based on publicly available information, the Shuswap Band members have travel routes tied to hunting trails or wildlife trails or key habitat types such as waterbodies available within the Project footprint. Several travel routes are documented and/or used in the Elk Valley both north-south and east-west.</p> <p>The Shuswap Band have a long-standing movement through the Rocky Mountains for sharing and travel. Various mountain trails have been used to access resources east of the Rocky Mountains.</p> <p>Due to the lack of Project-specific information provided by the Shuswap Band, while the Shuswap Band has not</p>	<p>N/A</p>

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						currently identified Project-specific access and travel routes within the Project footprint, as noted it is expected that the Shuswap Band utilizes the ATRI LSA for maintaining their seasonal round. It is the perspective of the Shuswap Band that the exercise of Shuswap Band's rights and interests related to access and travel in the ATRI LSA and RSA have likely been impacted by past and ongoing development activity.	
				Specifying the areas of significance to Shuswap Band is not an accurate portrayal of the Band's interests. Shuswap Band has strong interests in all archaeological remains within its Caretaker Area.	Wording should be updated to note the significant interest Shuswap band holds for physical and cultural heritage sites throughout their traditional territory/ Caretaker Area.	Updated Table 24.6-5 Summary of Shuswap Band's Rights and Interests in Relation to the Project: Shuswap Band potentially has physical and cultural heritage sites related to the archeological potential within the Project footprint which relate to the Shuswap's cultural and spiritual rights within their Traditional Territory. Grave Prairie has been identified as a significant historic area and is located within the Project footprint; the area is currently known as the "Grave Prairie Cultural Landscape". Shuswap Band has strong interests in all archaeological remains within its Caretaker Area. Due to the lack of Project-specific information provided by the Shuswap Band, while the Shuswap Band has not currently identified physical and cultural heritage sites within the Project footprint other than Grave Prairie, it is expected that a structure, site, or thing that is of historical, archaeological, paleontological, or architectural significance to the Shuswap Band could be within the ATRI LSA. It is noted that the exercise of Shuswap Band's rights and interests related to physical and cultural heritage in the ATRI LSA and RSA have been impacted by past and ongoing development activity.	N/A
	24	23.4.5.2	Assessment Methods	This is true; Indigenous knowledge, monitoring, and consultation with Shuswap Band is integral to accurately understand the effects of the proposed project.	Site visits and Working Group participation are necessary to help mitigate this issue.	N/A	NWP notes that engagement discussions and consultation with the Shuswap Band are ongoing and information provided will be reviewed and considered.
	25	Table 23.4-5	Summary of Potential Interactions... Construction and Pre-Production Phase	Logging of Merchantable Timber and Clearing and Grubbing: it is stated that travel routes and trails are not yet identified. Note that they exist in the region and will be described in the report incoming from Shuswap Band. Further, loss of timber and other plants is an interest to Shuswap Band under the category of vegetation and ecological health. Under Shuswap Band's Aboriginal/Indigenous right to stewardship, the	This should also note 'vegetation' and 'ecological health' as an Aboriginal Interest. As well, note that travel routes do in fact exist in the area.	Updated Table 24.7-1 Summary of Potential Interactions between the Project and Shuswap Band's Aboriginal Rights and/or Interests for Construction and Pre-Production Phase: <ul style="list-style-type: none"> Fish and Fish Habitat (Chapter 12) and Surface Water Quality (Chapter 11) - Potential interaction with fish and fish habitat through non-contact surface runoff/erosion where bare soils are exposed during logging. 	NWP notes that engagement discussions and consultation with the Shuswap Band are ongoing and information provided will be reviewed and considered.

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				presence and health of timber and other plants is of significant interest.		<ul style="list-style-type: none"> • Terrestrial Ecosystems (Chapter 13) and Vegetation (Chapter 14) - Potential loss of vegetation communities and change in terrestrial ecosystems through introduction of invasive vegetation species. Potential loss of timber and other plants is an interest to Shuswap Band under the category of vegetation and ecological health. • Wildlife and Wildlife Habitat (Chapter 15) - Potential change of wildlife food sources and movements as a result of changes in vegetation communities and terrestrial ecosystems (i.e., degradation of wildlife habitat). Potential sensory disturbance to wildlife (i.e., noise and vibration). • Pre-contact archaeological resources (Chapter 16) - Potential loss of pre-contact archaeological artifacts (if present) and tree throws. • Potential loss/disconnection of historic and present-day travel routes and trails. • Potential loss of ceremonial or sacred areas within the Project footprint. <p>These interactions have the potential to impact fishing rights, hunting and trapping rights, harvesting and gathering rights, and current use of culturally significant areas. Under Shuswap Band's Aboriginal/Indigenous right to stewardship, the presence and health of timber and other plants is of significant interest (SIB, 2021).</p>	

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	26			<p>Road Construction: increased access roads are known to attract the use of hunters, thereby catalyzing a further stressor on the wildlife populations. Increased road densities are also a known stressor to wildlife populations. As well, a significant historic area is located near the project's roads: Grave Lake, Grave Creek, and Grave Prairie. Shuswap Band ancestors are tied to a significant event in this area, and it is likely there are unidentified physical and cultural remains throughout the area.</p>		<p>Updated Table 24.7-1 Summary of Potential Interactions between the Project and Shuswap Band's Aboriginal Rights and/or Interests for Construction and Pre-Production Phase:</p> <ul style="list-style-type: none"> • Surface Water Quantity (Chapter 10), Surface Water Quality (Chapter 11), and Fish and Fish Habitat (Chapter 12) - Potential interaction with non-contact surface water and fish and fish habitat through erosion and sedimentation of bare soils. • Surface Water Quantity (Chapter 10) and Surface Water Quality (Chapter 11) - Potential interaction with ceremonial/sacred areas around water with changes in water levels and water quality. • Terrestrial Ecosystems (Chapter 13) and Vegetation (Chapter 14) - Potential interaction with riparian vegetation species of interest due to the loss of riparian habitat. • Fish and Fish Habitat (Chapter 12) and Wildlife and Wildlife Habitat (Chapter 15) - Potential localized changes in accessibility to wildlife associated with riparian areas due to changes to surface water quality, fish and fish habitat, and riparian vegetation/habitat. • Fish and Fish Habitat (Chapter 12) - Potential interaction with fish and fish habitat through the installation of water supply pipelines from Grave Creek and West Alexander Creek through changes in water level and erosion and sedimentation. • Wildlife and Wildlife Habitat (Chapter 15) - Potential loss of wildlife habitat within road and infrastructure footprint and potential change in localized wildlife species of interest movement/accessibility. Potential sensory disturbance to wildlife species of interest (i.e., noise and vibration). Potential interaction with wildlife species of interest through transportation of materials and personnel to site (e.g., vehicle collisions and increased traffic). Potential loss of wildlife habitat within road and infrastructure footprint and potential change in localized wildlife species of interest movement/accessibility. Potential stressor on wildlife population with increased access roads potentially attracting hunters and increased road densities. • Terrestrial Ecosystems (Chapter 13) and Vegetation (Chapter 14) – Potential loss of vegetation species of interest within road and infrastructure footprint. Potential for introduction of invasive species around development areas reducing the quality of 	<p>NWP notes that engagement discussions and consultation with the Shuswap Band are ongoing and information provided will be reviewed and considered.</p>

