

Chapter 27 – Kainai (Blood Tribe)

Crown Mountain Coking Coal Project
Application for an Environmental Assessment Certificate /
Environmental Impact Statement

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Appendices

Appendix 27-A. Summary of Indigenous Consultation

27. Kainai (Blood Tribe)

27.1 Introduction

Historically, the lands of British Columbia (B.C.) have been used by Indigenous Communities and people for traditional land and resource uses since time immemorial. Traditional land and resource use refers to the activities undertaken by Indigenous peoples that were carried out dating back to Pre-contact periods. These activities may have included the building and settling of encampments, seasonal travel, hunting, fishing, trapping, gathering of food and medicines, practising ceremonial traditions, and burial activities. Evidence of these traditional land and resource uses can be found in archaeological evidence (e.g., archaeological sites, burial sites, and associated objects) and through Indigenous traditional knowledge.

Indigenous Communities, their traditional knowledge, as well as current and historic land and resource use is an important aspect of environmental impact assessment. This chapter provides an overview of the regulatory and policy setting as well as the environmental setting for the Crown Mountain Coking Coal Project. It includes information about the Kainai (Blood Tribe) community, their Aboriginal and Treaty rights, including traditional land and resource use and descriptions of the Kainai's baseline conditions related to the Project. This chapter includes the assessment of effects of the Project on the environment related to the Kainai, the potential mitigation measures identified, and the assessment of the impacts on the Kainai's rights and interests.

The information presented in Chapter 27 is used to assess potential effects of the Project on Indigenous rights and interests (known as Aboriginal and Treaty Rights and Interests throughout Chapter 27), as outlined in the *Canadian Environmental Assessment Act, 2012* (CEA Act, 2012) and the Guidelines for the Preparation of an Environmental Impact Statement for the Crown Mountain Coking Coal Project (EIS Guidelines; Canadian Environmental Assessment Agency [CEAA], 2015).

27.1.1 Indigenous Communities

The assessment of potential effects on treaty rights and interests, including land and resource use, was completed for the Indigenous Communities listed in Table 27.1-1. Indigenous Communities required to be consulted as part of the Project were detailed in the provincial Section 11 Order issued for the Project by the federal EIS Guidelines (CEAA, 2015). The Section 11 Order includes Schedules B and C, which

specifically name the Indigenous groups requiring consultation, with additional guidance provided in the April 26, 2018 provincial Application Information Requirements document. In October 2020, the British Columbia Environmental Assessment Office (EAO) varied the procedural order for the Project with the issuance of a Section 13 Order, which included the addition of Indigenous groups (Table 27.1-1). Additionally, CEAA provided guidance on February 20, 2015 via the EIS Guidelines, with further direction provided by the Impact Assessment Agency of Canada (IAAC) on March 16, 2020.

Table 27.1-1: Summary of Indigenous Communities Engaged for the Crown Mountain Coking Coal Project

Indigenous Community/Group	Provincial and/or Federal Guidance for Inclusion on the Project
Ktunaxa Nation <ul style="list-style-type: none"> • Yaqit ?a-knuqhi 'it (?akink'um?asnuq?i?it or Tobacco Plains Band) • ?akisq'nuk (Akisqnuq or Columbia Lake Band) First Nation • ?aqam (St. Mary's Indian Band) • Yaqan Nu?kiy (Lower Kootenay Band) 	<ul style="list-style-type: none"> • EIS Guidelines (February 20, 2015) • Section 11 Order - Schedule B (May 27, 2015)
Shuswap Indian Band	<ul style="list-style-type: none"> • EIS Guidelines (February 20, 2015) • Section 11 Order - Schedule C (May 27, 2015)
Stoney Nakoda First Nations <ul style="list-style-type: none"> • Bearspaw First Nation • Chiniki First Nation • Wesley First Nation 	<ul style="list-style-type: none"> • EIS Guidelines (February 20, 2015) • IAAC revised list of Indigenous Groups (March 16, 2020) • Section 13 Order (October 30, 2020) - additions to Schedule C of the Section 11 Order
Kainai First Nation (Blood Tribe)	<ul style="list-style-type: none"> • IAAC revised list of Indigenous Groups (March 16, 2020) • Section 13 Order (October 30, 2020) - additions to Schedule C of the Section 11 Order
Piikani Nation	<ul style="list-style-type: none"> • IAAC revised list of Indigenous Groups (March 16, 2020) • Section 13 Order (October 30, 2020) - additions to Schedule C of the Section 11 Order
Siksika Nation	<ul style="list-style-type: none"> • IAAC revised list of Indigenous Groups (March 16, 2020) • Section 13 Order (October 30, 2020) - additions to Schedule C of the Section 11 Order
Tsuut'ina Nation	<ul style="list-style-type: none"> • IAAC revised list of Indigenous Groups (March 16, 2020)
Métis Nation of British Columbia	<ul style="list-style-type: none"> • EIS Guidelines (February 20, 2015)
Métis Nation of Alberta, Region 3	<ul style="list-style-type: none"> • IAAC revised list of Indigenous Groups (March 16, 2020)

27.1.2 Regulatory and Policy Setting

27.1.2.1 Indigenous Communities

As identified by the Impact Assessment Agency of Canada (IAAC) (IAAC, 2015a, b; 2020 a-c; 2021 a, 2022) and listed in Table 27.1-1, the Project falls within the asserted traditional territories of the member nations of the Ktunaxa Nation (?akisq'nuk, Yaqan nuykiy, ?aq'am, and Tobacco Plains Band), Shuswap Indian Band, the Kainai, Piikani Nation, and Siksika Nation. The Stoney Nakoda (Chiniki, Bearspaw, and Wesley First Nations), has asserted a Land Claim Area which extends into B.C., outside of Treaty 7 territory

where this additional land claim area overlaps with the Project footprint as identified by IAAC (IAAC, 2015c). The Project is also located adjacent to the traditional territories of the Tsuut'ina Nation (IAAC, 2021b). The Elk Valley Métis Nation (EVM Nation) is the closest Métis group to the Project footprint and a Chartered Community within the Métis Nation of British Columbia (MNBC). As determined by IAAC, Elk Valley Métis Nation and MNBC citizens in the region from adjacent chartered communities may be exercising their potential rights within the Project footprint (IAAC, 2015d). The Métis Nation of Alberta – Region 3 are determined by IAAC to be potentially impacted by the Project, as rights-bearing Métis communities are best considered as regional in nature, as opposed to settlement-based (IAAC, 2021c). The closest Reserve Lands to the Project are Bummer's Flat 1 Reserve (approximately 69 km southwest in B.C.), Edan Valley 216 Reserve (Stoney Nakoda; approximately 70 km northeast in Alberta), and Peigan Timber Limit 147B (approximately 52 km east in Alberta).

Specific to the Ktunaxa Nation, the Project falls within the Ktunaxa Nation and the Ktunaxa Kinbasket Statement of Intent Boundary, indicating the extent of asserted Traditional Territory used by the Ktunaxa Nation in B.C. The Ktunaxa Nations maintain underlying sovereign and *sui generis* title¹ to all lands and waters within their territories, including the Elk Valley and the Project footprint. The Ktunaxa Nation currently consists of four member Bands in B.C. and two Bands in the United States, covering approximately 70,000 km² of Ktunaxa historical Traditional Territory (Ktunaxa Nation, 2021). Ktunaxa member groups located in B.C. include:

- Yaqit ʔa-knuqʔi 'it or ʔakink'umʔasnuqʔiʔit or Aqanuxunik (Tobacco Plains Band near Grasmere);
- ʔakisq'nuk (Columbia Lake Band near Windermere);
- ʔaq'am (St. Mary's Band near Cranbrook); and
- Yaqa Nuʔkiy (Lower Kootenay Band near Creston).

The Stoney Nakoda Nations, the Kainai, Piikani Nation, Siksika Nation, and the Tsuut'ina Nation are the Treaty 7 signatories identified by IAAC (IAAC, 2015c; 2020a, b; 2021a, b). In addition to the Treaty 7 rights, the Kainai, Piikani Nation, and Siksika Nation's asserted territory consists of the traditional homeland of the Blackfoot peoples (the Blackfoot Confederacy) which includes the exercise of their Aboriginal rights across the ancestral homeland of the Blackfoot peoples (IAAC 2020a, b; 2021a).

27.1.2.2 Regulatory Setting

The proposed Project is subject to environmental assessment (EA) under both the *Canadian Environmental Assessment Act* (CEA Act, 2012) and the British Columbia *Environmental Assessment Act* (2002). The Project is also undergoing a coordinated federal-provincial EA process conducted under the principles of the Canada–British Columbia Agreement for Environmental Assessment Cooperation (the Agreement). Under the Agreement, federal and provincial jurisdictions work together on impact assessments for projects that require both a federal and a provincial assessment to increase efficiency and certainty and achieve quality assessments.

¹ In Canadian law, Aboriginal title is *sui generis* (meaning of its own kind or unique), in that the land title originates in an Indigenous Community's occupation of its ancestral lands prior to the European assertion of sovereignty. As such, it is different from other forms of property rights because it is a communal right belonging to specific Indigenous Communities. In that regard, Aboriginal title may not be sold or purchased by individuals; it may only be voluntarily surrendered to the Crown by an Indigenous community through agreements such as treaties. It includes both surface and subsurface resources, such as mineral rights and oil and gas developments (Irwin, 2018).

27.1.2.2.1 B.C. Environmental Assessment Act

A new coal mine with a production capacity of greater than 250,000 tonnes per year of clean coal or raw coal or a combination of both clean coal and raw coal is considered a Reviewable Project pursuant to the Reviewable Projects Regulation B.C. Reg. 370/2002 under the EAA, 2002 (S.B.C. 2002, c. 43). The Project is therefore considered a Review Project under the EAA, 2002.

Pursuant to Section 2(2) of the EAA, 2002, the B.C. EAO is the authority responsible for provincial review of this proposed Project. NWP submitted the Final Application Information Requirements to the EAO on April 26, 2018 (B.C. EAO, 2018). On May 27, 2015, the EAO issued an Order under Section 11 of the Act, determining the scope of the required environmental assessment and the procedures and methods for conducting the assessment. Section 12 of the Section 11 Order describes consultation with Indigenous Communities. Part G: Section 12.1 of the Section 11 Order states the EAO will consult with the Indigenous Communities listed in Schedule C of the Section 11 Order by providing notification of Project milestones during the environmental assessment (B.C. EAO, 2018). On October 30, 2020, the EAO issued an amendment in the matter of the EAA, 2002 and the environmental assessment of the Project order under Section 13 amending the Section 11 Order to add a new Section 12.5. The added Section 12.5 identifies that the EAO may implement additional measures for consultation and accommodation with any Indigenous Community, after consideration of issues raised where appropriate (B.C. EAO, 2020a).

The EAO requires that all CEA Act, 2012 requirements under subsection 19(1) for assessing environmental effects (e.g., the environmental effects of accidents and malfunctions, cumulative environmental effects, significance of effects, mitigation measures), including paragraph 5(1)(c) effects, be addressed in a dedicated chapter in the EIS. The potential effects assessment for the purposes of paragraph 5(1)(c) environmental effects, including current use of land and resources, is separate from the assessment of the potential effects on Aboriginal rights and interests. Valued Components (VCs), indicators, and any relevant analysis presented in the assessment of impacts to Indigenous Communities related to paragraph 5(1)(c) (e.g., fishing, hunting, trapping, cultural practices, socio-economic conditions, or health conditions), are considered on an individual basis for each Indigenous Community identified in any Schedule of the Section 11 Order, regardless of depth of consultation. Where the effect is the same for multiple Indigenous Communities (e.g., for the assessment of environmental effects to health and socio-economic conditions), the discussion can be aggregated, provided the rationale is well documented. Summarized results of the Indigenous consultation related to Aboriginal interests and/or other matters of concern to the identified Indigenous Communities are available in Appendix 27-A, Table 27.A-1.

The EAA, 2002 was repealed by the Environmental Assessment Act, 2018 in 2019. As per subsection 78(6) of the EAA, 2018, the environmental assessment process for the Project was continued under the 2002 Act. On May 3, 2023 the Project was transitioned to the EAA, 2018 through a Transition Order under Section 78(7) of the 2018 Act.

27.1.2.2.2 Canadian Environmental Assessment Act, 2012

The construction, operation, decommissioning, and abandonment of a coal mine with a production capacity of more than 3,000 tonnes per day (tpd) is considered a Designated Project pursuant to the *Regulation Designating Physical Activities* SOR/2012-147 under the *Canadian Environmental Assessment Act, 2012* (S.C. 2012, c. 19, s. 52). The anticipated production capacity of the Project is up to 4.0 million

run-of-mine tonnes (M ROMt) per annum (approximately 10,150 tonnes per day [tpd]) for 15 years. The Project is therefore considered a Designated Project under the *Canadian Environmental Assessment Act*, 2012.

Pursuant to Section 15(d) of the *Canadian Environmental Assessment Act*, 2012, the Impact Assessment Agency of Canada (IAAC, formally known as Canadian Environmental Assessment Agency [CEAA]) is the authority responsible for federal review of this proposed Project. The Final Environmental Impact Statement Guidelines were issued by IAAC to NWP on February 20, 2015 for the preparation of an EIS. Section 5.1 of Part 2 of the EIS identifies which Indigenous Communities NWP is required to engage on the Project. As required by the Agency (IAAC, 2020a), NWP will make key environmental assessment summary documents (draft/final EIS, key findings, plain language summaries) accessible to these Indigenous Communities and ensure their views are heard and recorded. For the purposes of developing the EIS, NWP engaged with Indigenous Communities that may be affected by the Project, to obtain their views on:

- Effects of changes to the environment on Indigenous Communities (health and socio-economic issues; physical and cultural heritage, including any structure, site, or thing that is of historical, archaeological, paleontological, or architectural significance; and current use of lands and resources for traditional purposes); and
- Potential adverse impacts of the Project on potential or established Aboriginal or Treaty rights.

With respect to engagement activities, the EIS documents:

- The engagement activities undertaken with Indigenous Communities prior to the submission of the EIS, including the date and means of engagement (e.g., meeting, mail, telephone);
- Any future planned engagement activities; and
- How engagement activities by the proponent allowed Indigenous Communities to understand the Project and evaluate its effects on their communities, activities, potential or established Aboriginal or Treaty rights, and other interests.

Summarized results of the Indigenous consultation related to Aboriginal interests and/or other matters of concern to the identified Indigenous Communities are available in Appendix 27-A, Table 27.A-1. As noted above, the comments received from Indigenous Communities on the draft effects assessment and NWP's responses where applicable are recorded in Appendix 27-A, Table 27.A-2.

The *Canadian Environmental Assessment Act*, 2012 was repealed by the *Impact Assessment Act* (IAA), 2019 in 2019. As per subsection 181(1) of the IAA, 2019, the environmental assessment process for the Project was continued under the 2012 Act.

27.1.2.2.3 Elk Valley Water Quality Plan

The Project is located within the designated area of the Elk Valley Area Based Management Plan, also known as the Elk Valley Water Quality Plan (EVWQP). The EVWQP is a plan to manage the cumulative effects of coal mining on water quality and was developed by Teck in response to a Ministerial Order issued in April 2013 under the *Environmental Management Act* (EMA), 2003.

The Order directed Teck to develop a plan to stabilize and reduce water quality concentrations of selenium, cadmium, nitrate, and sulphate (the Order Constituents) and the rate of formation of calcite in

streams. The plan was to include short, medium, and long-term water quality targets for the order constituents for specified locations in the Elk River, Fording River, and the Canadian portion of Lake Kootenay. The EVWQP was developed with significant consultation with Indigenous Communities, various levels of government, resource tenure holders, the public, and other stakeholders (Teck, 2014). The Minister of Environment approved the EVWQP on November 18, 2014, and the Minister's approval letter also set out Approval Conditions. The EVWQP and the Minister's Approval Conditions apply to all coal mines in the designated area of the Elk Valley, including the Project.

27.1.2.2.4 Elk Valley Cumulative Effects Framework

As part of the Provincial Cumulative Effects Framework, the Elk Valley Cumulative Effects Management Framework (EV-CEMF) aims to assess the historic, current, and potential future conditions of selected valued components and to support natural resource management decisions within the region. The purpose of EV-CEMF is to develop an approach to understand cumulative effects on the environment from various industries and natural events in the Elk Valley. Impacts are assessed using five region-specific valued components (VC) selected by the EV-CEMF Working Group: Westslope Cutthroat Trout, grizzly bear, bighorn sheep, old growth and mature forest, and riparian habitat. The EV-CEMF will be used as an additional tool in the cumulative effects assessment for the Project for the region-specific VCs.

27.1.2.3 Regional Land Use Policies and Plans

In 1992, the B.C. government directed the development of a strategic-level land use plan to identify a comprehensive and integrative vision for land and resource use in the Kootenay-Boundary region. The East Kootenay Land Use Plan was completed in 1995. This 1995 Plan, which has since been retired, included land use designations of new protected areas, special resource management zones, integrated resource management zones and preliminary enhanced resource management zones. The East Kootenay Land Use Plan (1995) also committed provincial agencies to further regional land planning to refine the enhanced management zones (B.C., 2021). Accordingly, the Kootenay Boundary Land Use Plan Implementation Strategy (KBLUPIS) was released in 1997 (Kootenay Inter-Agency Management Committee, 1997).

The main objectives of the KBLUPIS (1997) include:

- Contribute to environmental, social, and economic sustainability;
- Reduce potential for disruptive land use conflicts;
- Support a secure and certain basis for public and private planning as well as investment in resource development and community planning;
- Integrate with other government strategic planning initiatives related to land and resource management; and
- Provide context and strategic direction for detailed, operational levels of land and resource management planning and decision-making.

The KBLUPIS (1997) applies to all public lands and waters in the Kootenay/Boundary regional planning area. It is important to note that the plan does not contain prescriptive direction for private land, rather, as noted above, it aims to provide strategic long-term direction to enhance security and certainty for private planning and investment in resource management.

The KBLUPIS also provides geographically specific resource management guidelines for individual resource values (e.g., connectivity, grizzly bears, ungulate winter range, etc.) (Kootenay Inter-Agency Management Committee, 1997). In 2001, specific provisions outlined in the KBLUPIS were legally established as higher level plan (i.e., the Kootenay-Boundary Higher Level Plan Order) under the *Forest Practices Code of British Columbia Act*. In 2002, the Kootenay-Boundary Higher Level Plan Order was revised and established new resource management zones and objectives. The objectives and guidelines outlined in the Kootenay-Boundary Higher Level Plan Order (2002) are not intended to impact the permitting of subsurface resource exploration and development. These objectives do not affect the operational plans for exploration, development, and production activities when authorized through the other legislation (i.e., *Mineral Tenure Act*, the *Coal Act*, and the *Mines Act*). Building off of the KPLUPIS (1997) and the Kootenay-Boundary Higher Level Order Plan (2002), in 2003, the Southern Rocky Mountain Management Plan was developed. This sustainable management plan covers the portion of the ATRI RSA that includes Flathead and Wigwam, as well as the west side of the Elk River drainage. This Plan was amended in 2010 to reflect the B.C. Government's decision to prohibit mining, oil and gas, and coal exploration and development in the Flathead River Watershed. In 2011, the *Flathead Watershed Conservation Act* was introduced.

The 2005 Cranbrook West Recreation Management Strategy overlaps with a small section of the ATRI RSA and provides the strategic-level direction on backcountry recreation. This plan does not consider industrial access. Since the implementation of this plan, access management areas and snowmobile restrictions have changed and take precedence where they differ from the Cranbrook West Recreation Management Strategy.

27.1.2.3.1 Old Growth Management Areas

Old Growth Management Areas (OGMAs) are a mechanism to protect and attain old-growth forests and enhance biodiversity. The Kootenay Boundary Higher Order Plan (2002) provides legal direction for identifying and defining old and mature seral forests (B.C., 2021). This order outlines biodiversity emphasis targets for different seral stages by landscape unit and biogeoclimatic unit (Ministry of Sustainable Development, 2002). As previously noted, since 2002, there have been multiple orders that have been approved, which have amended and varied objectives, including the biodiversity emphasis targets and old mature forest objectives. Within the Land Use and Access RSA, the 2005 amendment revised biodiversity emphasis options mapping to enhance timber and biodiversity management in the area.

In 2005, the *Forest Practices Code of British Columbia Act* was repealed and replaced largely by the *Forests and Range Practices Act*. This major change in government direction had implications in terms of how legal objectives related to OGMAs would be considered moving forward. In 2006, the Integrated Land Management Bureau decided not to legalize spatial OGMAs in the Southern Interior region. Non-Legal OGMAs are spatially defined areas of old growth forest that are defined through operational planning or landscape unit planning processes. When preparing Forest Stewardship Plans, forest licensees are not required to follow OGMA direction and can choose to manage biodiversity targets through alternative methods.

27.2 Environmental Setting

The Project is located in the Elk Valley within the front ranges of the southern Rocky Mountains in southeastern B.C. The Elk Valley stretches more than 180 km from the mouth of the Elk River at Lake Koocanusa

in the south, north to its headwaters in Elk Lakes Provincial Park near the Continental Divide along the B.C.-Alberta border (EV-CEMF, 2018; George et al., 1987). The Elk Valley forms part of the Continental Ranges of the Rocky Mountains. Elevations in the Terrestrial LSA range from 1,170 metres above sea level (m asl) along the Elk River west of Grave Lake up to above 2,700 m asl along the Continental Divide. Key watercourses in the Project footprint, local, and regional study areas include the Elk River, Michel Creek, Alexander Creek, West Alexander Creek, Harmer Creek, and Grave Creek.

27.2.1 Atmospheric Environment

Existing air quality in the Atmospheric LSA and Atmospheric RSA is affected by natural air emissions (e.g., wind-blown dust, forest fires) and anthropogenic air emissions (e.g., existing coal mines, vehicular traffic, construction activities, residential heating, and winter road gritting). Other industrial activities that may affect local and regional air quality and greenhouse gas (GHG) emissions include pulp mills, sawmills, and several oil and gas facilities, in addition to prevalent agriculture and forestry practices.

Air emissions resulting from coal mining and processing include fugitive dust, particulate matter, carbon monoxide (CO), sulphur oxides (SO_x), oxides of nitrogen (NO_x), volatile organic compounds (VOCs), and GHGs (Province of B.C., 2009; Rout et al., 2014). Emissions of these compounds have the potential to affect human health and aquatic and terrestrial ecosystems. Dustfall is primarily a nuisance issue but may also affect human health, vegetation, water quality, soil quality, and visual aesthetics. Local ambient air quality monitoring data collected by two stations from January 2014 to December 2016 and operated by Teck were used in the baseline analyses. Ambient air concentrations for the selected contaminants of concern all fell below their corresponding B.C. Ambient Air Quality Objectives (AAQOs) for each of their respective averaging periods. Provincial monitoring locations in the Southern Interior Air Zone generally did not exceed the B.C. AAQOs and Canadian Ambient Air Quality Standards (CAAQS) except when influenced by wildfires between 2015 and 2017 (ENV, n.d.). Wildfire smoke is believed to be a factor leading to elevated daily and annual PM_{2.5} concentrations and elevated ozone concentrations.

Meteorological conditions in the Project footprint were determined by collecting data at the Project-specific Crown Mountain meteorological station located within the coal license area at an elevation of 1,920 metres above mean sea level (m amsl) in the headwaters of the Alexander/West Alexander watershed. The mean daily average temperature ranged from 13.4°C in February 2014 to a maximum of 16.6°C in June 2015. Barometric pressure ranged from 78.3 to 82.5 kilopascals (kPa), and was generally higher in the summer, and lower with greater variability in the winter. Average daily humidity varied substantially and ranged from 50.1% (August 2015) to 93.1% (January 2016). Average monthly humidity was typically lowest in the summer months and highest in the winter. The average monthly solar radiation at the Crown Mountain climate station ranged from a minimum of 6.1 watts/square metre (W/m²) in December 2015 to a maximum of 252.8 W/m² in July 2014. The wind rose indicates wind speeds between 2 and 6 kilometres per hour (km/h) were most frequently recorded between January 2014 and May 2016. The most frequent wind direction was travelling west-northwesterly (i.e., from the south-east), at approximately 22.9% of the recorded entries. The lowest precipitation values generally correspond to the summer months (a lowest mean of 35.4 mm in August) and higher precipitation in the early winter months (a highest mean of 89.6 mm in November).

To evaluate baseline GHG emissions for the Project area, total GHG emissions from B.C. and sector specific emissions, particularly emissions from the mining sector were considered. The best available estimate of

B.C.'s reported GHG emissions is provided in the 2020 ECCC National Inventory Report (NIR) (GoC, 2021) and 1990-2019 Provincial Inventory (Province of B.C., 2021). GHG emission summaries in the Atmospheric RSA in 2020 indicated a total of 1,695,266 t CO₂e/year. The highest fossil fuel emitter was Teck's Fording River Operations (649,846 t CO₂e/year). Based on these results, GHG emissions from Single Facility Operations in the East Kootenay region in 2020 accounted for approximately 2.6% of B.C.'s annual emissions, or approximately 0.2% of Canada's total GHG emissions.

27.2.2 Acoustic Environment

The acoustic environment in the Project area near and surrounding the Acoustic LSA comprises natural noise sources (e.g., wind, birds, insects), and anthropogenic sources (e.g., residential, recreational, mining, forestry, transportation). The Project location occurs in a medium relative hazard zone for seismic activity (Natural Resources Canada, 2015), but earthquakes do occur in the area (Natural Resources Canada, 2020). Anthropogenic sources of background vibration may include seismic exploration for mining and oil and gas developments, quarrying and resource extraction, large trucks and earth-moving equipment, and timber harvesting and hauling.

Mining in the East Kootenay region has been ongoing for over a century with coal being the dominant resource extracted in the area. There are several existing metallurgical coal mines in the Elk Valley and Crowsnest coal fields, including Teck's Elkview Operations at approximately 8 km southwest of the Project and the Line Creek, at approximately 12 km north of the Project. Additionally, the Canadian Pacific mainline, and the Sparwood/Elk Valley Airport are within the Acoustic LSA which affect the acoustic environment in the Project area. None of the above activities currently occur within the Project footprint or Acoustic LSA; these activities are present within the greater region in which the Project is located.

Ambient baseline noise monitoring was performed for the Project in 2017 to determine ambient noise levels at representative human receptors in the Acoustic LSA. Receptor locations were selected near residences, cabins, and campsites. Of the receptors, only two human receptors (locations of possible, but not occupied, Indigenous dwellings) showed some noise levels in exceedance of guidelines. Wildlife receptors were most affected within the Project site itself up to a distance of 1,500 m for noise and up to 400 m to 500 m for vibration levels. All other receptors results were in compliance with the respective criteria and applicable guidelines. Baseline vibration levels were not assessed as there are no known sources of vibration within the Project footprint.

27.2.3 Soils and Terrain

The Soil Quality and Quantity LSA and the Terrain LSA are underlain by a sequence of numerous sedimentary rock formations ranging in age from Jurassic to Lower Carboniferous. The Grave Prairie, Upper Grave Creek, West Alexander Creek, and Alexander Creek drainages are largely underlain by Jurassic-aged sandstone, shale, and limestone of the Fernie Formation (Massey et al., 2005; Price et al., 1992). The spine of Erickson Ridge consists of Carboniferous-aged dolomite, limestone, and chert of the Rundle Group (Etherington, Mount Head, and Livingstone Formations). Outcrops of dolomitic siltstone, sandy dolomite, orthoquartzite and limestone of the Rocky Mountain Group flank the Rundle Group rocks. In turn, shale, sandstone, and limestone of the Spray River Group are located between the Fernie Formation and the Rocky Mountain Group. Sandstone, siltstone, and coal of the Kootenay group outcrop along the Crown Mountain ridge top (Massey et al., 2005; Price et al., 1992).

As part of the baseline analysis, a total of 17 Soil Map Units (SMUs) were described and were finalized once a pattern of main soil types was established through field sampling and image analysis. Dominant SMUs consisted of circum-mesic till, moderately shallow soil, and deep colluvium within the LSA and Project footprint. High soil erosion potential was identified along watercourses and on steep slopes throughout the Soil Quality and Quantity LSA.

Soil salvage potential was considered low in the LSA as 59.7% of soils were considered unsuitable for salvage for rehabilitation purposes. Soils with good potential to be salvaged for rehabilitation purposes (i.e., m, m-h, m-l classes) cover 22% of the Project footprint. Another 17% of the Project footprint has fair potential for soil salvage.

Concentrations of metals in the soil samples analyzed during the baseline surveys were found to be below the B.C. Contaminated Sites Regulation (CSR) standards, and Canadian Council of Ministers of the Environment (CCME) Canadian Soil Quality Guidelines (CSQG) with some exceptions that included aluminium, arsenic, barium, cobalt, manganese, nickel, selenium, thallium, and zinc. Four of the 18 polycyclic aromatic hydrocarbon (PAH) parameters analyzed were detected in soil samples. With the exception of one sample collected from near an exposed coal seam northwest of the summit of Crown Mountain, levels were below the B.C. CSR standards and CCME CSQGs. Soil pH levels by SMU varied greatly from strongly acidic to moderately alkaline.

Terrain type, assessed by mapping of surficial materials across the terrain LSA include till, colluvium, aeolian, fluvial, glaciolacustrine, and organic deposits, as well as weathered bedrock and anthropogenic deposits. Glaciolacustrine sediments are found throughout the Terrain LSA and are associated with increased susceptibility to landslides and surface erosion than other materials. Within the Terrain LSA, deposits of glaciolacustrine sediments were found along the Elk River Valley bottom, Grave Prairie and the south end of Grave Lake between the elevations of about 1,200 m above mean sea level (amsl) and 1,400 m amsl.

Terrain stability class within the Terrain LSA was high to very high covering approximately 47% of the Terrain LSA. Although karst was not observed within the Terrain LSA by the terrain stability mapping, 892.9 ha (7%) of the Terrain LSA is underlain by Primary Karst likelihood, 977.7 ha (8%) by Secondary Karst likelihood, and 3,818 ha (30%) Tertiary Karst likelihood. The remainder of the area is considered to have a negligible amount of karst potential. Most of the Project infrastructure is located on areas mapped as Tertiary or unmapped. The majority (56.5%) of the Terrain LSA was not classified as a geohazard; slow moving geohazards (5.9%), rapid moving geohazards (32%) or a combination of slow and rapid geohazards (6.1%) were identified in the baseline assessment.

27.2.4 Groundwater and Surface Water

There are two mapped aquifers identified within the catchments of Grave Creek and Erickson Creek located to the southwest of the Project, close to the Town of Sparwood. Aquifer 1078 is a sand and gravel aquifer with a size of 8.5 km² and overlies the 1082 bedrock aquifer at its west end. This confined aquifer is comprised of glaciofluvial sands and gravels, and it is located underneath till, in between layers, or underlying glaciolacustrine deposits. The reported yield for the wells screened in this aquifer ranges between 0.3 and 2.5 L/s while their depth to water ranges from 24 to 40 m below ground surface (m bgs). The groundwater flow pattern (i.e., flow direction) is not clear but is likely towards the Elk River. Recharge

sources are precipitation, snow melt, and infiltration of surface water. Aquifer 1082 is a confined bedrock aquifer with an area of 1.8 km² and a median well yield of 0.41 L/s. Groundwater within this aquifer flows to the southwest through fractured sedimentary rocks, including shale, sandstone, and limestone of the Fernie Formation.

Thirteen private wells, where 12 are owned by Teck were identified within 7 km of the LSA. No registered private wells within the Grave Creek, Erickson Creek, and Alexander Creek catchments were found.

Groundwater quality sampling at Crown Mountain has been completed over two periods between 2013 and 2016, and 2018 through 2020. Within the LSA, baseline groundwater quality exceeds B.C. CSR drinking water criteria for several parameters (cobalt, lithium, sodium, chloride, and fluoride). Most of the exceedances to these criteria occur in and around the projected footprint and above the confluence between West Alexander and Alexander creeks. Monitoring wells that exceed selenium are also located below the confluence between West Alexander and Alexander creeks and are clearly explained by a regional groundwater signature. Several monitoring wells exceed the B.C. CSR for drinking water criteria for lithium, whereas one well exceed B.C. CSR Drinking Water and B.C. Drinking Water criteria for chloride.

As part of the surface water baseline assessment, discharge hydrographs demonstrated the variability of flow conditions within the LSA. Notably, minimal to near zero flows are annually observed in the late-fall to early-spring months at each monitoring station. The onset of annual freshet conditions has been noted to occur as early as the beginning of April in some years (e.g., 2016). The freshet periods over the course of stream flow monitoring were found to generally persist into early July with low summer flows typically occurring at least by the end of August.

Surface water analytical results from the baseline program between May 2012 and June 2019 were compared to the B.C. WQG working and approved short-term guidelines for freshwater aquatic life and long-term and short-term CWQGs for freshwater aquatic life. Elevated concentrations of total aluminum and copper were identified in surface water collected from the Alexander Creek watershed during a high-magnitude precipitation event in June 2013. Nine samples exceeded the guidelines for cadmium within the Alexander Creek watershed in June 2013 and May 2014. These elevated concentrations are associated with high flow volumes and significant precipitation events. Concentrations of key parameters (i.e., nitrate, fluoride, sulphate, aluminum, cadmium, copper, iron, and selenium) were consistently higher in Michel Creek compared to Alexander Creek.

27.2.5 Fish and Fish Habitat

Fish and fish habitat baseline surveys were conducted to describe and quantify existing conditions. The scope of the surveys included fish habitat, fish communities, benthic invertebrates, sediment quality, water quality, and tissue residue analyses of fish, periphyton, and benthic invertebrates.

Field studies were completed in 2014, 2017, 2019 and 2020 and included sampling in winter, spring, summer, and fall. A total of 60.1 km of stream length was assessed; of this, 49.1 km (82%) was determined to be fish bearing. Fish species observed within the Fish and Fish Habitat LSA have included Westslope Cutthroat Trout (listed under Schedule 1 of the *Species at Risk Act* [SARA]), Bull Trout, Eastern Brook Trout, Mountain Whitefish, and Rainbow Trout (Lotic Environmental, 2020). In the Aquatic RSA, additional species observed consisted of Longnose Sucker, Longnose Dace, Torrent Sculpin, Burbot, Kokanee,

Peamouth Chub, and Northern Pikeminnow. Distribution of Rainbow Trout, Burbot, Kokanee, Peamouth Chub, and Northern Pikeminnow is limited to downstream of Elko Dam on the Elk River and in Lake Koochanusa (Lotic Environmental, 2020).