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						<p>vegetation communities/terrestrial ecosystems/habitats for vegetation species of interest. Potential loss of grassland habitat, and therefore, potential loss of species of interest within footprint of Rail Loadout. Loss/fragmentation of grassland wildlife habitat, and therefore, potential loss of species of interest as a result of the workshop/mine dry footprint.</p> <ul style="list-style-type: none"> • Pre-contact archaeological resources (Chapter 16) - Potential loss of archaeological artifacts (if present) within road and infrastructure construction footprint. Potential loss of pre-contact archaeological artifacts (if present) during construction of building foundations. Potential change due to a significant historic area located near the project's roads: Grave Lake, Grave Creek, and Grave Prairie. • Socio-community (Chapter 18) - Potential project nuisance effects residents due to noise and vibration. Potential change in availability/reliance on country food. Potential public safety due to physical hazards. • Potential loss/disconnection of portions of historic and present-day travel routes and trails if present within or crossing new roads and infrastructure footprint. • Potential loss of ceremonial/sacred areas within road and infrastructure construction footprint. <p>These interactions have the potential to impact fishing rights, hunting and trapping rights, harvesting and gathering rights, current use of culturally significant areas, and social and health conditions. Shuswap Band ancestors are tied to a significant event in this area, and it is likely there are unidentified physical and cultural remains throughout the area (SIB, 2021).</p>	
	27	Table 23.4-6	Summary of Potential Interactions... Operations Phase	Labour: the influx of new employees to the region (outsiders) can have major social impacts, including safety risks.		<p>Updated Table 24.7-2 Summary of Potential Interactions between the Project and Shuswap Band's Aboriginal Rights and/or Interests for Operations Phase:</p> <ul style="list-style-type: none"> • Economic Effects (Chapter 17) - Potential modest economic benefit for Nation members that could be hired for the mine, CHPP operations administration, and coal haul. • Socio-community (Chapter 18) - Potential change in population and demographics. Potential change in community health and well-being. Potential modest positive change in availability of community services. Potential change due to the influx of new 	N/A

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						<p>employees to the region that could potentially contribute to social impacts, including safety risks.</p> <p>This interaction has the potential to impact economic and social and health conditions.</p>	
				<p>Site Water Requirements: Impacts to surface water hold the potential to impact all wildlife in the region, not just aquatic. Shuswap Band concern for potential impacts to small fur-bearing animals and larger game who may consume the water, or the resources impacted by the water. Bioaccumulation of toxins in fish and wildlife harvested by Shuswap community members is also a significant concern.</p>	<p>Wildlife to also include non-aquatic species.</p>	<p>Updated Table 24.7-2 Summary of Potential Interactions between the Project and Shuswap Band's Aboriginal Rights and/or Interests for Operations Phase:</p> <ul style="list-style-type: none"> • Surface Water Quality (Chapter 11) and Fish and Fish Habitat (Chapter 12) - Potential reduction of flows in Grave Creek through use as a secondary source of process make-up water, with potential to impact fish species of interest and their habitat, as well as surface water quality and quantity. Potential for loss of downstream aquatic habitat resulting in the change or loss of access to traditionally/culturally important fish species or access to fish as country foods. • Wildlife and Wildlife Habitat (Chapter 15) - Potential for changes to accessibility to aquatic and non-aquatic wildlife species of interest (e.g., waterfowl) with the change or loss of aquatic habitats. • Socio-community (Chapter 18) – Potential change in availability/reliance on country food. • Potential for changes to ceremonial or sacred areas associated with Grave Creek or downstream habitats. <p>These interactions have the potential to impact fishing rights, hunting and trapping rights, current use of culturally significant areas, and social and health conditions. Bioaccumulation of toxins in fish and wildlife harvested by Shuswap community members is also a significant concern (SIB, 2021).</p>	
				<p>Sediment Pond: Any interaction with surface water and fish habitat has the potential to also impact birds, shoreline plants, and surrounding wildlife, as all of these things may consume the water or fish in question.</p>	<p>It should be recognized that the impact of Sediment Pond interactions with water and fish habitat has greater reaches than just with the fish referenced here. Significant effects on water quality and fish are currently experienced in the Elk Valley, well beyond an acceptable level from both a scientific and community perspective.</p>	<p>Updated Table 24.7-2 Summary of Potential Interactions between the Project and Shuswap Band's Aboriginal Rights and/or Interests for Operations Phase:</p> <ul style="list-style-type: none"> • Surface Water Quality (Chapter 11), Surface Water Quantity (Chapter 10), and Fish and Fish Habitat (Chapter 12) - Potential interaction with surface water and fish species of interest and their habitat through sedimentation or changes in water levels through the management (discharge) of the Main Sediment Pond. • Wildlife and Wildlife Habitat (Chapter 15) - Potential for changes to accessibility to aquatic and non-aquatic wildlife species of interest (e.g., waterfowl) with the change or loss of aquatic habitat. 	N/A