As part of the baseline, fish inventories identified Westslope Cutthroat Trout, Bull Trout, Eastern Brook Trout, and Mountain Whitefish. Results of the baseline fish community study indicated the potential presence of two subpopulations of Westslope Cutthroat Trout in Alexander Creek consisting of a “fluvial resident”, and “fluvial migratory” population.

Fish habitat surveys during baseline studies were conducted on Alexander Creek, West Alexander Creek, Grave Creek and other tributaries and lentic areas within the Fish and Fish Habitat LSA and Project footprint. Alexander Creek is a fish bearing fourth order tributary of Michel Creek, characterized by cascade-pool and cascade-riffle to riffle-pool morphologies. Overall habitat quality was considered to be good in one reach (ALE1) with mature riparian vegetation, diverse channel units, and sufficient overhead cover was less available in the remainder of the watercourse. A long bedrock falls was considered to be a barrier to fish migration. Substrate was dominated by cobble and gravel throughout the surveyed reaches. Spawning potential for fish bearing reaches in the Alexander Creek watershed were classified overall to be moderate to good providing areas with adequate spawning gravel size, overhead cover, flow, and water depth for Westslope Cutthroat Trout. Spawning potential was overall limited for fall-spawning species, some sections of Alexander Creek provided appropriate spawning habitat and fall surveys of 2017 identified potential bull trout redds, and one confirmed bull trout redd in 2019.

West Alexander Creek is a second order stream and a tributary of Alexander Creek dominated by cascade-riffle/cascade-glide morphology. Within the reaches surveyed, a moderate amount of cover was provided by woody debris, and boulders. Riparian vegetation primarily consisted of mature coniferous forest, and substrate was dominated by cobble and gravel. Some sections of West Alexander Creek are considered as non-fishing-bearing due to the presence of gradients of 45% for over 200 m, and dewatering. A wetland area confirmed to be non-fish bearing is present at the headwaters (WAL4). All four unnamed tributaries of West Alexander Creek were also observed to be non-fishing-bearing due to the presence of waterfall barriers and/or gradients greater than 30%. One reach of two surveyed of West Alexander Creek (WAL1) was considered to have good spawning potential which was confirmed by the presence of Westslope Cutthroat Trout fry and Redds.

Grave Creek is a fourth order stream and a tributary of the Elk River located adjacent to the Project footprint with four fish bearing reaches. Due to the presence of a barrier to fish migration, two reaches are considered to contain an isolated population of Westslope Cutthroat Trout. Morphology was characterized by cascade-pool, and step-pool, with dominant substrate consisting of cobble and gravel. Cover ranged from poor to good between reaches and consisted of boulders, woody debris undercut banks present, and overhanging vegetation. Overall, Grave Creek and its tributaries provide moderate to good spawning potential with evidence of spawning activity including one Redd noted during surveys.

Overwintering habitat suitability was variable and was classified as poor, moderate, or good based on depth, temperature, and dissolved oxygen levels.

Twenty-seven wetland (lentic) sites were surveyed in July 2019. Lentic sites were dominated by open water/channelized wetlands with slow moving or stagnant water, including active and inactive beaver

impoundments. Most wetlands had emergent vegetation and were surrounded by mature forest. Fish presence surveys indicated that 23 of the 27 wetlands surveyed had potential for fish presence, 12 of which were connected to watercourses and considered fish-bearing after the first year of inventory sampling. Fish captures included juvenile eastern brook trout and one juvenile bull trout.

Benthic invertebrate community sampling was conducted in October 2014 and October 2017 at sites on Alexander Creek, West Alexander Creek, unnamed tributaries of West Alexander Creek, Grave Creek, and the unnamed tributaries on Grave Creek (where streams were considered fish-bearing). In 2017, some Alexander Creek stations had twice as many invertebrates in samples compared to 2014, although community composition remained similar.

27.2.6 Terrestrial Ecosystems and Vegetation

The Project footprint and the Landscapes and ecosystems LSA are characterized by old growth and mature forest, riparian habitat, avalanche chutes, and some grasslands and wetlands. The Biogeoclimatic Ecosystem Classification (BEC) zones present within the Landscapes and Ecosystems RSA and Landscapes and Ecosystems LSA include Montane Spruce (MS), Interior Cedar-Hemlock (ICH), Interior Douglas-Fir (IDF), Engelmann Spruce - Subalpine Fir (ESSF) and Interior Mountain Heather - Alpine (IMA). Fire suppression activities have resulted in a greater abundance of young forests, reducing the occurrence of non-forested structural stages where many listed plants occur (Demarchi et al., 2000; Kirby and Campbell, 1999; Mountain Goat Management Team, 2010; and Poole and Ayotte, 2019).

Baseline Terrestrial Ecosystem Mapping (TEM) was used to map and quantify avalanche chutes, grasslands, riparian habitat, old and old growth and mature forest as well as wetlands. The Project TEM predicted avalanche chutes occur across 69 ha or 5% of the Project footprint, and in 603 ha or 5% of the Landscapes and Ecosystems LSA. Grasslands are predicted to occur across 13 ha or 1% of the Project footprint, and in 200 ha or 2% of the Landscapes and Ecosystems LSA. Old growth and mature forest occur across 851 ha or 66% of the Project footprint, and 5,029 ha or 39% of the Landscapes and Ecosystems LSA. Riparian habitats are predicted across 78 ha or 6% of the Project footprint, and in 1,318 ha or 9% of the Landscapes and Ecosystems LSA. The Project TEM predicts wetlands cover less than 1 ha and less than 1% of the Project footprint, and in 122 ha or 1% of the Landscapes and Ecosystems LSA. Invasive species were found within the grassland (13 species), riparian (six species), and wetland (nine species) habitats.

The wetland baseline study identified four wetlands that occur in the Project footprint, while 32 surveyed wetlands are located adjacent to or outside of the Project footprint in the Terrestrial LSA. Most wetlands surveyed ranged in size from 0.01 to 0.25 ha (n=11) and 0.51 to 0.75 ha (n=10), and represented bog, fen, marsh, swamp, shallow open water, and a transitional/successional marsh-fen classes. The wetland baseline study also identified 11 wetland site associations and three non-wetland site associations in the Terrestrial LSA listed by the B.C. CDC as special concern (Blue-listed) and at risk of being lost (Red-listed). No Red- or Blue-listed wetland site associations were found in the Project footprint and no SARA-listed wetland plant species or communities were found within the LSA or Project footprint. One Red-listed site association was observed in the Terrestrial LSA, and 10 Blue-listed site associations were observed across 14 wetlands in the Terrestrial LSA. The Red-listed was found to occur the same wetland complex in which two Red-listed non-wetland alkaline-saline meadows were observed.

As of May 2021, the B.C. CDC has documented historical observations of 39 listed plants and 11 listed plant communities in the Landscapes and Ecosystems RSA (B.C. CDC, n.d.). Within the Landscapes and Ecosystems LSA, 8 Red-listed and 15 Blue-listed plants have been documented by B.C. CDC. Limber pine and whitebark pine are both considered Endangered by COSEWIC with whitebark pine additionally being listed as Threatened under SARA (2002).

Whitebark pine was detected within the Project footprint and Landscapes and Ecosystems LSA, from an elevation of approximately 1,800 m asl to the ridge top of Crown Mountain (2,230 m asl) with the bulk of observations located at or above 1,900 m asl. Whitebark pine is also found to the north of Crown Mountain along the ridge that extends from Crown Mountain to the northern edge of the Landscapes and Ecosystems LSA in the upper Grave Creek drainage. Additionally, VRI data indicates that whitebark pine is found just outside the Landscapes and Ecosystems LSA to the east and northeast. Although limber pine was not observed within the Landscapes and Ecosystems LSA, the potential for this species to occur cannot be ruled out as seed catches or trees may occur and were not observed during the extensive baseline surveys. Limber pine has been documented south of the Landscapes and Ecosystems LSA (Klinkenberg, 2019) in habitats similar to those found within the Landscapes and Ecosystems LSA.

Baseline field surveys also recorded four listed plant species currently Red-listed by the B.C. CDC within the LSA and include ground plum, shining penstemon, Parry's townsendia, and Drummond's milk-vetch. Of the listed plant species observed during baseline surveys, none are listed as species at risk under the SARA (2002) or are designated at-risk by COSEWIC. Prior to 2019, Cusick's paintbrush was Red-listed. Since 2019, its status has been listed as Unknown (B.C. CDC, n.d.). The four Red-listed plant species within the Landscapes and Ecosystems LSA were observed in the southern portion of the Landscapes and Ecosystems LSA and not within the Project footprint. Cusick's paintbrush was also observed in the southern portion of the Landscapes and Ecosystems LSA and east of the proposed rail loadout within the Gg12 ecological community west of Valley Road. The observation of Cusick's paintbrush in the southern Landscapes and Ecosystems LSA was the first occurrence of this species documented in the Elk Valley.

Habitat conditions for listed plant communities and species in the Landscapes and Ecosystems LSA were observed in low elevations areas of the MSdw (below 1,600 m asl) with warm aspect or soil conditions preventing the establishment of trees. As part of the baseline field surveys, one Red-listed grassland was observed within the Landscapes and Ecosystems LSA. Gg12 *Rough Fescue - (Bluebunch Wheatgrass) - Yarrow - Clad Lichens (Festuca campestris - (Pseudoroegneria spicata) - Achillea borealis – Cladonia spp.)* was identified through the rare plant field surveys, accounting for 0.21% of the Landscapes and Ecosystems LSA and 0.04% of the Project footprint.

27.2.7 Wildlife and Wildlife Habitat

Comprehensive field surveys were conducted in 2014, 2017, 2018, and 2019 to obtain Project baseline information on wildlife occurrence, abundance, distribution and habitat availability within the Terrestrial LSA.

Baseline surveys showed that the ungulate community (including moose, elk, bighorn sheep and mountain goat) were broadly distributed in the Terrestrial LSA, occurring at various elevations within the Alexander, Grave, and Harmer Creek drainages and transboundary mountain passes (e.g., Deadman Pass) during all seasons. Most detections of each ungulate species were higher in spring/summer than in

fall/winter. Moose were most often detected in riparian habitats, wetlands, and transboundary mountain passes. Elk were detected in riparian habitats, avalanche chutes and transboundary mountain passes. Mountain goats and bighorn sheep occurred most frequently in avalanche chutes and transboundary mountain passes.

Carnivores, including grizzly bear, wolverine, American marten, and Canada lynx were found to occur along Alexander, Grave, and Harmer Creek drainages and transboundary mountain passes throughout the LSA. A grizzly bear den was incidentally observed in the avalanche chute directly west of Crown Mountain during July 2018. Baseline surveys showed evidence of breeding females throughout the Terrestrial LSA.

Wolverine tracks were detected in all three Biogeoclimatic Ecosystem Classification (BEC) zones, with no substantial difference between detection in different zones. Active or recently used American badger burrows were only documented in the northwest portion of the Terrestrial LSA, to the south, and southeast of Grave Lake. There were no active or recently used burrows, or burrows indicative of maternal denning found within the Project footprint.

Baseline acoustic monitoring identified the little brown myotis, northern myotis, and eastern red bat in the Terrestrial LSA. Both the northern myotis and the little brown myotis are federally-listed on Schedule 1 of the SARA (2002) as Endangered with their survival imminently threatened by white-nose syndrome (ECCC, 2014). Northern myotis are also provincially Blue-listed. Bat species detected during winter months (November to February) were silver haired bat, big brown bat, and little brown myotis (in order of relative abundance). The highest relative number of acoustic files recorded during winter was at the West Alexander Creek headwaters site, followed by the Alexander Creek wetland, with only one recording of a silver haired bat at the Harmer Creek Reservoir. Results of live capture surveys included the identification of post-lactating females at the Alexander Creek wetland site and the Harmer Creek Reservoir site, indicating successful reproduction occurred at the maternity roost.

Within the breeding bird window of June and July 2014 and 2017 to 2019, a total of 2,088 individual birds of 80 species were observed. The most frequently encountered species across the survey years were Swainson's thrush, pine siskin, and yellow-rumped warbler. Two federal SARA-listed (2002) and provincially Blue-listed species were observed: barn swallow and olive-sided flycatcher. Species that are federally-listed under SARA (2002), but provincially Yellow-listed, included common nighthawk and evening grosbeak. Great blue heron are provincially Blue-listed, but not federally listed under SARA (2002). Within the Terrestrial LSA, breeding landbird communities were found to be the most abundant, species-rich, and diverse in grasslands, mixed shrub forests, and wetlands.

During the landbird migration surveys in 2018 and 2019, 51 species were observed during the spring surveys with 878 individuals, and 33 species with 297 individuals were observed during fall surveys. The species observed most frequently were dark-eyed junco, American robin, and pine siskin. Two species of conservation concern (evening grosbeak and olive-sided flycatcher) were observed during the migration seasons. Landbird communities were found to be the most abundant, species-rich, and diverse in the MSdw subzone in mixed shrub forests in the spring and in wetlands in the fall.

During the raptor standwatch surveys in 2018 and 2019, 38 raptor observations comprising 14 species were observed. Seven raptor species were observed during the migration standwatch surveys: bald eagle, golden eagle, osprey, red-tailed hawk, Cooper's hawk, northern goshawk, and turkey vulture. In addition,

48 individual incidental observations during the spring and fall included American kestrel, barred owl, broad-winged hawk, great horned owl, merlin, northern harrier, peregrine falcon, and sharp-shinned hawk. Red-tailed hawk were the most frequently observed resident species in the spring and golden eagle were the mostly frequently observed resident species in the fall. The highest average raptor abundance and species richness was observed along southern Alexander Creek in the spring and along the upper reaches of Grave Creek in the fall.

A total of 583 individual waterbirds comprising 23 species were recorded in the Terrestrial LSA during the spring wetland surveys in April and May 2018 and 2019. Red-winged blackbird, mallard, and northern shoveler were the most abundant species in the wetlands during the spring surveys. A total of 259 individual wetland birds of 14 species were recorded in the Terrestrial LSA during the summer wetland and ephemeral area surveys in June and July 2014 and 2017 to 2019. Mallard, spotted sandpiper, and red-winged blackbird were the most abundant wetland bird species observed in the summer. A total of six birds, consisting of five mallards and one hooded merganser, were the only wetland bird species observed in the fall.

Eighty-three riverine birds and 11 nests were observed in the Terrestrial LSA across 28.3 km of creek habitat assessed over the survey years. Spotted sandpiper were the most abundant riverine bird species observed in the Terrestrial LSA, followed by American dipper and harlequin duck. No riverine birds were observed in Grave Creek upstream of the confluence with Harmer Creek or in the unnamed creek in Deadman Pass. Alexander Creek had the highest riverine bird abundance, species richness, and diversity in the Terrestrial LSA.

A total of 412 amphibian detections were recorded at 18 wetland survey sites and two ephemeral areas in the Terrestrial LSA during the amphibian baseline surveys including the western toad, Columbia spotted frog, wood frog, and long-toed salamander. The western toad is listed as Special Concern under Schedule 1 of the federal SARA (2002) and were documented at wetlands and ephemeral areas in the Terrestrial LSA from May to July across the sampling years.

27.2.8 Physical and Cultural Heritage

The archaeology baseline program was conducted under *Heritage Conservation Act* Section 12.2 Heritage Inspection Permit 2015-0098, and subsequently Multi-Assessment Permit 2018-0014, and commenced with a desktop review of applicable Archaeological Overview Assessments (AOAs) and archaeological potential polygons, and previous archaeological inspections to identify locations where archaeological sites have been previously recorded in proximity to the Project footprint. The field component of the archaeological assessment commenced with reconnaissance surveys (i.e., ground-truthing exercises) within and adjacent to delineated archaeological potential polygons (Choquette 2012; 2014) within the Archaeological LSA, and in particular within or in proximity to (i.e., ± 100 m) the Project footprint. A paleontology field assessment was not conducted because fossils resources are generally anticipated to occur deep below ground surface.

During the baseline archaeological program, numerous archaeological sites and artifacts were identified within the Archaeological LSA through the field reconnaissance (walkover) and sub-surface (shovel and evaluative) testing. Site types included, pre-contact, cultural material, surface lithics, fire-altered rock, and ancestral remains. Although the results of the baseline archaeological inventory and archaeological

impact assessment conducted have been completed, subsequent inspections (i.e., shovel testing) will be required on areas within the Project's mine plan that have yet to be subjected to any form of archaeological assessment (e.g., Phase IV, utility corridor west of the Elk River, and recently defined clearing limits of the mine plan).

27.2.9 Social and Economic Conditions

The population near the Project includes a variety of small communities in B.C. and Alberta, including Sparwood, Elkford, Fernie, and Crowsnest Pass. Individuals also live in the Regional District of East Kootenay (RDEK), including Electoral Area A. In 2016, the total population in the RDEK was 60,439, increasing at a rate of 9% between 2006 and 2016. The total Indigenous population in the RDEK was 4,710, increasing by 37.5% between 2006 and 2016. Approximately 65% of the RDEK population was working age (i.e., 15 to 64 years).

The mining industry constitutes the largest component of the regional economy. Currently, Teck has four coking coal mines operating within the Elk Valley, with the RDEK accounting for over 70% of Canada's annual coal exports (Katay, 2017). Several other mines operating in the RDEK produce industrial minerals including silica, magnesite, gypsum, graphite, and phosphate. Placer mining occurs throughout the RDEK, and several small operations produce aggregate, sand and gravel, and dimension stone (Katay, 2017). Other sectors of industry in the RDEK include forestry, agriculture, tourism and energy (i.e., oil and gas).

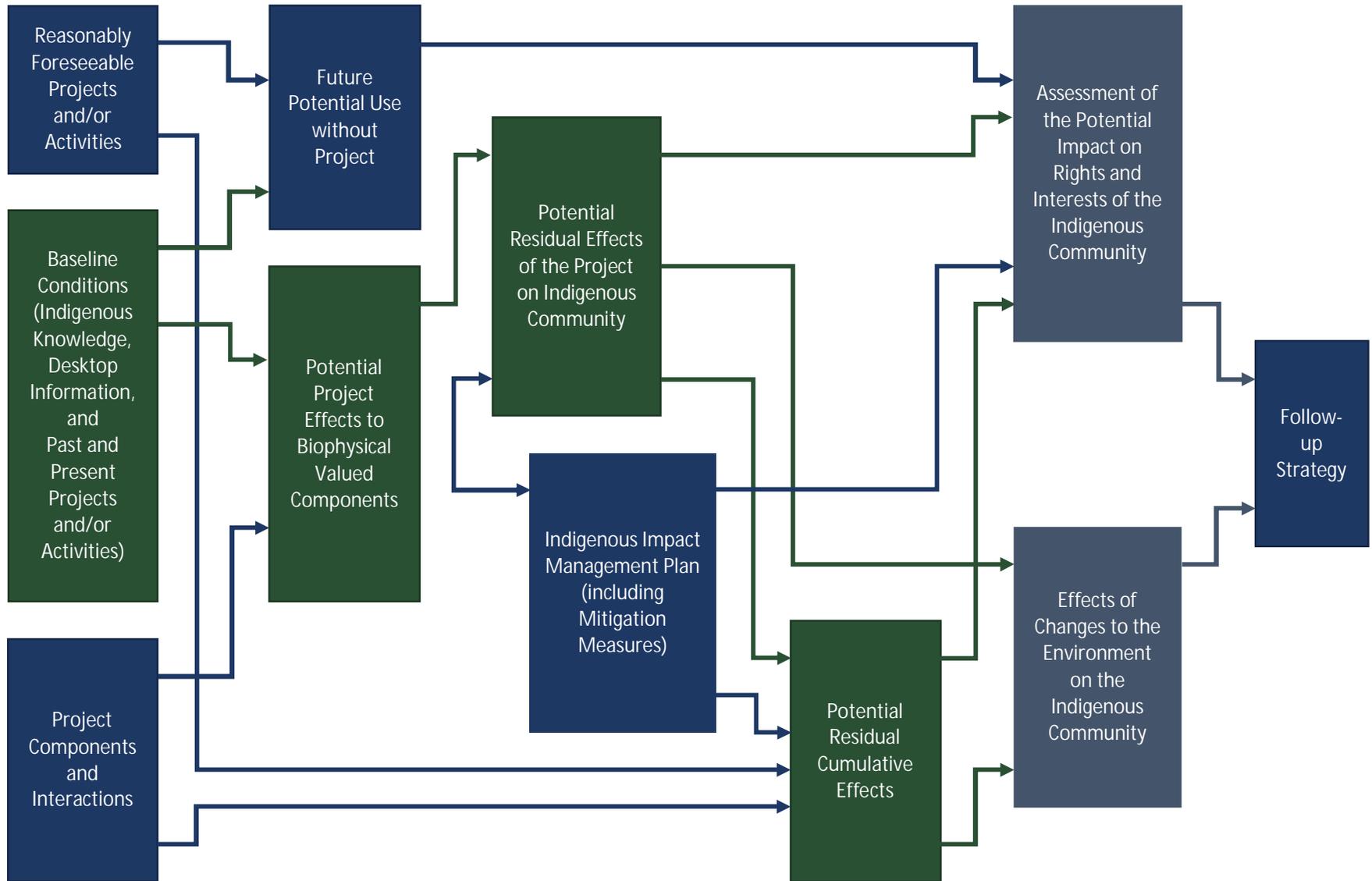
Within the RDEK, mining employs approximately 10.7% of the population in comparison to the B.C. economy which has 1.1% of workers employed in mining. The area also has more people employed in food services and accommodation; and arts, entertainment and recreation in the RDEK, which is consistent with the focus on tourism development. Employment rates within the economic LSA ranged from 54.0% to 68.7% in 2016. Analysis of the economic diversification of the LSA determined that Sparwood, Elkford, Fernie and the RDEK Electoral Area A was low. This is typical for smaller municipalities where mining is the primary industry, and as in the RDEK, many of the businesses are directly or indirectly related to the sector. In addition, the communities within the RDEK also participate in other primary industries and tourism. Annual government revenues range between approximately \$8 million and \$48 million. The primary revenue source for all municipalities within the Economic LSA is taxation and grants in lieu.

27.3 Overview of the Assessment Methodology

The methods for assessing potential effects on the Indigenous Community's rights and interests in relation to the Project followed the approach outlined in Chapter 5: Effects Assessment Scope and Approach. Figure 27.3-1 outlines the approach used as well as the following:

- Step 1 – Identify the rights and interests of the Indigenous Community considering secondary source information and input provided by the Indigenous Community (Section 27.5);
- Step 2 – Understand how historic and current use or changes to those conditions could affect the Indigenous Community's exercise of their rights and interests related to the Project footprint (and ATRI LSA and RSA) (Section 27.6.6). Current use as defined in Section 27.6.6 is reflective of current use of lands and resources for traditional purposes as well as potential future use by the Indigenous Community;

Figure 27.3-1: The Effects Assessment Process Flowchart



- Step 3 – Identify the potential future use and conditions that support the Indigenous Community's exercise of their rights and interests within the Project footprint, the ATRI LSA, and the ATRI RSA without the Project (Section 27.10.2.1);
- Step 4 – Identify potential pathways for interactions and adverse effects of the Project components and physical activities (Section 27.7.3.1) and the potential for changes to the environment that could impact on the exercise of the Indigenous Community's rights and interests (Section 27.7.3.2);
- Step 5 – Consider the anticipated residual effects to VCs (i.e., changes to the environment) that are directly related to the Indigenous Community's rights and interests or identified specifically as being of interest to them, identifying the potential for residual effects on the rights and interests of the Indigenous Community and determining the level of significance of these effects (Sections 27.7.3.2.1. to 27.7.3.2.8);
- Step 6 – Assess the potential for cumulative residual effects on the exercise of the Indigenous Community's rights and interests and determine the level of significance of resulting cumulative effects (Sections 27.7.4.3 and 27.7.4.4);
- Step 7 – Identify biophysical and rights and interests specific measures to avoid, mitigate, and/or otherwise accommodate for potential adverse impacts of the Project on the exercise of the Indigenous Community's rights and interests (Section 27.9: Indigenous Impact Management Plan);
- Step 8 – Consider the results of Step 5 and 6 with respect to Step 7 (the Indigenous Impact Management Plan), to identify and describe the residual impacts on rights considering potential cumulative environmental effects through a comparison of potential future use of the Project footprint (and the ATRI LSA and RSA) with and without the Project and the application of mitigation measures, to assess the severity of any identified adverse impacts (Section 27.10.2.1); and
- Step 9 – Identify additional follow-up strategies and adaptive management techniques to avoid, mitigate, or otherwise accommodate for potential adverse impacts of the Project on the exercise of the Indigenous Community's rights and interests (Section 27.11).

As outlined in Chapter 5 and Step 5 above, residual environmental effects are the effects on a VC that remain, or are predicted to remain, after mitigation measures have been implemented. The assessment of residual effects on VCs involves the consideration and evaluation of specific effects assessment criteria based on the degree (i.e., 'level') of potential Project effects. Criteria used to characterize residual effects in this chapter include:

- Duration of time that the effect occurs;
- Magnitude or intensity of the effect;
- Geographic extent, both biophysical and socio-economic scales, of the effect;
- Frequency of the effect (i.e., how often the effect occurs);
- Reversibility of the effect (i.e., if the effect can be reversed); and
- Context (i.e., the sensitivity and resilience of a VC to changes caused by the Project).

If a residual effect on a VC was determined and the VC was also considered a "pathway" for potential effects on another VC, this chapter identifies the linkages between the VCs. A determination of significance was completed for each residual effect using the significance threshold identified for each VC, as outlined in Chapter 5, Section 5.3.4.1, and was informed by the results of the residual effects

characterization criteria. Residual effects on VCs were ranked as ‘not significant’ or ‘significant’. If there was a residual effect on a VC, whether significant or not, the effect was carried forward to the cumulative effects assessment. Likelihood, the probability of the predicted significant residual effect of occurring, is presented as applicable for both intermediate and receptor VCs if the significance determination results in a conclusion that the effects of the Project on the VC are significant. In addition, assumptions or limitations to determining the likelihood of a predicted significant residual effect were described. Effects that were determined to be not significant do not require a characterization of likelihood. Confidence refers to the prediction of the significance of a residual effect based on the quality of data used in the assessment, the level of understanding of the residual effect, and the degree to which analyses are complete. The level of uncertainty associated with the residual effects assessment, including the significance determination, was also included in evaluating confidence.

27.4 Introduction to the Kainai

The following sections provide information about the Kainai (Blood Tribe) community, Aboriginal and Treaty rights², including traditional land and resource use within the following three areas: the Project footprint, the Aboriginal Treaty Rights and Interests Local Study Area (ATRI LSA), and the Aboriginal Treaty Rights and Interests Regional Study Area (ATRI RSA), defined in Section 27.7.2.1. The following sections include a description of the Kainai’s baseline conditions related to the Project, including Kainai’s Aboriginal rights and interests, the assessment of effects of the Project on their environment, the potential mitigation measures identified, and the assessment of the impacts on their rights and interests.

The information presented in Chapter 27 was used to support the assessment of potential effects of the Project on Kainai’s Aboriginal and Treaty rights and interests, which are also outlined in the *Canadian Environmental Assessment Act, 2012* (CEA Act, 2012) and the *Guidelines for the Preparation of an Environmental Impact Statement for the Crown Mountain Coking Coal Project* (EIS Guidelines; Canadian Environmental Assessment Agency [CEAA], 2015; IAAC, 2020a), the *Guidance: Assessment of Potential Impacts on the Rights of Indigenous Peoples*, updated 2022 (IAAC, 2022b), the Application Information Requirements (AIR) pursuant to an Environmental Assessment Certificate (Application) under the section 16(2) EAA (2002), the *Human and Community Well-Being: Guidelines for Assessing Social, Economic, Cultural and Health Effects in Environmental Assessments in B.C., 2020* (B.C. EAO, 2020b); and meetings with the Agency. The information provided below has also been used to identify mitigation measures to remove or reduce the potential for adverse impacts.

27.4.1 Information Sources

The information described herein was obtained through publicly available information sources, listed in Section 27.5 and 27.6 and through consultation and engagement with the Kainai. The information is intended to provide an overview of traditional land and resource use within the Project footprint, the ATRI LSA, and the ATRI RSA. This information is not intended to supersede or prejudice the traditional knowledge or specific information that may be shared as part of ongoing engagement with the Kainai. It provides information from generally available knowledge and secondary sources of information that is

² The Kainai’s Aboriginal and Treaty rights and interests are defined as those outlined in the correspondence from the Impact Assessment Agency of Canada (IAAC or “the Agency”) (formerly the Canadian Environmental Assessment Agency, or CEAA) on June 29, 2020 (IAAC, 2020a), indicating the Agency’s preliminary understanding of the nature and extent of the Kainai’s Aboriginal and Treaty rights and interests as described in Section 27.5.4.

intended to complement additional information that might be available from the Kainai in this regard, should they wish to share it. If further information is received through continued engagement with the Kainai, the information will be included where applicable to be considered as part of the overall evaluation of the potential impacts on Kainai's rights and Interests as part of the environmental assessment/impact assessment (EA/IA) processes.

27.4.1.1 Limitations of Information Sources

At the time of the Application/EIS submission, the Kainai did not provide a Project-specific Traditional Land-Use Study (TK/TLU) to NWP. Throughout this Application/EIS, where Indigenous Knowledge was provided by the Kainai it has been incorporated where applicable and noted as such. The limitations of the information sources considered include those publicly available (i.e., information provided by Kainai on other relevant EIS/project applications, e.g., including Baldy Ridge Extension Project, the Castle Project, Grassy Mountain Coal Project, and the Line Creek Operations Project) and those activities and correspondence that detail Project-specific information validated by the Kainai to be shared publicly. Limitations of information are also noted where no information is provided by the Kainai directly related to the baseline conditions established in Section 27.6 and NWP's understanding of the Kainai's rights and interests are limited to those confirmed by the Kainai in Section 27.5.4.

27.5 Kainai Consultation and Engagement Summary

All information compiled and presented in Section 27.5 has been authored by NWP utilizing secondary sources that are publicly available and the information presented throughout is not intended to supersede traditional knowledge or specific information of the community members and Elders of the Kainai.

27.5.1 Engagement Protocols

On March 24, 2017 the "Protocol between the Government of Alberta and the Blackfoot Confederacy for Discussion on Matters of Mutual Concern" was signed by the Premier, the Minister of Indigenous Relations and the Chiefs of Blood Tribe, Piikani Nation and Siksika Nation (Government of Alberta and Blackfoot Confederacy, 2017). This document establishes mechanisms by which First Nations' Chiefs and government will meet to determine joint strategies to address priority areas (Government of Alberta and Blackfoot Confederacy, 2017).

27.5.2 Project Development and Pre-Application Engagement

The Pre-Application phase of consultation includes engagement undertaken up to the submission of the Application/EIS, following issuance of the Section 11 Order by the Environmental Assessment Office (EAO). On October 30, 2020, the Section 11 Order was amended by the EAO to include the Kainai. Pre-Application phase engagement activities have included distribution of a Project Notification Letter, meetings with the Kainai to discuss the Project, and distribution of draft Application/EIS materials for Kainai review. Additional information on consultation and engagement with the Kainai is provided in Chapter 4.

In April 2020, Kainai requested a meeting between the Nation and NWP to discuss engagement. Prior to the meeting, Kainai provided NWP copies of the following reports, both of which were used in the development of this section for the Application/EIS:

- *East Kootenays – Crowsnest Archaeological Review Blackfoot Traditional Use and Occupancy*, by Neil Mirau, May 2020; and
- *A Review of the Literature on Blackfoot Use and Occupancy of the Crowsnest Pass and East Kootenays* by Dermot O'Connor, May 2020.

A virtual meeting was held on May 26, 2020 in which NWP provided an overview of the proposed Project and Kainai provided a historical overview of the land in which the Project occurs. Other points of discussion at the meeting included the EA process, recent communications between Kainai and IAAC and EAO, other proposed Projects in the Elk Valley, terrestrial habitat suitability modelling, traditional knowledge, and cumulative effects assessments. Kainai provided an overview of consultation expectations related to the Project. A follow-up meeting was anticipated in early 2021 between Kainai and NWP.

Formally, on October 22, 2020, a Project Notification Letter was provided to Kainai which outlined the proposed Project and related key components, regulatory requirements, and a brief overview of the Project's history (e.g., exploration activities and baseline surveys).

On February 1, 2021, NWP provided a draft version of the initial sections of this Application/EIS section for review and comment by Kainai. Feedback on the draft section was provided by the Kainai on April 1, 2021. The remaining section, complete with the effects assessments, was provided to the Kainai on August 30, 2021. Feedback on the remaining section was provided by the Kainai on October 22, 2021, with key concerns related to the timing and inclusion of the traditional land use (TLU) study to highlight Kainai's use within the Project footprint and the ATRI LSA in the Application/EIS identified. NWP responded to the Kainai feedback in writing on November 29, 2021. A follow-up meeting was undertaken on January 21, 2022 with Kainai to discuss the feedback provided, its incorporation into the draft Application/EIS, and the next steps in the assessment processes.

Summarized results of the Indigenous consultation related to Aboriginal interests and/or other matters of concern to the Kainai are available in Appendix 27-A, Table 27.A-1. As noted above, the comments received from the Kainai on the draft effects assessment and NWP's responses where applicable are recorded in Appendix 27-A, Table 27.A-2.

Overarching themes presented in the feedback received from the Kainai include concerns that Kainai's traditional use information collection within the Project footprint and the ATRI LSA is currently ongoing and should be incorporated into the assessment. The Kainai have also requested further information on how NWP determined potential effects on Kainai's rights and interests. The Kainai noted the proximity of Bob Creek Wildland Provincial Park (to the east), Castle Wildland Provincial Park (to the south), and Beehive Natural area (to the north) outside of the ATRI LSA but within the ATRI RSA. Of particular note is Beehive Natural Area, which hosts lambing sites for Bighorn sheep (in addition to being the wintering range for one of Alberta's largest elk herds).