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						<ul style="list-style-type: none"> Potential for change in access to places that may be important to Shuswap Band for ceremonial or sacred areas. <p>These interactions have the potential to impact fishing rights and hunting and trapping rights. Shuswap Band have noted that significant effects on water quality and fish are currently experienced in the Elk Valley, well beyond an acceptable level from both a scientific and community perspective (SIB, 2021).</p>	
	28	Table 23.4-7	Summary of Potential Interactions... Reclamation and Closure Phase	Dismantling Infrastructure: This also impacts shoreline plants and surrounding wildlife, including birds, small fur-bearing animals, and larger game due to the interconnection throughout the ecosystem as they all consume the water, plants, and/or fish. If the health of the water or fish is impacted, so is the health of many other ecological features.	The greater reaches of this impact needs to be described.	<p>Updated Table 24.7-3 Summary of Potential Interactions between the Project and Shuswap Band's Aboriginal Rights and/or Interests for Reclamation and Closure Phase:</p> <ul style="list-style-type: none"> Surface Water Quality (Chapter 11) and Fish and Fish Habitat (Chapter 12) - Potential interaction with surface water quality and fish species of interest and their habitat through erosion and sedimentation of bare soils. Potential change to the interconnection throughout the ecosystem due to interaction of ecological features. Terrestrial Ecosystems (Chapter 13) and Vegetation (Chapter 14) - Potential for introduction of invasive species around development areas reducing the quality of vegetation communities/terrestrial ecosystems/habitats for species of interest. Potential for reestablishment of plant harvesting activities. Wildlife and Wildlife Habitat (Chapter 15) - Potential sensory disturbance to wildlife species of interest (i.e., noise and vibration). Potential for reestablishment of wildlife habitat in the development footprint. Potential for reestablishment of wildlife food sources through reestablishment of habitat/vegetation communities. Potential for the reestablishment of hunting activities. <p>These interactions have the potential to impact fishing rights, hunting and trapping rights, and harvesting and gathering rights.</p>	N/A
	29	Table 23.4-8	Summary of Potential Interactions... Post-Closure Phase	Road Use: Increased, permanent access to the area may also increase hunting populations and therefore impact wildlife and Shuswap Band's ability to exercise their Section 35 right to hunting in the region. Negative effects on wildlife populations as a result of increased road densities will also impact Shuswap Band's ability to exercise their rights.	"Wildlife and Wildlife Habitat (Chapter 15) - Potential for collisions with wildlife and disruption to wildlife movements resulting in changes to accessibility to wildlife species of interest."	<p>Updated Table 24.7-4 Summary of Potential Interactions between the Project and Shuswap Band's Aboriginal Rights and/or Interests for Post-Closure Phase:</p> <ul style="list-style-type: none"> Surface Water Quality (Chapter 11), Fish and Fish Habitat (Chapter 12), Terrestrial Ecosystems (Chapter 13), Vegetation (Chapter 14), Wildlife and Wildlife Habitat (Chapter 15) - Potential for access within the Project footprint through the use of 	N/A

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						<p>Branch C Road, which will remain as a permanent access road for future traditional activities such as fishing, harvesting and gathering, as well as hunting and trapping.</p> <ul style="list-style-type: none"> • Surface Water Quality (Chapter 11), Fish and Fish Habitat (Chapter 12) - Potential interaction with surface water and fish species of interest and their habitat through erosion and sedimentation due to permanent rail line. • Terrestrial Ecosystems (Chapter 13) and Vegetation (Chapter 14) - Potential for the introduction of weeds and invasive vegetation species in disturbed areas around the rail line resulting in a change of localized vegetation communities/loss of species of interest. • Wildlife and Wildlife Habitat (Chapter 15) - Potential for collisions with wildlife and disruption to wildlife movements resulting in changes to accessibility to wildlife species of interest. Potential stressor on wildlife population with increased access roads potentially attracting hunters and increased road densities. <p>These interactions have the potential to impact fishing rights, hunting and trapping rights, and harvesting and gathering rights.</p>	
	30	23.4.5.3.2	Potential Unmitigated Effects on the Historic and Current Use of Lands and Resources for Traditional Purposes	NWP has recently funded Shuswap Band to complete a study which will inform of the relevant interests and concerns of Shuswap Band in relation to the Crown Mountain project.	The incoming report information will need to be incorporated into this process due to the current lack of Shuswap Band knowledge.	N/A	NWP notes that engagement discussions and consultation with the Shuswap Band are ongoing and information provided will be reviewed and considered.
	31	23.4.5.3.2	Potential Unmitigated Effects on the Historic and Current Use of Lands and Resources for Traditional Purposes	Shuswap Band requests copies of the relevant Baseline studies for review.	Shuswap Band requests copies of the relevant Baseline studies for review.	N/A	NWP to provide EA chapters for review to Shuswap Band during the review phase.
Add in deer				Add in deer	Updated 24.7.3.2.2 Change to Current Use of Lands and Resources for Traditional Hunting and Trapping Purposes to include deer.	N/A	
Hunting and Trapping: residual effects to wildlife also include cumulative impacts and ongoing pollution, impacting their health and vitality.					Cumulative impacts and ongoing pollution, impacting their health and vitality are included in Sections 24.7.4.3 Identification of Potential Cumulative Effects of Changes to the Environment on the Shuswap Band and 24.7.4.4.2 Change to Use of Lands and Resources for Traditional Hunting and Trapping Purposes	NWP to provide EA chapters for review to Shuswap Band during the review phase.	