It is important for Kainai to understand how additional industrial activity in British Columbia will impact the activities of these large mammals. The Kainai also expressed concern regarding potential for impact to the source water for Kainai's drinking water – the Oldman River watershed and selenium and other contaminant levels in surface water and riparian habitats. Where the Kainai highlighted the further

consideration of the cumulative effects of the Project in relation to the past and present projects and activities related to coal mining, further clarity on what projects and activities were included in the cumulative effects assessment was provided to the Kainai as a follow up to the feedback received. The Kainai also highlighted further consideration of cumulative effects of the Project related to past and present projects and activities. The Kainai's views expressed on the effectiveness of the mitigation or accommodation measures where applicable are further outlined in Appendix 27-A, Table 27.A-1 and Table 27.A-2.

It is noted that currently no changes were made to Project design (including the identification of additional Valued Components) and implementation directly as a result of on-going consultation with the Kainai. The other matters of concern raised by the Kainai not captured in the feedback provided in Appendix 27-A, Table 27.A-2 are addressed in Appendix 27-A, Table 27.A-1 where noted and included in Sections 27.6, 27.7, 27.8, 27.9 and 27.10.

Key issues that remain outstanding and are included in the opportunities for future engagement are the incorporation of Kainai's traditional use information collection within the Project footprint and the ATRI LSA that is currently ongoing and should be incorporated into the assessment processes, and the concerns regarding the overall potential cumulative effects within the Elk Valley due to on-going activities. With respect to discrepancies in views shared previously and updates since engagement began with the Kainai, NWP continues to work with the Kainai to address key issues that have been raised and regards consultation as an iterative process that adapts in order to identify applicable mitigative measures.

On May 19, 2021 NWP provided a Google drive link to allow the sharing of Project archaeological reports. The Kainai expressed an interest in a site tour, which was expected to occur in 2021 and was pushed back to 2022.

27.5.3 Future Engagement

NWP is committed to creating and sustaining constructive dialogue and relationships with Kainai over the course of the Project and the Application review phase of the EA. Should the Project be successful in receiving an Environmental Assessment Certificate (EAC), NWP will continue to share information with Kainai. Over the course of the Application review phase and post-EAC, NWP will provide Kainai with Project information, such as the Application/EIS, technical information required through Information Requests that are made public by the EAO and/or Impact Assessment Agency of Canada (IAAC), and other engagement materials such as Project newsletters and Project website updates. NWP will respond to comments received from Kainai as per the Section 11 Order, subsection 12.5.

It is noted that the Impact Assessment Agency of Canada (IAAC) (formerly the Canadian Environmental Assessment Agency) has indicated that the duty to consult with Kainai in relation to the Project is at the low end of the consultation spectrum (IAAC, 2020a) when compared to Indigenous Nations that are anticipated to experience more potential Project Impacts (IAAC, 2020c).

NWP is committed to an ongoing dialogue with the Kainai First Nation, including commitment to the following:

- Entering into an agreement to formalize consultation protocols between NWP and Kainai;
- Supporting site visits from representatives of the Kainai;
- Integration of the results of the Kainai's Traditional Land Use study where applicable and possible;

- Identifying mitigation and accommodation measures to prevent/offset impacts to Valued Components; and
- Discussing possible mitigation for potential impacts to Kainai rights and interests.

27.5.4 Preliminary Understanding of Rights and Interests

As their vast Traditional Territory includes the Project footprint, there is a potential for the Project to affect the Kainai's rights and related interests. Therefore, the Kainai's cultural and traditional heritage and traditional knowledge and land use must be taken into consideration and accommodated where appropriate in relation to the Project. An activity that has the potential to infringe on the Aboriginal Rights and related interests of the Kainai will trigger the Crown's duty to consult and accommodate with the Kainai.

Section 27.5.4 of the Project Application/EIS addresses the Kainai's rights and interests as identified by the Impact Assessment Agency of Canada (IAAC) (formerly the Canadian Environmental Assessment Agency [CEAA]). Information received from the Agency on June 29, 2020 (IAAC, 2020a), indicates the following as their preliminary understanding of the nature and extent of Kainai's Aboriginal and Treaty rights and interests. The following summarizes the Agency's understanding of rights and interests:

- *"Kainai people have rights that are recognized and affirmed under section 35 of the Constitution Act, 1982;*
- *The Kainai Nation/Blood Tribe are one of five nations signatory to Treaty 7 (1877);*
- *Under the terms of Treaty 7, Kainai has an established right to hunt;*
- *Kainai has rights under the Alberta Natural Resources Transfer Agreement (1930);*
- *Treaty 7 territory, in the province of Alberta is situated approximately five kilometres from the proposed Project;*
- *Kainai Nation asserts the project area is within Kainai's traditional territory, and the area was used by Kainai for harvesting, trade, travel, and cultural, spiritual and ceremonial purposes. The mountainous area of the Elk Valley is a valued site for seasonal occupancy, subsistence harvesting of plants, hunting, trade, travel, and traditional cultural expression and spirituality;*
- *The Crowsnest Pass is important as a destination to harvest items for ceremonial bundles;*
- *Kainai people continue to hunt for elk, mule deer, bighorn sheep, moose and occasionally bear in the foothills and front slopes of the Rocky Mountains;*
- *Kainai sacred cultural, spiritual and heritage sites in the Crowsnest Pass area are being reclaimed from the effects of colonialism, restrictions on movement, private enclosure of land and the loss of traditional ways of life;*
- *The Crowsnest Pass area is central to the material and cultural heritage of the Kainai people; and*
- *Kainai people continue to travel in the Crowsnest Pass and Elk River valleys to hunt, camp, gather food and medicinal plants and visit sites of historic, cultural and spiritual importance (IAAC, 2020a)."*

The following summarizes the Agency's understanding of Kainai's interests in Consultation:

- *"Ensuring the full protection of Kainai's rights now and for future generations;*
- *Protecting the use and enjoyment of Kainai's traditional territory for present and future generations, including the cultural, environmental, social, and economic benefits of that territory;*

- *Protecting, continuing, and preserving the cultural, social, economic, and environmental connection of Kainai to its lands and resources;*
- *Ensuring that the regulatory review of projects and related consultation properly incorporates the procedural and substantive concerns of Kainai through all phases;*
- *Ensuring that consultation and regulatory review processes require and contain sufficient, reliable, and credible information to assess the potential direct, indirect, and cumulative impacts on Kainai's rights, culture, way of life, and interests. Also, that Kainai is included in the design and carrying out of assessment processes where their rights and culture stand to be adversely implicated;*
- *Ensuring that any consultation process properly takes into account the legal principles recognized by the courts and that accommodation options allow for the full range of Kainai's concerns to be taken into account in decision making;*
- *Ensuring that Kainai's traditional knowledge and perspective are respected and meaningfully incorporated within regulatory processes, consultation, and decision making.*
- *Ensuring that decisions address the impacts and impairments to the rights, culture, and interests of Kainai, including cultural and socio-economic impacts; and*
- *Ensuring that Kainai has proper human and financial capacity to engage in consultation through all regulatory decisions and processes (IAAC, 2020a)."*

The Kainai's Aboriginal rights and interests and Treaty 7 rights are identified as those outlined in the correspondence above. Under the terms of Treaty 7, the Kainai have an established right to hunt which is addressed further when determining potential impacts to rights related to the change in use of land and resources for traditional purposes related to hunting and trapping in Sections 27.7.3.2.2. and 27.10.2.1.2. At the time of the submission of this Application/EIS, the Kainai had not provided information regarding their rights and interests to the NWP, therefore the current understanding of the Kainai's rights and interests is regarded as preliminary.

As per NWP's understanding of the Kainai's rights and/or interests, IAAC indicated their revised understanding of potential impacts of the Project on the Kainai's Aboriginal rights (IAAC, 2020a) to include:

- Fishing;
- Hunting and Trapping;
- Harvesting and Gathering;
- Ceremonial/Sacred (i.e., Culturally Significant) Areas;
- Access and Travel (and Trade) Routes;
- Physical and Cultural Heritage; and
- Social, Health, and Economic (i.e., Health and Socio-Economic) Conditions.

27.6 Kainai Baseline Conditions and Rights and Interests

This section describes the baseline conditions as they relate to the Project for the Kainai's rights and interests as identified by IAAC (IAAC, 2020a) and included in Section 27.5.4. The baseline conditions include a description of the Kainai's governance structures, a brief history of the Kainai, publicly available information regarding demographic data, socio-economic and health conditions, and ethnography. This

section also includes information regarding the Kainai's Aboriginal and Treaty rights and interests based on the preliminary understanding of the Kainai's rights and interests as noted in Section 27.5.4, feedback received from the Kainai (Appendix 27-A, Table 27.A-2), publicly available information, and overall consultation activities summarized in Section 27.5 relating to the historic and current use of lands and resources for traditional purposes by the Kainai such as fishing (and water), hunting and trapping, harvesting and gathering, ceremonial and sacred sites, access and travel routes, as well as physical and cultural heritage.

All information compiled and presented in Section 27.6 has been authored by NWP utilizing secondary sources that are publicly available and the information presented throughout is not intended to supersede traditional knowledge or specific information of the community members and Elders of the Kainai (IAAC, 2020a). The Kainai's rights and interests described in this section are in consideration of the existing and potential future use of the Project footprint, the ATRI LSA, and the ATRI RSA by the Kainai to exercise their rights and interests without the Project. This section also notes where applicable that the potential future use of the Kainai to exercise its rights in the ATRI LSA and RSA has likely been influenced by past and ongoing development activities that have been included in the setting of the baseline conditions utilizing the assessment methodology identified in Chapter 5 and referenced in Section 27.3.

27.6.1 Governance

The Blood Tribe, or Kainai ("the tribe of many chiefs"), is a government under the *Indian Act*. The Kainai are a part of the Blackfoot Confederacy, along with other First Nations, including: the Siksika, Piikani and Amskapi Piikani (Southern) Blackfeet Nation (Dempsey, 2006). The Declaration of Siksikaitsiitapiwa or Blackfoot Confederacy was signed in Lethbridge on the 25th of May 2000 (Treaty 7 First Nations Chief's Association (T7FNCA), 2020). The Kainai elect their Chief and Council ("Blood Tribe Council") according to its custom rather than according to the provision of the *Indian Act*. The Kainai have implemented the *Kainaiwa/Blood Tribe Election Regulations, 1995* for the purpose of electing one Chief and 12 councillors every four years.

Kainai is a member nation of the Treaty 7 Management Corporation, which acts as a tribal council for Treaty 7 First Nations including Siksika Nation, Stoney Nakoda, Tsuut'ina Nation, and Piikani Nation.

The Blood Tribe Council is the responsible Authority and Law-Making Authority in accordance with the Final Agreement and the Blood Tribe Governance Code (Blood Tribe Council, 2020). The Blood Tribe Council is an advocate for the Aboriginal and Treaty rights of the Kainai members and provides a stewardship role in the protection of the lands, water and resources of Kainai lands. In addition to this societal and governance model, the Kainai also maintain a system of clans that are based on kinship. These clans include (but are not limited to): Many Ghosts Clan, the All Tall People Clan, the Fish Eaters Clan and the Small Blanket Clan (Jirousek, 2020).

27.6.2 History and Ethnography

The Kainai, also known as the Blood Tribe or Kainaiwa are a member of the Siksikaitsiitapiwa, or "the Blackfoot People", a historic collective of linguistically related groups ("Blackfoot Speaking Peoples") now making up the Blackfoot Confederacy (Jirousek, 2020). In terms of the size of their modern-day population, the Kainai make up approximately half of the Confederacy and are considered one of the

major cultural divisions (Jirousek, 2020). The Blackfoot Confederacy also includes the Piikani and Siksika First Nations and are located in Southern Alberta.

The Blood Tribe traces its history back through millennia via oral traditions, historical research and archaeological records (O'Connor, 2020). These sources suggest that long before arrival of Europeans to the Americas, the Blood Tribe and their Blackfoot forebears were among the longest established Indigenous groups that still live in Southern Alberta (O'Connor, 2018). The Kainai organize their history into seven major periods (Jirousek, 2020). The current period is called i'kookaikski, "the age when the people used tipi designs". This period includes the latest 500 years and the transition from pre-contact life to the signing of Treaty 7 through the today (Jirousek, 2020).

Traditionally the Blackfoot people and the Blood Tribe travelled large distances in their subsistence, commercial and spiritual pursuits, based primarily on the bison hunt. Summers were spent on long mobile bison hunts while winters were spent in sheltered coulees near rivers close to bison wintering grounds and in easy reach of water, wood, shelter and grass for horses (O'Connor, 2018).

Within Kainai culture, the land is believed to be sacred; *"The land was not to be deliberately destroyed or damaged. The land was there to provide food for daily survival"* (Delaney et al., 1996). The importance of the Traditional Territory for the cultural and material survival of the Kainai is expressed by Elder Adam Delaney (1996):

"[T]he traditional territory of the Blackfoot Nation was given to our people by our Creator. We respected and protected this traditional territory with our minds and our hearts, and we depended on it for what it encompasses for our survival. Everything that we ever needed for our way of life and survival existed in our traditional territory, such as herbs for medicine, roots, rivers, game animals, berries, vegetables, the buffalo (Delaney, A. in Treaty 7 Elders et al., 1996)."

The introduction of the fur trading economy by the Hudson Bay and Northwest Companies had an immense impact on the Kainai as it did other Blackfoot Confederacy Nations (AMEC, 2010). Both the severe reduction in the bison population and the whiskey trade had immense impacts on the Blackfoot peoples, including the Kainai (Specific Claims Tribunal (SCT), 2012). The signing of Treaty 7 (see Section 27.6.5) was another important event that shaped the recent history of the Kainai and their societal structure as it is today. The signing of Treaty 7 opened up 50,000 square miles to development, including the transcontinental railroad. The signing of the treaty led to each Blackfoot Nation being assigned its own reserve land (Section 27.6.5.1), and by 1882, the Kainai were established on their current reserve land (SCT, 2012). Mi'k ai'stoowa (Red Crow) was Chief of the Kainai and signed the Treaty 7 in 1877 along with the other Treaty 7 Nations.

Red Crow's uncle, Piinakkoyim ("Seen From Afar") had negotiated the Lame Bull Treaty in 1855 with the United States government (Jirousek, 2020). Chief Red Crow was warrior, peacemaker and an important Kainai leader, who recognized the need for change and led the Kainai in their pursuit of agriculture as a means to sustain their community, and preserve their life, culture and political freedom (Blood Tribe Agricultural Project (BTAP), 2018a).

27.6.3 Language

The Kainai speak the language of the Siksikaitstapi (i.e., the Blackfoot Language of the Blackfoot Speaking Peoples). The language is an inherent tool that Kainai use for the transmission of creation stories, songs, ceremonies and traditions of the Niitsitapi from generation to generation (Blood Tribe Council (BTC), 2020). The Blackfoot Language was the cornerstone that connected the Siksikaitstapi; there are several distinct dialects associated with each of the four First Nations who comprise the Siksikaitstapi and who speak the common Blackfoot Language. Kainai’s dialect is closely related to that of the Siksika and the Piikani.

27.6.4 Population

The on-reserve population of the Kainai is reported by Statistics Canada to be 4,572, according to the 2021 Canadian Census for the Blood #148 Reserve (Statistics Canada, 2022a). The population saw no change between 2016 and 2021. Other sources indicate that the Kainai population is much higher and numbers are reported as high as 8,567 people living on their primary reserve (reserve lands are discussed in Section 27.6.5 below) and over 12,814 registered band members with 4,024 living off reserve (O’Connor, 2018; Jirousek, 2020; CIRNAC, 2022). Population density of Reserve #148 is 3.3 people per square kilometre (Statistics Canada, 2022). Table 27.6-1 indicates the key statistics publicly available, based on the census profile for the Kainai, Blood 148 Reserve (Statistics Canada, 2022).

Table 27.6-1: Blood 148, Indian Reserve Population, Education, and Employment Data

Blood 148, IRI Characteristics	Total	Men	Women
Population, 2021	4572		
Population, 2016	4570		
Population percentage change, 2016 to 2021 (%)	0.0		
Total private dwellings	1421		
Median age of the population	31.2	29.0	32.8
Number of total income recipients aged 15 years and over in private households in 2020	2785	1280	1505
Median total income in 2020 among recipients (\$)	24,200	21,600	28,600
Labour force participation rate (%)	41.0	40.3	41.2
Unemployment rate	27.1	26.6	20.3
Highest certificate, diploma or degree for the population aged 15 years and over in private households	3270	1540	1730

Source: Statistics Canada, 2022.

27.6.5 Community, Reserves, and Traditional Territory

The Traditional Territory of the Kainai is also the shared territory of the larger Siksikaitstapi (Blackfoot Confederacy) collective and has been occupied and relied upon since time immemorial. This territory encompassed the area to the north by the Ponokasisahta (Elk River, now called the North Saskatchewan River), to the east beyond the Omahskispatsikoyii (the Great Sand Hills, in what is now called Saskatchewan), to the south by the Otahkoitahtayi (the Yellowstone River), and to the west by the

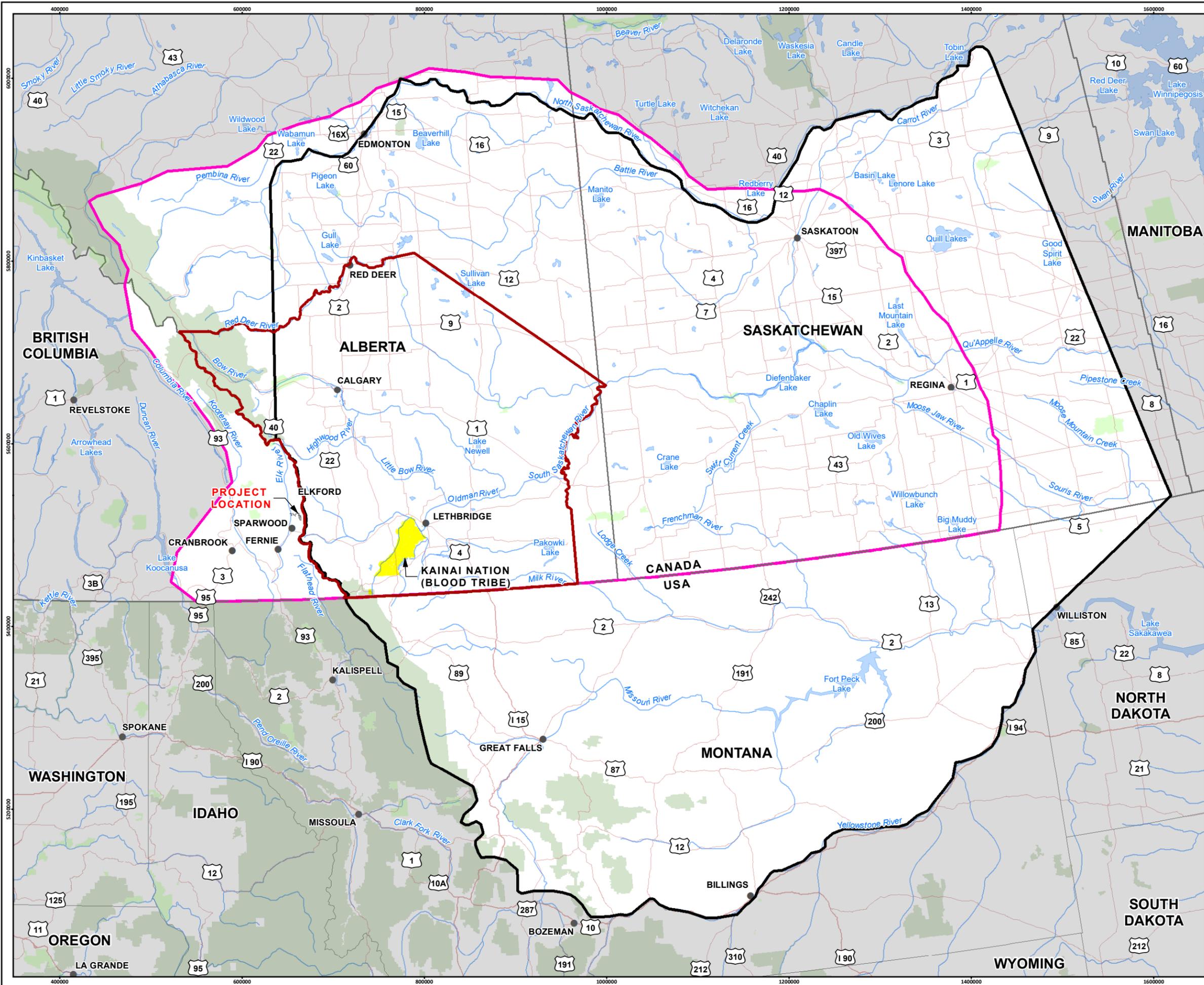
Columbia River (Figure 27.6-1). It is important to note that Figure 27.6-1 depicts a snapshot in time, and the concept of the extent of Kainai traditional territories is based on an evolving understanding of the landscapes that were occupied by Kainai ancestors and may not fully reflect the up-to-date views of the Kainai due to the lack of this information as provided by the Kainai for the Application/EIS. Further, the mountainous areas of the Crowsnest Pass, Elk Valley, and Old Man River have remained valued sites for seasonal occupancy, subsistence harvesting of plants, hunting and traditional cultural expression and spirituality (JFK Law Corporation, 2021).

Kainai asserts that the Project footprint is within Kainai's Traditional Territory, and the area was used by Kainai for harvesting, trade, travel, and cultural, spiritual, and ceremonial purposes. The mountainous area of the Elk Valley is a valued site for seasonal occupancy, subsistence harvesting of plants, hunting, trade, travel, and traditional cultural expression and spirituality (IAAC, 2020a). The Crowsnest Pass, Thunder Mountain, and the Oldman River Valley are important as destinations to harvest items for ceremonial bundles (IAAC, 2020a). While the contents of the sacred bundles, including the Thunder Pipe and Medicine Bundle are secret, the Crowsnest Pass remains especially important to the present as a destination to harvest the items for the Thunder Medicine Pipe bundle (O'Connor, 2020).

Kainai sacred cultural, spiritual, and heritage sites in the Crowsnest Pass area are being reclaimed from the effects of colonialism, restrictions on movement, private enclosure of land, and the loss of traditional ways of life; the Crowsnest Pass area is central to the material and cultural heritage of the Kainai people (IAAC, 2020a). Kainai people continue to travel in the Crowsnest Pass and Elk River valleys to hunt, camp, gather food and medicinal plants and visit sites of historic, cultural, and spiritual importance (IAAC, 2020a).

O'Connor (2020), notes that there is evidence to suggest that the front ranges of the Rocky Mountains along the Alberta-British Columbia border were overlapping spaces between the Blackfoot and their neighbours (the Ktunaxa and the Flathead peoples). O'Connor (2020) also indicates, and it is important to note that, the Crowsnest Pass, Elk Valley, and Old Man River have remained sites of cultural importance based on seasonal occupancy, harvesting of plants, hunting, and traditional cultural expression and spirituality to the Blackfoot Nations.

Through a Project-specific engagement meeting in May 2020, Kainai indicated that the Rocky Mountains and the Eastern slopes were critical to protect from a traditional land use perspective. The Kainai indicated that the Kainai have acquired land north and east of Blairmore (approximately 30 km from Sparwood) to re-explore and invigorate their use for hunting and other traditional practices and this land will be dedicated to these activities. The Kainai, along with the Siksika were also said to have been consistently in southwestern Alberta and by inference in the East Kootenays (Mirau and Kobes, 2020). Treaty rights are those resulting from the oral and written agreements made between the First Nations and the Crown. The Kainai are part of the "Treaty 7 Nations" group, which included a collective of Nations: the Kainai, Siksika, Piikani, Tsuut'ina, and Stoney Nations (PNC, 2017). Treaty Number 7 ("Treaty 7") or the Blackfoot Treaty of 1877 was signed between the Nations and Her Majesty the Queen in Right of Canada ("Crown") (Benga, 2019a). The Treaty 7 Nations have documented their understanding that the Treaty was a peaceful treaty, whose intent was to allocate the sharing of lands and resources with settlers in exchange for resources such as education and medical assistance, and not an agreement for surrender of land (PNC, 2017). Treaty 7 territory, in the province of Alberta is located approximately five kilometers from the Project.



Crown Mountain Coking Coal Project

Figure 27.6-1
Kainai Asserted Traditional Territory

LEGEND

- Blackfoot Traditional Territory (Pre-1600)
- Blackfoot Confederacy - Treaty 7
- Kainai Nation Traditional Territory (2021)
- Kainai Nation (Blood Tribe) Reserve Lands
- Project Footprint
- City/Town
- Highway
- Watercourse
- Waterbody
- Provincial/State/Local Park
- National Park
- Province/State Boundary



Map Drawing Information:
Data Provided By NWP Coal Canada Ltd, Dillon Consulting Limited, Province of British Columbia
Kainai Traditional Territory 2021 provided by JFK Law Corporation.
GeoBC Open Data, Government of Alberta Open Data, Natural Resource Canada, ESRI Basedata,
Crown-Indigenous Relations and Northern Affairs Canada.

Map Created By: RB/LMM
Map Checked By: LKD
Map Coordinate System: NAD 1983 UTM Zone 11N



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Through Treaty 7, the Kainai were encouraged to be self-sufficient on their reserve lands and provided resources for farming (i.e., tools and cattle). The Kainai opened a specific claim with the federal government regarding the Crown's failure to fulfil the legal Treaty 7 obligation of providing cattle to the community (SCT, 2012). The Kainai continue to assert their Aboriginal and Treaty rights and along with other Blackfoot Confederacy Nations have become very involved in consultation processes for projects which affect their ability to access their Traditional Territory and practice their traditional ways of life. As with the other Blackfoot Nations, the Kainai live by the principles of Ihtsipaitapiyopa, the Source of Life and the Niitsitapi, the collective inherent rights to practice their customs and traditions; speak the Blackfoot language; access land and cultural resources; subsistence, and practice self-determination and self-government (O'Connor, 2020).

The Treaty 7 First Nations Chiefs' Association (T7FNCA) serves as the political entity for the Treaty 7 First Nations Chiefs and leadership, to collectively advocate for the rights and needs of each nation in the Treaty 7 territory (T7FNCA, 2020). The Blackfoot Confederacy was established to address common needs with government entities such as the Government of Alberta, Indigenous Services Canada, and the Assembly of First Nations. The Declaration of Siksikaitsitapiwa or Blackfoot Confederacy was signed in Lethbridge on the 25th of May 2000 (T7FNCA, 2020).

The Kainai have filed several specific claims with the federal government (ATRS, 2020). Specific claims submitted by the Kainai include:

- Blood Tribe/Kainaiwa, Specific Claim Submission, The Ackers Surrender, 1995;
- Blood Tribe/Kainaiwa, Specific Claim Specific Land Claim Petroleum and Natural Gas Rights, 1996;
- Blood/Kainaiwa Tribe, "Big" Land Claim, 1996; The Blood Tribe, as represented by its council v. Her Majesty the Queen in Right of Canada (the Crown), 1996 (land claim for the area between the Kootenay (Waterton) and Belly Rivers (location of the southern boundary of the Reserve) and an outstanding treaty land entitlement related to the amount of land allocated for every band member);
- The Blood Tribe, as represented by its council v. Her Majesty the Queen in Right of Canada (the Crown), 2000 (breaching of fiduciary and trust obligations with respect to management of Blood Tribe cattle, land, resources and assets); and
- Blood Tribe/Kainai v. Her Majesty the Queen in Right of Canada (the Crown), 2012 (failure of the Crown fulfill legal obligation to provide the Kainai with cattle as per Treaty 7).

27.6.5.1 Community and Reserve Lands

The Kainai Reserve encompasses a land mass of approximately 1,343 square kilometers hectares in total across two reserve bases in Southern Alberta, making it the largest reserve in Canada (Figure 27.6-2). Kainai Reserve #148 (the primary reserve that hosts the community) is located near Stand Off, Alberta along Highway 506, southwest of Lethbridge, north of Cardston, and east of Pincher Creek. Reserve #148A is known as the "Timber Limit" (Jirousek, 2020) and is located in Improvement District No. 4, on the left bank of the Belly River and 2.4 km from the Canada-U.S.A. international border. Alberta Highway No. 6 bisects Reserve #148A. Current land uses within Reserve #148 are dominated by agriculture and rural residential lands.

According to the National Assessment of First Nations Water and Wastewater Systems (Burnside, 2011):

- The Reserve is serviced by groundwater at the Levern, Old Agency, St. Mary, St. Paul, and Standoff water systems. These systems have level I treatment and were constructed from between 1995 and 2004. In 2021, two Boil Water Advisories for the Standoff Water System, which serves approximately half the reserve population, were issued on January 19 and 25, 2021 and as of February 1, 2021 these have not been revoked (Government of Canada, 2021b);
- The Reserve is also serviced by the Whoop Up water system, a groundwater under the direct influence of surface water system with level II treatment that was constructed in 2001; and
- One area is serviced by a Municipal Type Agreement at Moses Lake, constructed in 1968.

During early engagement activities for the Castle Project, the Kainai indicated that a parcel of land near Coleman, Alberta, (located approximately 60 km from the Castle Project) is used as a base to support traditional land uses within the Crowsnest Pass area (B.C. Environmental Assessment Office [EAO], 2020b).

27.6.6 Kainai's Rights and Interests: Historic and Current Use of Lands and Resources for Traditional Purposes

This section describes the baseline conditions for the Kainai's exercise of their Aboriginal and Treaty rights and interests as identified by IAAC (IAAC, 2020a) with regard to the Project. This section also includes information regarding the Kainai's Aboriginal and Treaty rights and interests based on feedback from the Kainai (Appendix 27-A, Table 27.A-2), publicly available information, and consultation and engagement activities summarized in Section 27.5 relating to the historic and current use of lands and resources for traditional purposes by the Kainai such as fishing, hunting and trapping, harvesting and gathering, ceremonial and sacred sites, access and travel routes, as well as physical and cultural heritage.

The Kainai have a strong connection to their traditional lands (Figure 27.6-2 and Figure 27.6-3), where their ancestors travelled in annual seasonal migrations for thousands of years following the accessibility and availability of resources. Traditional practices and key cultural values of the Kainai in both historic and current times are described below, and Figure 27.6-3 depicts some of the important traditional and cultural areas identified by the Kainai. During early engagement activities for the Castle Project, and as part of correspondence from IAAC, the Kainai indicated that the Crowsnest Pass and Elk River are two of the few remaining landscapes within their Traditional Territory where the Kainai can still practice traditional activities such as hunting, fishing, plant gathering, trapping, and camping (JFK Law Corporation, 2020), as well as participate in cultural, spiritual, and ceremonial activities (IAAC, 2020a). There is a large Indigenous population in southern Alberta that rely on limited Crown lands; the Rockies and foothills are one of the last places for the Kainai to exercise their Treaty rights and traditional use, based on an ALCES landscape analysis undertaken by IEG Consultants in 2018 (IEG and ALCES Group, 2018).

As noted in Section 27.5, at the time of the Application/EIS submission, the Kainai did not provide a Traditional Land-Use Study (TK/TLU) to NWP. Where Indigenous Knowledge was provided by the Kainai (during the review of Project Planning and Design documents and during Pre-Application Engagement) it has been incorporated into the effects assessment for the use of lands and resources in relation to the Project. As such, the limitations of the information sources considered include those publicly available (e.g., other development project EA/IA applications, including Baldy Ridge Extension Project, the Castle Project, Grassy Mountain Coal Project, and the Line Creek Operations Project) and those activities and correspondence that detail Project-specific information available to be shared publicly related to

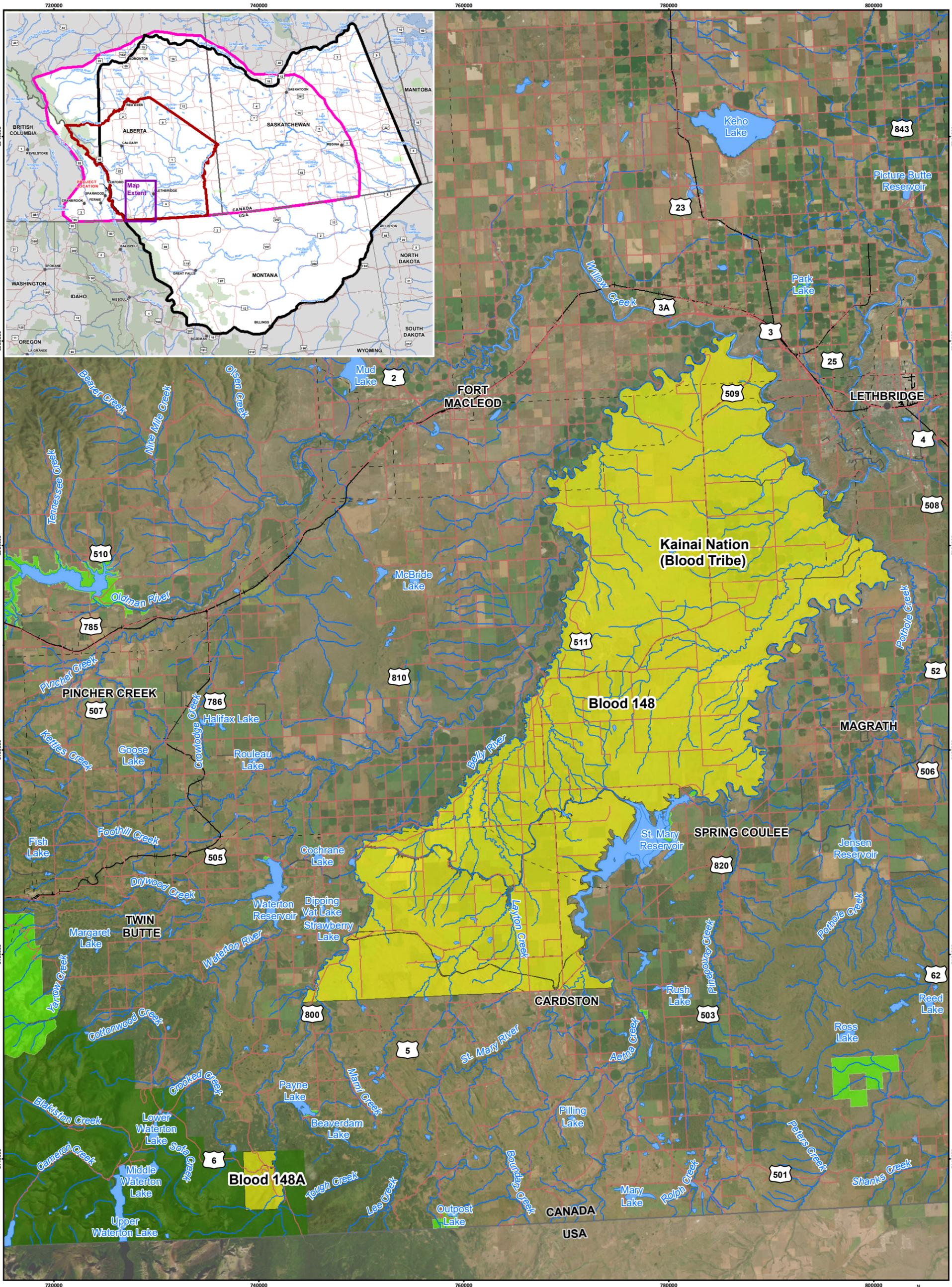
traditional activities. Where the Kainai did provide information related to mitigation measures, those have been included in the Indigenous Impact Management Plan (Section 27.9).