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				Impacts to air quality would also impact community member health.		Impacts to air quality are also included under Chapter 22: Human Health and Ecological Assessment and addressed in Sections 24.7.3.2.7 Change to Social and Health Conditions, 24.7.4.4.5 Change to Socio-Community, Health, and Economic Conditions, and 24.10.2.1.5 Impact on Social, Health, and Economic Conditions	NWP to provide EA chapters for review to Shuswap Band during the review phase.
	32	Table 23.4-9	TEM Broad Ecosystem Types Plant Species of Interest	Shuswap Band Knowledge Keepers have confirmed additional plants of interest are present in the Elk Valley.	The following plants should be added to this list: mullein, cranberries, juniper, fireweed, spruce, strawberry, yarrow, thimbleberry, soapberries, and Antennaria.	Updated in Table 24.7-5: TEM Broad Ecosystem Types Plant Species of Interest	N/A
	33	23.4.5.3.2	Potential Unmitigated Effects on the Historic and Current Use of Lands and Resources for Traditional Purposes	Access and Travel Routes: travel routes were ancestrally present throughout this region, and some remain today. The 1895 Hunting Agreement between Shuswap Band, Columbia Lake Band (Ktunaxa), and Stoney Nakoda connects to the frequent movement east-west through the Elk Valley for Shuswap Band ancestors.		<p>Update added to Section 24.7.3.2.5 Change to Use of Lands and Resources for Traditional Access and Travel Routes:</p> <p>Ancient travel routes and landforms of cultural significance are summarized in Chapter 16. In general, travel routes have been historically known to be linked to the movement corridors of wildlife species of interest. Known or anticipated transboundary movement corridors for ungulate species of interest along the Continental Divide include the Crowsnest, Deadman, and Racehorse Passes in the eastern portion of the Terrestrial LSA. Movement corridors for grizzly bear include Alexander Creek, West Alexander Creek, and Grave Creek Canyon. Some corridors may be impacted by the Project through footprint loss (e.g., West Alexander Creek; see Section 24.7.3.2.1). Other connectivity habitats included the Michel-Alexander linkage at the southern extent of the Terrestrial LSA. Travel routes were ancestrally present throughout this region, and some remain today. The 1895 Hunting Agreement between Shuswap Band, Columbia Lake Band (Ktunaxa), and Stoney Nakoda connects to the frequent movement east-west through the Elk Valley for Shuswap Band ancestors.</p> <p>The general trend of north-south oriented mining and related potential disturbance along valley bottoms and some ridges potentially limits the east-west connectivity between alpine ranges. As there are no identified Project-related effects to the current use of travel routes by Shuswap Band, no specific Project-related effects to access or travel routes are carried forward in this assessment.</p>	N/A

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				Physical and Cultural Heritage: Shuswap Band holds oral history tied to the Grave Lake/Grave Prairie area, as an ancestor is known to be buried there.	Shuswap Band requires a review of the location identified as a suitable new location for the Rail Lookout. Shuswap Band must be consulted on all physical and cultural heritage in its Caretaker Area, which includes this area.	Update added to Section 24.7.3.2.6 Change to Physical and Cultural Heritage and Change to a Structure, Site, or Item that is of Historical, Archaeological, Paleontological, or Architectural Significance: There is also potential for change due to a significant historic area located near the Project's roads: Grave Lake, Grave Creek, and Grave Prairie. Shuswap Band holds oral history tied to the Grave Lake/Grave Prairie area, as an ancestor is known to be buried there. In communication on the review of the draft version of this section of the EIS (SIB, 2021), Shuswap Band has identified that a review of the above noted new location for the Rail Loadout is required. All physical and cultural heritage sites near the Project area need to be recognized as being of interest to Shuswap Band, thereby requiring full consultation and collaborative mitigation. As such, Shuswap Band has noted that it must be consulted on all physical and cultural heritage in its Caretaker Area, which includes this area as all impacts to physical and cultural heritage are considered significant to Shuswap Band. If a physical and cultural site is unexpectedly identified during construction or operation, Shuswap Band must be contacted to provide a monitoring representative as Shuswap Band monitors must be present during disturbance. As noted by Shuswap Band, Shuswap has not had the funding or resource capacity to document its interests in the Elk Valley until now; it is known that the area is within Shuswap Band's Traditional Territory/Caretaker Area and was used ancestrally (SIB, 2021).	NWP notes that engagement discussions and consultation with the Shuswap Band are ongoing and information provided will be reviewed and considered.
			Physical and Cultural Heritage: All impacts to physical and cultural heritage are considered significant to Shuswap Band.	Full consultation is required with Shuswap Band on this topic and related finds; Shuswap Band monitors must be present during disturbance. If a physical and cultural site is unexpectedly identified during construction or operation, Shuswap Band must be contacted to provide a monitoring representative.			
			Shuswap Band ancestors moved throughout their Caretaker Area in search of resources; this includes the Elk Valley and into Alberta to the eastern foothills of the Rocky Mountains. Oral history and the evidence of cultural depressions (assigned as habitation features) connect Shuswap ancestors to the region as far east as Banff and the Morley reserve, and south path the 49th parallel. Shuswap Band's internal cultural heritage research has not had the funding or resource capacity to document its interests in the Elk Valley until now; however, it is known the area is within Shuswap Band's traditional territory/Caretaker Area and was used ancestrally.	All physical and cultural heritage sites near the project area need to be recognized as being of interest to Shuswap Band, thereby requiring full consultation and collaborative mitigation.			
	34	23.4.5.3.3	Potential Unmitigated Effects to Social and Health Conditions	Increased workers in the region has the potential to impact the safety of land users/harvesters.		Update added to Section 24.7.3.2.7 Change to Social and Health Conditions: It is important to recognize, that while the incidence of crime in the ATRI LSA is not anticipated to change substantially due to the Project, it is well documented that Indigenous women, girls, and Two-Spirited peoples already experience more violence than non-Indigenous women and girls in Canada (NWAC, 2020). As the Project will not have any temporary mining camps and there is not expected to be a large influx of outsiders to the area, sex work and safety and security issues are less likely to substantially increase. Overall, potential unmitigated effects related to a change in community health and well-being are expected to be minimal. Nevertheless, some mitigation measures are recommended to minimize adverse Project effects, including disproportionate effects to or barriers that vulnerable sub-populations such as Indigenous Peoples and females could face in relation to	N/A