Limitations of information for assessing the Project effects to the Kainai's rights and interests include the lack of specific information regarding the spatial distribution of site-specific knowledge and use values reported by Kainai community members in the Project footprint and the ATRI LSA based on subsistence sites, ceremonial and cultural/spiritual uses, transportation features, habitation values, and environmental features. In addition to any tangible site-specific values mapped by Kainai knowledge holders and based on Kainai oral histories, any intangible non-site specific values that may include reported Kainai cultural properties or heritage sites in the vicinity of the Project including particular oral histories regarding Elders, ceremonies, and events that took place in the area and non-site specific values associated with oral histories of the area were those included from publicly available sources as no Project-specific information was provided. For this chapter, wherever practicable, these intangible cultural heritage resources are included within the physical and cultural heritage information.

For the use of lands and resources for traditional purposes, site-specific knowledge and use values associated with subsistence sites, transportation, and related environmental features including seasonal access and usage from Kainai knowledge holders would further support and guide the assessment of Project-related effects within the Project footprint, the ATRI LSA, and the ATRI RSA in terms of potential interactions during the Project lifecycle.

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, park creation, and other modern developments. There is recognition within the assessment processes 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). Current use as defined in Chapter 27 is reflective of current use of lands and resources for traditional purposes as well as preferred future use as desired by the Kainai.

As the Kainai did not provide a Project-specific Traditional Land-Use Study (TLU), the information available to describe the baseline information for the Kainai's rights and interests in the following sections was based on publicly available information and those activities and correspondence that detail Project-specific information available from the Kainai to be shared publicly. NWP's understanding of the Kainai's rights and interests is limited to those confirmed by the Kainai in Section 27.5.4 with limitations identified in Section 27.4.1.1, and as such, no information on the description and characterization of the location of hunting camps and cabins within the ATRI LSA and RSA to inform the determination of the appropriate spatial boundaries to describe the baseline information was provided by Kainai or publicly available. No information on the description of commercial activities of the Kainai within the ATRI LSA/RSA were provided by Kainai or publicly available. No information on the description of Kainai community members' recreational uses were provided by the Kainai or publicly available. No input from the Kainai was directly provided in establishing the baseline conditions related to health and socio-economics.



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Figure 27.6-2
Kainai Reserve Lands

- LEGEND**
- Kainai Nation (Blood Tribe) Reserve Lands
 - Blackfoot Traditional Territory (Pre-1600)
 - Blackfoot Confederacy - Treaty 7
 - Kainai Nation Traditional Territory (2021)
 - Project Footprint
 - City/Town
 - Highway
 - Arterial/Collector Road
 - Local/Resource Road
 - Railway
 - Transmission Line
 - Watercourse
 - Waterbody
 - Provincial Park/Protected Area
 - National Park
 - Province/State Boundary

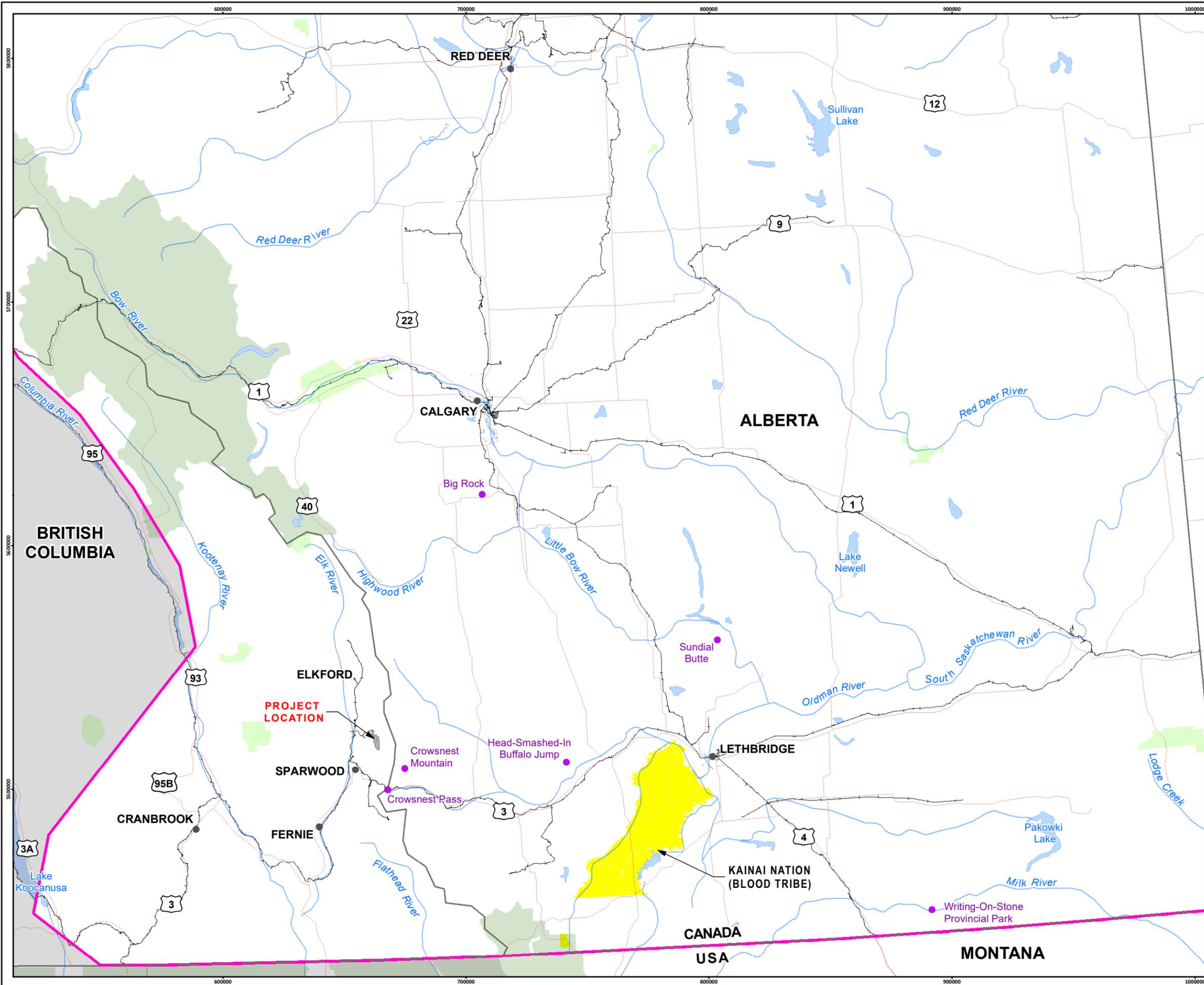
0 5 10
Kilometres
Scale 1:350,000

Map Drawing Information:
Data Provided by NWP Coal Canada Ltd, Dillon Consulting Limited, Province of British Columbia GeobC Open Data, Government of Alberta Open Data, Natural Resource Canada, ESRI Basedata/Imagery, Crown-Indigenous Relations and Northern Affairs Canada. Kainai Traditional Territory 2021 provided by JFK Law Corporation.

Map Created By: RB
Map Checked By: LKD
Map Coordinate System: NAD 1983 UTM Zone 11N



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Crown Mountain Coking Coal Project

Figure 27.6-3
Kainai Important Traditional and Cultural Area

LEGEND

- Important Traditional and Cultural Area
- Kainai Nation Traditional Territory (2021)
- Kainai Nation (Blood Tribe) Reserve Lands
- Project Footprint
- City/Town
- Highway
- +— Railway
- Watercourse
- Waterbody
- Provincial/State/Local Park
- National Park
- Province/State Boundary



Scale 1:1,500,000

Map Drawing Information:
Data Provided By NWP Coal Canada Ltd, Dillon Consulting Limited, Province of British Columbia
Kainai Traditional Territory 2021 provided by JFK Law Corporation.
GeoBC Open Data, Government of Alberta Open Data, Natural Resource Canada, ESRI Basedata,
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Further information on the Kainai's use of navigable waters, forestry and logging operations, commercial fishing, hunting, trapping, and gathering activities, commercial outfitters, and recreational use, including wildlife viewing, will be updated through continued engagement with the Kainai during the assessment processes where applicable. For the Kainai's physical and cultural heritage, the only information provided by the Kainai and publicly available is included in Sections 27.6.6.4, 27.6.6.5, and 27.6.6.6.

As the Kainai did not provide a Project-specific Traditional Land-Use Study (TLU), no information on the description and characterization of the location of hunting camps and cabins to inform the determination of the appropriate spatial boundaries to describe the baseline information was provided by the Kainai or publicly available. No information on the description of commercial activities of the Kainai were provided by the Kainai or publicly available. No information on the description of the Kainai members' recreational uses were provided by the Kainai or publicly available. Further information on the use of navigable waters, forestry and logging operations, commercial fishing, hunting, trapping, and gathering activities, commercial outfitters, and recreational use, including wildlife viewing, will be updated through continued engagement with the Kainai during the assessment processes where applicable.

Country foods include traditionally used resources that are fished, hunted, trapped, harvested, gathered, or grown by Indigenous Communities for subsistence or medicinal purposes outside of the commercial food chain. In relation to the Kainai's country food consumption, food insecurity has been increasing in recent years and has been further exacerbated by the global pandemic, temporary supply chain disturbances, and the rising cost of living. In the coming years, other factors will influence food security, including the conversion of arable land for natural resources developments and climate change, which will put traditional food systems (i.e., country foods) at risk, and might lead to further serious consequences for livelihoods and health. Food security, as defined by the Food and Agriculture Organization of the United Nations (FAO)³, exists when all people, at all times, have physical and economic access to sufficient, safe, and nutritious food to meet their dietary needs and food preferences for an active and healthy life. The four pillars of food security are: food availability, food access, utilization, and stability (FAO, 2016).

There are many considerations when discussing food insecurity, as food insecurity may be long term or temporary. It may be influenced by several factors including income, employment, race/ethnicity, and disability. A number of factors can affect food security including population growth, climate change, urbanization, industrialization, land use shifts, water scarcity, income growth, nutritional trends, and trends in global energy supply and food trade. The impact of food insecurity on health extends beyond diet and nutrition. In addition to income, housing tenure is an economic risk factor for food insecurity (Morrison, 2008). As relationship with the land is fundamental for the Kainai, food security is an important driver of subsistence harvesting as country foods are fundamental to Indigenous cultures; disruptions to access to these resources impacts food security for the Kainai.

For this Project, the potential for disproportionate effects to diverse or potentially vulnerable population groups or subgroups was explored from an economic and socio-community lens as noted in the *Human and Community Well-Being: Guidelines for Assessing Social, Economic, Cultural and Health Effects in Environmental Assessments in B.C.* (B.C. EAO, 2020b). The Gender Based Analysis Plus (GBA+) analysis to support this impact assessment was undertaken in 2022 and 2023 through two studies. As part of the first

³ Defined at the World Food Summit, 1996 (FAO, 2016).

study undertaken in 2022, in addition to reviewing gender related issues in the Elk Valley for contextual information, a desktop review of gender related issues in the mining industry at a national, provincial, and local level was completed. The GBA+ study undertaken in 2023 considered socio-community barriers faced by Indigenous Communities, and Indigenous women, girls, and Two-Spirited⁴ and Indigenous LGBTQIAA+⁵ peoples in the context of mining both in Canada and the Elk Valley region (Chapter 18: Socio-Community Assessment, Section 18.4.4.6). Requests for interviews were sent to all potentially impacted and/or interested Indigenous Nations and Communities and positive responses were received and interviews conducted with leaders, female, youth, and Elders as members of the Kainai.

27.6.6.1 Fishing

27.6.6.1.1 Historic Use

Fishing was a part of the Kainai's subsistence lifestyle since time immemorial. The banks of rivers were often where the Kainai and other Blackfoot Nations sought refuge in the winter months when the bison hunt was no longer a resource for food (O'Connor, 2018). Waterbodies in general also held great importance to the Kainai and other Blackfoot Nations as they provided food and water and were deeply rooted in their cultural and spiritual stories, legends, and ceremonies(O'Connor, 2018).

27.6.6.1.2 Current Use

Today, waterbodies continue to be viewed as the basis of all life and these places still carry spiritual and cultural significance, and strong sentimental connections for the Kainai (O'Connor, 2020). The Kainai members fish for subsistence purposes in the Crownsnest River watershed and the Old Man River watershed. The Traditional Knowledge and Use Assessment (TKUA) identifies the following species of importance to the Kainai: Westslope Cutthroat Trout, Rainbow Trout, Bull Trout, and Rocky Mountain Whitefish (O'Connor, 2018).

As identified in Section 27.5.4, to practice their fishing rights, the Kainai require access to healthy streams and rivers within their Traditional Territory (IAAC, 2020a). Due to the lack of Project-specific information provided by the Kainai, while the Kainai have not currently identified watercourses within the Project footprint that are utilized, it is expected that the Kainai utilize the ATRI LSA for fish and fishing opportunities (IAAC, 2020a).

It is noted that the exercise of the Kainai's rights and interests related to fish and fishing opportunities in the ATRI LSA and RSA have likely been impacted by past and ongoing development activity (e.g., reduction in fish populations, reduced access to waterways, water quality concerns in the Elk Valley), and while it is unknown as to the extent to which fishing activities are undertaken in the ATRI LSA and RSA by the Kainai at this time due to the lack of information provided by the Kainai, the potential future use of these areas for fishing without the Project is expected to be similar to the existing conditions (i.e., past and ongoing development activities may impact potential future fishing activities in the ATRI LSA and RSA).

⁴ Two-Spirited is used by some Indigenous people to refer to having both a masculine and feminine spirit and can indicate sexual, gender, and/or spiritual identity

⁵ LGBTQIAA+ stands for: L- Lesbian, G-Gay, B-Bisexual, T-Trans, Trans-gendered or Trans identified, Q-Queer, Q- Questioning, I-Intersex, A-Asexual, and +-any identity not represented by the acronym. Note that there are different acronyms that can/may be used by different groups.

For the Kainai's traditional fishing rights and interests, site-specific knowledge and use values that may include fishing sites/locations of fish species of interest, cultural values and teachings related to certain fish species, Kainai knowledge on fish health, and perspectives on fish abundance from the Kainai knowledge holders would support and guide the assessment of Project-related effects within the Project footprint, the ATRI LSA, and the ATRI RSA. For traditional fishing, seasonal access and usage information from the Kainai knowledge holders on the fish species would support and guide the assessment of Project-related effects in terms of potential interactions during the Project lifecycle. At the time of the assessment, as this information was not provided by the Kainai, the lack of this specific information requires continued consultation with the Kainai.

27.6.6.2 Hunting and Trapping

27.6.6.2.1 Historic Use

As with other First Nation communities, hunting traditionally provided the Kainai with an essential source of protein and resources such as clothing and tools, and was vital to their way of life. For the Blackfoot Nations, including the Kainai, the most abundant and important big game animals that were hunted in their territory were bison. Bison is noted to have been used for meat, hide (clothing, shelter, shields, bags), horns (drinking vessels), bones (tools), hoofs (glue), tails (fly brushes), and sinew (bows) (Taylor and Dempsey, 1999). Hunting of other game mammals (i.e., mule deer, moose, elk, mountain sheep, mountain goat, grizzly bear, wolf, and coyote) occurred on travel routes throughout the territory based on seasonal availability/accessibility. These animals were hunted for meat and hide. The conservation and range management of bison, coyotes, and wolves was an important aspect of Kainai and Blackfoot life and the dramatic reduction in the bison population was devastating to the Kainai.

Other smaller game species were also hunted for their hides and meat and included (but are not limited to) beaver and rabbit. Waterfowl (ducks and geese) and other game birds were also hunted for meat (O'Connor, 2020). Feathers from birds, including birds of prey, were used for ceremonial and war regalia (Benga, 2019b). Trapping of fur-bearing animals was an important activity to the Kainai for the making of clothing and for trade and income generation, and generally occurred along traditional trails, streams, and creeks (Taylor and Dempsey, 1999). The beaver is an esteemed animal to the Kainai and other Blackfoot Nations for the beaver's capacity to store water in otherwise drying river/stream systems (O'Connor, 2020).