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						<p>mining are addressed in the Indigenous Impact Management Plan (Section 24.9). Through the assessment of effects and continued consultation with Shuswap Band, mitigation for Shuswap Band community health and well-being may continue to be identified and implemented. Specific mitigation for change in community health and well-being can be referenced in Chapter 18, Section 18.5.4.</p> <p>Further, mitigation measures related to the effects of the Project on the Shuswap Band are outlined in Section 24.9 (Table 24.9-1) which presents the Indigenous Impact Management Plan that was developed in response to the concerns raised by the Shuswap Band and the identified Indigenous Communities. The mitigation presented in Section 24.9.5 may be revised or updated as a result of specific input provided by the Shuswap Band where applicable. No other technically and economically feasible mitigation measures were identified to address potential impacts to the Shuswap Band rights and interests related to the change in community health and well-being. At this time, NWP is not aware of potential future technology innovations that may help to further mitigate effects.</p>	
	35	Table 23.4-10	Summary of Proposed Mitigation Measures and Anticipated Residual Effects	Potential change to historic and current use of lands and resources for traditional purposes: stewardship and the management of resources within Shuswap Band's Caretaker Area is a crucial aspect of Secwepemc cultural interests. In order to protect and retain, and revive, access and usability of the lands and resources in the area, Shuswap Band requires the ability to carry out its right to stewardship.	As part of Shuswap Band's Indigenous Right to stewardship within its Caretaker Area, full participation in monitoring programs is needed. Shuswap Band must be a participant in the relevant Working Groups as well.	Section 24.9 Indigenous Impact Management Plan was developed in response to the concerns raised by the Shuswap Band and the identified Indigenous Communities to address various mitigation measures as well as monitoring activities that will be undertaken that include opportunities for Shuswap Band's participation and collaboration.	NWP notes that engagement discussions and consultation with the Shuswap Band are ongoing and information provided will be reviewed and considered.
Potential change to social and health conditions. Increased industry workers in an area can impact land user safety.				Recommended to provide social safety measures and preventative plans, incident support programs, etc.	Section 24.9.5 Indigenous Impact Management Plan: Social, Health, and Economic Conditions addresses various mitigation measures as well as monitoring activities that will be undertaken that include social safety measures and preventative plans, and incident support programs.	N/A	
	36	23.4.5.5.2	Characteristics of Residual Effects: Change to Current Use of Lands and Resources, Fishing	Geographic Extent is considered local; however, the interconnection between watercourses and the greater watershed have been seen many times.	The cumulative effects of this development in relation to the many developments in the valley, as well as the downstream and interconnectedness of the fish, aquatics, and water systems should be acknowledged here.	Update added to Section 24.7.3.2 Characterization of Potential Residual Effects of the Changes to the Environment on Shuswap Band:	NWP to provide EA chapters for review to Shuswap Band during the review phase.
Reversibility is considered to be achievable through reclamation and of off-site aquatic compensation; however, as we have seen with the				A more realistic consideration of reversibility should be acknowledged here.	Criteria used to characterize residual effects are defined in Chapter 5, Section 5.3.4.5 and outlined in Section 24.3, and include duration, magnitude, spatial extent, frequency, reversibility, and context (i.e., the sensitivity		

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				selenium and serious impacts to the cutthroat trout in the valley, reversibility is never possible to 100%.		<p>and resilience of a VC to changes caused by the Project). As previously noted above in Section 24.7.2, where no appropriate representative VC was identified to serve as a surrogate for effects, additional biophysical information from Project-specific baseline studies and publicly available information was used, where available, to allow for an understanding of potential residual effects to Indigenous resource, use, and/or species of interest. At the time of the submission of this chapter, the Shuswap Band have yet to submit a Project-specific TK/TLU study within the ATRI LSA for the Project. Through this effects assessment and continued consultation with the Shuswap Band, Project-related residual effects to the Shuswap Band may continue to be identified, and where applicable, mitigated or accommodated. Considering the lack of Project specific information being provided by the Shuswap Band, the confidence of the residual effects to the current use of lands and resources by the Shuswap Band is considered to be low to moderate where applicable.</p> <p>Clarification and update added to Section 24.7.3.2.1 Change to Use of Lands and Resources for Traditional Purposes: Fishing:</p> <p>The residual effects to the opportunity to fish and the use of fish species for traditional purposes (based on past and current uses) due to the Project footprint are characterized as follows:</p> <ul style="list-style-type: none"> • Duration: <i>Short-term to Long-term</i>, as the potential for adverse effects to opportunities for fishing will be short-term as they will generally be limited to the Construction and Pre-Production and Operations phases of the Project. • Magnitude: <i>Low to Moderate</i>, as the opportunities to fish and access to healthy aquatic systems in watercourses currently used or potential used in the future may be altered as a result of Project residual effects on fish and fish habitat VCs, including Kokanee, Mountain Whitefish, and Longnose Sucker (e.g., instream loss associated with West Alexander Creek). • Geographic Extent: <i>Local</i>, as changes in the opportunity to fish and access aquatic systems is restricted to the West Alexander Creek within the Fish and Fish Habitat LSA and the ATRI LSA. • Frequency: <i>Continuous</i>, as the opportunity to fish and access aquatic systems potentially used currently or in the future by Shuswap Band is 	
				Ecological and Social Context is considered neutral due to existing human impacts and alternative nearby fish habitats. However, with the increasing development in the region, the cumulative impacts continue to impact the viability of fishing in the region, which is therefore highly impactful.	A more holistic consideration of ecological and social context should be acknowledged here.		

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						<p>anticipated to occur during Construction and Pre-Production, Operations, and Reclamation and Closure until Project activities are completed.</p> <ul style="list-style-type: none"> • Reversibility: <i>Reversible Long-term to Irreversible</i>, changes in opportunities to fish are anticipated to be reversible as the Project footprint is reclaimed and off-site aquatic compensation is achieved. There are no permanent barriers in the West Alexander or Alexander Creeks, and fish have the option to move freely throughout the watershed, including downstream to the Elk River. • Context: <i>Neutral</i>, as opportunities to fish are present within several watercourses within the Fish and Fish Habitat LSA and the ATRI LSA, and these watercourses have been previously disturbed by human activities (e.g., Harmer Creek and mining activities). The context is also deemed neutral due to the lack of information available from the Shuswap Band regarding their opportunity to conduct traditional fishing within the Project footprint at this time, as it is expected that their ability to know and teach the Shuswap way of living can continue outside of the Project footprint during all Project phases. 	
	37	23.4.5.5.2	Characteristics of Residual Effects: Change to Current Use of Lands and Resources, Hunting and Trapping	The duration of adverse effects to opportunities to hunt/trap is considered long-term (disturbances will occur into reclamation period), and the magnitude of impact is considered "low to moderate" due to minimal high-quality habitat being affected. However, the region is heavily impacted by industry and the cumulative effects are contributing to reduced available high-quality habitat. As a result, Shuswap Band sees any impact to wildlife habitat or movements to be significant, as there is already a reduced viability compared to pre-development contexts.	Shuswap Band sees the magnitude to be moderate at a minimum.	<p>Update added to Section 24.7.3.2 Characterization of Potential Residual Effects of the Changes to the Environment on Shuswap Band:</p> <p>Criteria used to characterize residual effects are defined in Chapter 5, Section 5.3.4.5 and outlined in Section 24.3, and include duration, magnitude, spatial extent, frequency, reversibility, and context (i.e., the sensitivity and resilience of a VC to changes caused by the Project). As previously noted above in Section 24.7.2, where no appropriate representative VC was identified to serve as a surrogate for effects, additional biophysical information from Project-specific baseline studies and publicly available information was used, where available, to allow for an understanding of potential residual effects to Indigenous resource, use, and/or species of interest. At</p>	NWP to provide EA chapters for review to Shuswap Band during the review phase.

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				<p>The geographic extent is considered local, and reversibility considered possible; however, sensory disturbances to wildlife can be far reaching outside of the project footprint. Sensitive animals, such as elk, have been observed to relocate when disturbed; this would have a greater impact on Shuswap Band's ability to hunt within its Caretaker Area, as well as impact Shuswap Band's ability to steward over the wildlife therein.</p>		<p>the time of the submission of this chapter, the Shuswap Band have yet to submit a Project-specific TK/TLU study within the ATRI LSA for the Project. Through this effects assessment and continued consultation with the Shuswap Band, Project-related residual effects to the Shuswap Band may continue to be identified, and where applicable, mitigated or accommodated. Considering the lack of Project specific information being provided by the Shuswap Band, the confidence of the residual effects to the current use of lands and resources by the Shuswap Band is considered to be low to moderate where applicable.</p> <p>Clarification and update added to Section 24.7.3.2.2 Change to Current Use of Lands and Resources for Traditional Purposes: Hunting and Trapping:</p> <p>The Project has the potential to result in residual adverse effects to wildlife species potentially used by Shuswap Band for hunting and trapping. In particular, wildlife habitat will be removed, and wildlife species movement will be disrupted as a result of Project Construction and Pre-Production and Operations. These impacts have the potential to result in residual effects to Shuswap Band due to the anticipated decline in the wildlife species available for use by Shuswap Band in hunting and trapping practices as well as the temporary impact to the accessibility of areas that may be potentially used to hunt and trap in the Project footprint and the ATRI LSA. Though residual effects to wildlife VCs may occur as result of the Project, no significant adverse effects are anticipated. In the Reclamation and Closure phase approximately 785 ha of self-sustaining ecosystems will be reclaimed within the disturbance footprint to reclaim wildlife habitat impacted as a result of the Project and this is expected to renew the use of the Project footprint for hunting and trapping related activities.</p> <p>Potential residual effects to the current use of lands and resources by Shuswap Band for hunting and trapping is characterized as follows:</p> <ul style="list-style-type: none"> • Duration: <i>Long-term</i>, the potential for adverse effects to opportunities for hunting and trapping species of interest will be long-term as the effects related to habitat loss and degradation, sensory disturbance, and disruption to movement are expected to continue to the end of the Reclamation and Closure phase of the Project. 	

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						<ul style="list-style-type: none"> • Magnitude: <i>Low to Moderate</i>, the potential for negative effects to opportunities for hunting is low to moderate based the limited amount of expected loss of high-quality habitat, or the semi-permanent nature of infrastructure such as that of linear infrastructure that might impact species movements, and limited percentage of high-quality habitat that will be impacted by potential sensory disturbance. • Geographic Extent: <i>Local</i>, potential effects to opportunities for hunting and trapping are restricted to the Project footprint and the ATRI LSA. • Frequency: <i>Continuous</i>, the potential for adverse effects to species of interest are expected to occur continuously as the Project activities are completed, from Construction and Pre-Production to Reclamation and Closure. • Reversibility: <i>Reversible Long-term</i>, changes in current use of lands and resources for traditional purposes resulting from the Project activities related to hunting and trapping are anticipated to be reversible as the site is reclaimed and ecosystems are re-established (Chapter 33). • Context: <i>Neutral</i>, the opportunity to conduct traditional hunting and trapping within the Project footprint and local study areas is important to Shuswap Band members. The Project footprint is within Shuswap Band Traditional Territory, once utilized and depended upon by Shuswap Band ancestors and part of the rights and interests of Shuswap Band members of today. Changes to Shuswap Band's accessibility to opportunities for hunting and trapping is deemed neutral due to the importance of these traditional activities to Shuswap Band cultural and traditional identity and the importance of available lands for traditional practices (as a result of the loss of available lands for resource use in general within British Columbia and Alberta due to multiple industry and development expansions), balanced with the anticipated renewed access and availability of these resources following the completion of the Project. The context is also deemed neutral due to the lack of information available from the Shuswap Band regarding their opportunity to conduct traditional hunting and trapping within the Project footprint at this time, as it is expected that their ability to know and teach the Shuswap way of living can continue outside of the Project footprint during all Project phases. 	

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						<p><u>Determination of Significance</u> Shuswap Band has not currently made available information regarding their use of the Project footprint for hunting and trapping purposes and it is anticipated that currently Shuswap Band has a low level of use in the Terrestrial LSA used to evaluate effects to VCs due to previously noted disturbances (e.g., existing mining activity). The anticipated low level of use by Shuswap Band coupled with the lack of significant adverse effects to wildlife VCs that potentially used for hunting and trapping purposes indicates that there is potentially no to low residual effect on the change in lands and resources for traditional hunting and trapping. The Project is not anticipated to result in the permanent loss of access or the ability to conduct traditional land and resource use related to hunting and trapping within the Project footprint or VC study areas. As part of Project Reclamation and Closure wildlife habitat will be reclaimed within the disturbance footprint, and result in a variety of wildlife habitat types for use by ungulate, carnivore, small mammals, and bird species.</p> <p>Therefore, in consideration of the above and the Project's design to reduce impacts to wildlife VCs, ecosystems, land use, air and noise, the residual effect of the Project on the use of lands and resources for traditional hunting and trapping is rated as not significant.</p> <p><u>Likelihood and Confidence</u> Effects that are determined to be not significant do not require a characterization of likelihood. Confidence considers the reliability of data and analytical methods used in the assessment of effects. Baseline conditions of relevant VCs within the Project footprint and VC study areas are well established, providing sufficient data to assess effects to changes in the opportunity for Shuswap Band to hunt and trap. Though baseline data was sufficient to evaluate effects for Project VCs, not all species of interest to Shuswap Band identified through publicly-available information were evaluated to the depth of the VC baseline studies and effects assessment. As such, the confidence of the residual effects to the current use of lands and resources by Shuswap Band for hunting and trapping is considered to be low to moderate.</p> <p>The residual effects to opportunities for hunting and trapping will be further discussed through continued consultation with Shuswap Band, as well as through the</p>	

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						<p>development of potential follow-up and monitoring and adaptive management measures to implement corrective actions as necessary based on that follow-up. Thus, the continued consultation and follow-up program to be implemented is expected to improve the low to moderate level of confidence.</p> <p>The subsections included below on grizzly bear, elk, bighorn sheep highlight the Shuswap Band's identification of these species as being culturally significant based on feedback previously received (Appendix 24-A, Table 24.A-2). Additional information on ungulates including bighorn sheep can be found in Chapter 15, Section 15.4.</p>	
	38	23.4.5.5.2	Characteristics of Residual Effects: Change to Current Use of Lands and Resources, Determination of Significance	<p>Shuswap Band does hold ancestral and current use of the region and intends to continually improve community access as part of its cultural restoration following the impacts of the Indian Act. Details on this information will be provided in the incoming cultural heritage assessment report from Shuswap Band, which has been funded by NWP. Further, Shuswap Band's Indigenous right to stewardship requires the ability to manage and protect the lands and resources within its Caretaker Area, and temporary or long-term impacts to these resources would impair the community's ability to do so. Further, due to the cumulative impacts of the historic and continued development in the region, Shuswap Band is concerned the impact to fish, and wildlife resources will not be reversible to a healthy state, as suggested by the proponent.</p>	<p>The assessment of these topics should be elevated in severity to allow appropriate mitigations to be put in place. The stated result of this assessment is highly inaccurate based on the information and knowledge that exists today with respect to significant ongoing impacts on resources within the Elk Valley as a result of mining operations. Reconsideration and accurate reflect of this situation is required.</p>	<p>Update added to Section 24.7.3.2 Characterization of Potential Residual Effects of the Changes to the Environment on Shuswap Band:</p> <p>Criteria used to characterize residual effects are defined in Chapter 5, Section 5.3.4.5 and outlined in Section 24.3, and include duration, magnitude, spatial extent, frequency, reversibility, and context (i.e., the sensitivity and resilience of a VC to changes caused by the Project). As previously noted above in Section 24.7.2, where no appropriate representative VC was identified to serve as a surrogate for effects, additional biophysical information from Project-specific baseline studies and publicly available information was used, where available, to allow for an understanding of potential residual effects to Indigenous resource, use, and/or species of interest. At the time of the submission of this chapter, the Shuswap Band have yet to submit a Project-specific TK/TLU study within the ATRI LSA for the Project. Through this effects assessment and continued consultation with the Shuswap Band, Project-related residual effects to the Shuswap Band may continue to be identified, and where applicable, mitigated or accommodated. Considering the lack of Project specific information being provided by the Shuswap Band, the confidence of the residual effects to the current use of lands and resources by the Shuswap Band is considered to be low to moderate where applicable.</p>	<p>NWP notes that engagement discussions and consultation with the Shuswap Band are ongoing and information provided will be reviewed and considered.</p> <p>NWP to provide EA chapters for review to Shuswap Band during the review phase.</p>

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	39	23.4.5.5.2	Characteristics of Residual Effects: Change to Current Use of Lands and Resources, Harvesting and Gathering	Duration is considered long-term to permanent, and yet magnitude is considered low to moderate. The significant impacts to vegetation described in this chapter include a possible permanent loss to the various ecosystems, including the sensitive wetland and grassland ecosystems which typically contain various species of interest to Shuswap Band. Although extent is restricted to the footprint, the possible permanent loss after project reclamation is concerning.	Shuswap Band considers the magnitude to be moderate at a minimum.	<p>Clarification and update added to Section 24.7.3.2.3 Change to Current Use of Lands and Resources for Traditional Purposes: Harvesting and Gathering:</p> <p>Changes in broad ecosystem types and receptor ecosystem VCs that may contain plant species of interest that are harvested and gathered, or areas that are accessed by Shuswap Band for harvesting and gathering, may experience residual effects due to the changes in broad ecosystem types and receptor ecosystem VCs. In particular, those residual effects on landscapes and ecosystems may remove areas currently or potentially used by Shuswap Band to harvest and gather plants. As part of the 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 (Chapter 33). Approximately 785 ha will be reclaimed through site reclamation activities.</p> <p>Potential residual effects to the current use of lands and resources by Shuswap Band for the harvesting and gathering is characterized as follows:</p> <ul style="list-style-type: none"> • Duration: <i>Long-term to Permanent</i>, as the loss of vegetation communities and plant species of interest within those communities, as well as access to vegetation communities, will be impacted over the long-term and potentially permanently as ecosystem recovery and restoration may take longer than 34 years to recreate areas used for harvesting and gathering. • Magnitude: <i>Low to Moderate</i>, as while the proportional area of habitat for potential culturally significant plants and ecosystems is exceptionally low relative to extent of lands within which harvesting and gathering may be conducted by the Shuswap Band members, there is an anticipated loss of broad ecosystem types within the Landscapes and Ecosystems LSA and the ATRI LSA that have the potential to include plant species of interest, including a loss of avalanche ecosystems (12.34%), forested sites (10.72%), grassland/brushland ecosystems (9.56%), wetland ecosystems (3.40%), floodplains (0.04%), rock outcrops (4.81%), and alpine ecosystems (11.18%). • Geographic Extent: <i>Discrete</i>, as impacts to vegetation communities potentially used by Shuswap Band for harvesting and gathering is restricted to the Project footprint. 	<p>NWP notes that engagement discussions and consultation with the Shuswap Band are ongoing and information provided will be reviewed and considered.</p> <p>NWP to provide EA chapters for review to Shuswap Band during the review phase.</p>

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						<ul style="list-style-type: none"> • Frequency: <i>Once</i>, as the effects to vegetated areas potentially used by Shuswap Band are likely to be impacted mainly during Construction and Operations. • Reversibility: <i>Reversible Long-Term</i>, as ecological restoration activities will restore impacted vegetation communities; reclaimed areas, such as forested sites, will take many years to support mature forests that may support plant species of interest used for harvesting and gathering. • Context: <i>Neutral</i>, while the opportunity to conduct traditional land and resource use within the Project footprint and the ATRI LSA is deemed important to Shuswap Band members, the Shuswap Band has not provided any information on sites and plant species of cultural importance. The Project footprint is within Shuswap Band Traditional Territory, once utilized and depended upon by Shuswap Band ancestors, and part of the rights and interests of Shuswap Band members of today. The opportunity to harvest and gather within the ATRI LSA is dependent on the location of ecosystems and plant species of interest as well as the access to these areas and changes to the Shuswap Band's accessibility for harvesting and gathering is deemed neutral due to the importance of these traditional activities to Shuswap Band's cultural and traditional identity and the importance of available lands for traditional practices (as a result of the loss of available lands for resource use in general within British Columbia and Alberta due to multiple industry and development expansions), balanced with the anticipated impact of these resources as a result of the Project and lack of information on the Project footprint related to Shuswap Band rights and interests. The context is also deemed neutral due to the lack of information available from the Shuswap Band regarding their opportunity to conduct traditional harvesting and gathering within the Project footprint at this time, as it is expected that their ability to know and teach the Shuswap way of living can continue outside of the Project footprint during all Project phases. <p><u>Determination of Significance</u> Shuswap Band have not currently made available information regarding their use of the Project footprint for harvesting and gathering and it is expected that the ATRI LSA is utilized for traditional purposes. The Project is</p>	

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						<p>anticipated to result in impacts to vegetation communities and ecosystems that may include plant species of interest or areas that are accessed to harvest and gather; effects to vegetation communities and ecosystems are spatially limited in nature, occurring within the Project footprint, and will be reclaimed during Reclamation and Closure as per the Ecological Restoration Plan for the Project (Chapter 33). The level of use by Shuswap Band, in particular of the Project footprint and the Landscapes and Ecosystems LSA, for traditional harvesting and gathering is anticipated to be low as the Shuswap Band have not provided information regarding their use of the Project footprint and there are no public documents that describe their use of the Project's area of influence. As such, the Project is not anticipated to result in the permanent loss of access or the ability to conduct traditional land and resource use related to the harvesting and gathering within the Project footprint or the ATRI LSA.</p> <p>In consideration of the above regarding available information with respect to use by Shuswap Band, the residual effect of the Project on the current use of lands and resources for harvesting and gathering is rated as not significant.</p> <p><u>Likelihood and Confidence</u> Effects that are determined to be not significant do not require a characterization of likelihood. Confidence considers the reliability of data and analytical methods used in the assessment of effects. Existing information on baseline conditions of landscapes and ecosystems (receptor VCs) and broad ecosystem types within the Project footprint and the ATRI LSA provide sufficient data to evaluate the change in the harvesting and gathering for traditional use by Shuswap Band. Given that plant species of interest identified by Shuswap Band occur across a range of ecosystem types, it is challenging to evaluate the discrete change in the potential for harvesting individual plant species as a result of the Project. In addition, not all plant species of interest were evaluated through baseline studies conducted for VCs (i.e., landscape and ecosystem or vegetation VCs) and direct and indirect effects to individual plant species of interest is not well understood at this time. Though impacts to access for the purposes of harvesting and gathering will not be permanent, the alteration of landscape may potentially coincide with an alteration or loss of the sense of place for the Shuswap Band within the Project footprint. Consequently, the</p>	

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						<p>residual effect of the Project on the current use of lands and resources for harvesting and gathering is rated as not significant. As such, the confidence of residual effects to the current use of lands and resources by Shuswap Band for harvesting and gathering is considered to be low to moderate.</p> <p>The residual effects to opportunities for harvesting and gathering will be further discussed through continued consultation with Shuswap Band, 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. Thus, the continued consultation and follow-up program to be implemented is expected to improve the low to moderate level of confidence.</p>	
	40	23.4.7	Cumulative Effects Assessment	It is noted here that Shuswap Band is considered to be on the low end of the consultation spectrum according to the IAAC. It should be noted that under UNDRIP and Canada's move to reconciliation is consulting Shuswap Band at a higher level of consultation, under their right to self-identification and stewardship. If this project does not meet its deadline under the grandfather clause between CEAA 2021 and IAA 2019, the duty to consult will be must higher, as has been shown in other parallel processes Shuswap Band is engaged in.	Shuswap Band recommends NWP engages with Shuswap Band on the proposed project at the high end of the consultation spectrum (CEAA 2012), in order to improve relations between the Parties and to create efficiencies down the road, as Shuswap Band is actively pursuing amplified recognition of its Indigenous rights and interests. Further consideration of cumulative effects project related to Shuswap Band as a whole is required.	N/A	<p>NWP notes that engagement discussions and consultation with the Shuswap Band are ongoing and information provided will be reviewed and considered.</p> <p>As the determination of level of impacts is a consideration addressed by IAAC, Shuswap Band may wish to enter into further dialogue on the matter with the Agency.</p>
	41	23.4.7	Cumulative Effects Assessment	Due to resourcing restrictions, Shuswap Band's environmental scientist will review this section in closer detail when it is submitted for review to the Agency.		N/A	<p>NWP notes that engagement discussions and consultation with the Shuswap Band are ongoing and information provided will be reviewed and considered.</p> <p>NWP to provide EA chapters for review to Shuswap Band during the review phase.</p>