27.6.6.2.2 Current Use

Hunting remains important for subsistence, recreational, and ceremonial practice for the Kainai and they have dedicated areas for hunting within their Traditional Territory, including lands to the north and east of Blairmore (approximately 30 km from Sparwood), and along the Elbow River (O'Connor, 2018) to exercise these hunting rights. Hunting and trapping and access to their Traditional Territory has been constrained since the 1950s due to settlement, industrial expansion, and coal mining (O'Connor, 2018). The decline of the bison herds has affected the Kainai's ability to exercise their hunting rights in modern times as well; therefore, the hunting of other large game species, such as elk, is especially important (O'Connor, 2018). Trapping for today's Kainai members would most likely be for subsistence, traditional commerce, and ceremonial purposes (O'Connor, 2018). The beaver and other small mammals and birds still remain important species for practical (e.g., subsistence) and spiritual, traditional, and cultural reasons.

During early engagement activities for the Castle Project⁶, the Kainai indicated that hunting practices of elk, mule deer, bighorn sheep (a species of cultural importance), moose, and bear are part of the Kainai's hunting rights (B.C. EAO, 2020c).

As identified in Section 27.5.4, to practice their hunting rights, the Kainai require access to healthy ecosystems where traditionally hunted and trapped species occur within their Traditional Territory (IAAC, 2020a). The Kainai continue to hunt for elk, mule deer, bighorn sheep, moose, and occasionally bear in the foothills and front slopes of the Rocky Mountains (IAAC, 2020a). Due to the lack of Project-specific information provided by the Kainai, while they have not currently identified hunting and trapping areas within the Project footprint that are utilized, it is expected that the Kainai utilize the ATRI LSA for traditional activities.

It is noted that the exercise of the Kainai's rights and interests related to hunting and trapping in the ATRI LSA and RSA have likely been impacted by past and ongoing development activity (e.g., reduction in wildlife populations, reduced access to areas for traditional activities). As noted above, due to the lack of information available, it is unknown as to the extent to which hunting and trapping activities are undertaken in the ATRI LSA and RSA by the Kainai at this time, the potential future use of these areas for hunting and trapping without the Project is expected to be similar to the existing conditions (i.e., past and ongoing development activities may impact potential future hunting and trapping activities in the ATRI LSA and RSA).

For the Kainai's rights and interests in relation to traditional hunting and trapping, site-specific knowledge and use values that may include kill sites/traplines, noted locations of species of interest, further information on cultural values and teachings related to certain species, Kainai knowledge on species health, and perspectives on species abundance would support and guide the assessment of Project-related effects within the Project footprint, the ATRI LSA, and the ATRI RSA. For traditional hunting and trapping, seasonal access and usage information from Kainai knowledge holders on the species of interest would support and guide the assessment of Project-related effects in terms of potential interactions during the Project lifecycle. At the time of the assessment, as this information was not provided by the Kainai, the lack of this specific information requires continued consultation with the Kainai.

27.6.6.3 Harvesting and Gathering

27.6.6.3.1 Historic Use

Plant resources were an important part of the Kainai's traditional way of life (Taylor and Dempsey, 1999). Plants were harvested for their nutritional, spiritual, and medicinal significance (AMEC, 2010). Traditionally used plant species included lodgepole pine (*Pinus contorta* var. *latifolia*) for domestic use (e.g., tipi poles and travois), among a plethora of other plant and tree species, whose leaves, fruits, bark and roots were used for building, food, medicines, and for ceremonial and spiritual rituals (O'Connor, 2018).

⁶ The Castle Project was recently renamed the Fording River Extension Project

27.6.6.3.2 Current Use

The Kainai use plants in present time as their ancestors did for millennia. Plants of medical significance, food, or cultural importance are still collected (O'Connor, 2018). Traditional building still takes place to honor the Kainai culture and traditional ways of life (e.g., the use of lodgepole pine to make tipi poles) (Kainai Board of Education (KBE), 2016). Harvesting food and places is described as important to Blackfoot culture, medicine, and subsistence (Benga, 2019b). It is also recognized by the Kainai that the plants, trees, and shrubs are important aspects of the ecological landscape, as they provide important habitat for the other species of traditional importance, such as the mammals and birds that they hunt (O'Connor, 2018).

During the consultation activities conducted for the Castle Project, whitebark pine (*Pinus albicaulis*) was identified as a species of importance (IAAC, 2020a).

As identified in Section 27.5.4, to practice their rights to gather food and medicinal plants, the Kainai require access to healthy ecosystems and culturally significant plant species within their Traditional Territory (IAAC, 2020a). Due to the lack of Project-specific information provided by the Kainai, while the Kainai have not currently identified harvesting and gathering sites within the Project footprint that are utilized, it is expected that the Kainai utilize the ATRI LSA for traditional activities (IAAC, 2020a).

It is also noted that the exercise of the Kainai's rights and interests related to harvesting and gathering sites in the ATRI LSA and RSA have likely been impacted by past and ongoing development activity (e.g., reduced access to areas for traditional activities) and the potential future use of these areas for harvesting and gathering opportunities without the Project is expected to be similar to existing conditions (i.e., past and ongoing development activities may impact potential future harvesting and gathering activities in the ATRI LSA and RSA).

For the Kainai's rights and interests in relation to traditional harvesting and gathering, site-specific knowledge and use values that may include further information on culturally significant plant species, their sites/locations, cultural values and teachings related to certain plant species, Kainai knowledge on plant species health, and perspectives on the seasonality of access and usage from the Kainai knowledge holders would support and guide the assessment of Project-related effects within the Project footprint, the ATRI LSA, and the ATRI RSA in terms of potential interactions during the Project lifecycle. At the time of the assessment, as this information was not provided by the Kainai, the lack of this specific information requires continued consultation with the Kainai.

27.6.6.4 Ceremonial/Sacred Areas

27.6.6.4.1 Historic Use

As with other Blackfoot Nations and First Nations in North America, the Kainai lived in an intimate relationship with their territory with all of the dimensions of the environment around them. These relationships were renewed and connected through ceremonial practices including ritual and reciprocity for the land (Teamey, 2012). These ceremonies were conducted at different times, for different reasons, and at sacred sites or sacred components of the environment which sustained them (Teamey, 2012).

27.6.6.4.2 Current Use

It is acknowledged that the intimate ceremonial practices and sacred areas of the Kainai 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 Kainai are tied to the environmental and ecological attributes of their lands, as they were with their ancestors. Because of the cultural emphasis on oral story telling as a means of transferring knowledge, the knowledge of these practices has endured and is kept sacred with the community's knowledge holders (O'Connor, 2018).

The Crowsnest Pass is important as a destination to harvest items for ceremonial bundles. Kainai's sacred, cultural, spiritual, and heritage sites in the Crowsnest Pass area are being reclaimed from the effects of colonialism, restrictions on movement, private enclosure of land, and the loss of traditional ways of life (IAAC, 2020a). The Crowsnest Pass area is central to the material and cultural heritage of the Kainai people (IAAC, 2020a).

As identified in Section 27.5.4, to practice their rights, the Kainai require access to areas of cultural and spiritual importance within their Traditional Territory (IAAC, 2020a). Due to the lack of Project-specific information provided by the Kainai, while the Kainai have not currently identified ceremonial sites and sacred areas within the Project footprint that are utilized, as noted earlier, it is expected that the Kainai utilizes the ATRI LSA for undertaking traditional and ceremonial activities (IAAC, 2020a).

It is noted that the exercise of the Kainai'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) and the potential future use of these areas without the Project is expected to be similar to existing conditions (i.e., past and ongoing development activities may impact potential future activities in the ATRI LSA and RSA).

For the Kainai's rights and interests in relation to traditional ceremonial/sacred areas, site-specific knowledge and use values that may include further information on culturally significant areas, their sites/locations (e.g., locations for sources used for ceremonial bundles), cultural values and teachings related to certain ceremonial/sacred areas, Kainai oral histories related to areas used for ceremonial/sacred purposes, and perspectives on the seasonality of access and usage from Kainai knowledge holders would support and guide the assessment of Project-related effects within the Project footprint, the ATRI LSA, and the ATRI RSA in terms of potential interactions during the Project lifecycle. At the time of the assessment, as this information was not provided by the Kainai, the lack of this specific information requires continued consultation with the Kainai.

27.6.6.5 Access and Travel Routes

27.6.6.5.1 Historic Use

As with other First Nations, the Kainai lived in harmony with the seasons and movements of resources throughout their territory. Specific routes and places were traveled around the territory in patterned seasonal rounds, stopping and camping at the areas which provided food and shelter, such as the movements of the bison herd, the banks of rivers, or the foothills in winter (O'Connor, 2018). Trails and corridors were also used for visiting other communities for trade (Benga, 2019b). Kainai Elder Andy Blackwater explains in O'Connor (2018):

“Yesterday, we were near the edge of the river at the forested area.... We were looking in the area and we came across some Tipi Rings, and they are located on a flat plain and I and the other elders here with me today we took some time to discuss our findings and we all agreed that in the past our elders in the early part of the year before they begin their travel to their summer camps, they go hunting for the buffalo just after the buffalo cows have had their calves, they are fat and this is the time they hunt them. They follow the buffalo throughout the plains area all year. They also hunt the other animals and in the spring and in the fall to supplement their diet until they reach the buffalo herds.”

27.6.6.5.2 Current Use

As discussed above, the Kainai have a strong connection to their Traditional Territory and undertake present day traditional practices and stewardship. The Kainai’s traditional areas are now accessed through modern-day roads and access points which in combination with the traditional knowledge and wisdom of their territory, determine the traditional trails used for exercising the Kainai’s rights in relation to hunting, trapping, fishing, plant gathering, and ceremonial and spiritual practices. As discussed throughout for the Blackfoot Nations, traditional hunting trails were tied strongly to wildlife trails and other key habitat types and continue to exist as such today where they have been able to be preserved (Benga, 2019b). Some traditional trails or corridors are now replaced by modern day roads or highways (Benga, 2019b).

Kainai people continue to travel in the Crowsnest Pass and Elk River valleys to hunt, camp, gather food and medicinal plants and visit sites of historic, cultural, and spiritual importance (IAAC, 2020a). In addition, the mountainous area of the Elk Valley is a valued site for seasonal occupancy, subsistence harvesting of plants, hunting, trade, travel, and traditional cultural expression and spirituality (IAAC, 2020a). As identified in Section 27.5.4, to practice their rights, the Kainai require access to areas within their Traditional Territory (IAAC, 2020a). Due to the lack of Project-specific information provided by the Kainai, for this assessment it is assumed that while the Kainai have not currently identified access and travel routes within the Project footprint, as noted earlier it is expected that the Kainai utilizes the ATRI LSA for undertaking travelling throughout the region.

It is noted that the exercise of the Kainai’s rights and interests related to access and travel in the ATRI LSA and RSA has likely been impacted by past and ongoing development activity (e.g., the few relatively undisturbed east-west corridors that provide “gaps” in the Elk Valley mining region for the movement of land users), and the potential future use of these areas without the Project is expected to be similar to existing conditions (i.e., past and ongoing development activities may impact access and travel through the ATRI LSA and RSA).

For the Kainai’s rights and interests in relation to traditional access and travel routes, site-specific knowledge and use values that may include further information on culturally significant access routes, their specific sites/locations, cultural values and teachings related to certain access and travel routes, Kainai oral histories related to areas used for access and travel routes, and perspectives on the seasonality of access and usage from Kainai knowledge holders would support and guide the assessment of Project-related effects within the Project footprint, the ATRI LSA, and the ATRI RSA in terms of potential interactions during the Project lifecycle. At the time of the assessment, as this information was not provided by the Kainai, the lack of this specific information requires continued consultation with the Kainai.

27.6.6.6 Physical and Cultural Heritage

27.6.6.6.1 Historic Use

As with the other Blackfoot Nations, the Kainai's history and cultural heritage developed largely around the life cycle of the bison. As discussed above, many significant Blackfoot monuments or landmarks were related to their deep connection to the landscape and elements of sustenance. Medicine wheels may have been linked to burial sites for prominent Blackfoot members (O'Connor, 2018). A more detailed discussion on the physical and cultural heritage of the identified Indigenous Communities is provided in Chapter 16: Physical and Cultural Heritage Assessment.

27.6.6.6.2 Current Use

The Kainai's physical and cultural heritage of today revolves around the traditional practices discussed herein and those that are known through oral history and are kept safe with knowledge holders to be shared with the next generations. Archaeological artifacts that are pre-contact in nature are immensely important to the Kainai and other First Nations as they represent direct connections to their ancestors. As discussed for the Piikani and Siksika, some of the monuments or sacred areas of the Blackfoot people that are well known include: the Okotoks Big Rocks (glacial erratics or also known as the Rock that Ran), Crowsnest Pass, Crowsnest Mountain, Writing-On-Stone Provincial Park, Sun Dial Butte/Medicine Wheel, and Head-Smashed-In (Figure 27.6-3). The material culture of the Kainai can still be located across the landscape of their Traditional Territory (O'Connor 2018), and these areas may not always be marked by monuments obvious to non-Indigenous people. Features tied to the Kainai and other Blackfoot Nations include stone effigies, Buffalo Rocks, arrowheads, pottery and medicine wheels (O'Connor, 2018).

As identified in Section 27.5.4, to practice their rights, the Kainai require access to areas of cultural and spiritual importance within their Traditional Territory (IAAC, 2020a). Due to the lack of Project-specific information provided by the Kainai, while the Kainai have not currently identified physical and cultural heritage sites within the Project footprint, it is expected that a structure, site, or thing that is of historical, archaeological, paleontological, or architectural significance to the Kainai could be within the ATRI LSA (IAAC, 2020a).

It is noted that the exercise of the Kainai's rights and interests related to physical and cultural heritage (including visiting sites of historic, cultural and spiritual importance) in the ATRI LSA and RSA has likely been impacted by past and ongoing development activity (e.g., the few relatively undisturbed east-west corridors that provide "gaps" in the Elk Valley mining region for the movement of land users), and the potential future use of these areas without the Project is expected to be similar to existing conditions (i.e., past and ongoing development activities may impact access and travel through the ATRI LSA and RSA).

For the Kainai's physical and cultural heritage resources, site-specific knowledge and use values that may include further information on culturally significant areas, their specific sites/locations, cultural values and teachings related to certain Kainai physical and cultural heritage resources, Kainai oral histories related to physical and cultural heritage resources, and perspectives on the seasonality of access and usage from Kainai knowledge holders would support and guide the assessment of Project-related effects within the Project footprint, the ATRI LSA, and the ATRI RSA in terms of potential interactions during the Project lifecycle. At the time of the assessment, as this information was not provided by the Kainai, the lack of this specific information requires continued consultation with the Kainai.

27.6.6.7 Social and Health Conditions

The Kainai view their rights and related interests as including the protection of the use and enjoyment of the Kainai's Traditional Territory for present and future generations, including the cultural, environmental, social, and economic benefits of that Territory, and the protection, continuation, and preservation of the cultural, social, economic, and environmental connection of the Kainai to their lands and resources. As such, for the Application/EIS, the social and health conditions are regarded as the Kainai's interests within their Traditional Territory based on publicly available information (IAAC, 2020a).

27.6.6.7.1 Housing, Transportation, and Social Services

According to the 2021 Canadian Census, there are approximately 1,421 private dwellings on Kainai's main reserve and no private dwellings on the (timber) Reserve #148A. Housing type is dominated by single-detached houses, and the average household size is 3.9 persons (Statistics Canada, 2022). Approximately 67% of the population are reported to reside on-reserve (O'Connor, 2018; Jirousek, 2020; CIRNAC, 2022) and the Kainai community (main Reserve) is accessed via Highway 506.

The Blood Tribe Family and Community Support Services (FCSS) is a department under the Social Pillar of the Kainai Governance structure (FCSS, n.d.). The FCSS provides a number of initiatives to help members of the community become more self-sufficient and create an environment for stable and successful families. Some of the programs offered by the FCSS include the Adult-In Home Care Program, Day Care Program, Kainai Food Bank, Community Garden and Tobacco Initiative, Community Development Program, Moses Lake Shelter, Community Kitchen, and Bottle Depot (FCSS, n.d.). The FCSS has been in existence since the mid-1980s and has also supported economic growth and overall social well-being through its initiatives.

The Kainai also have a dedicated Housing Department under their Band government. The department promotes and manages new housing opportunities for members and is responsible for collecting rent and housing payments as well as addressing housing concerns of tenants, among many other responsibilities.

27.6.6.7.2 Health Services

The Kainai community has a dedicated health department: the Blood Tribe Department of Health (BTDH) that serves the community. BTDH has been in operation since 1984 pursuant to the provisions of the former *Canada Corporations Act*, now the *Canada Not-for-Profit Corporations Act*. The BTDH is governed by an elected and appointed board of directors. Programs offered by the BTDH include community health services, Kainai home care, the Kainai Wellness Center, non-insured health benefits, medical transportation, laboratory and X-ray services, emergency medical services, and the Kainai Continuing Care Center (BTDH, 2020).

At the time of the submission of this Application/EIS, based on desktop review of publicly available information, NWP was unable to determine health indicators specific to the Kainai due to the lack of Project-specific information provided by the Kainai. The Human Health and Ecological Risk Assessment (HHERA; Chapter 22: Human and Ecological Health Assessment) utilizes localized receptors for both Indigenous and non-Indigenous persons to address identified health indicators used to simulate the potential exposure of human and wildlife to contaminants of potential concern over the life of the mine and beyond, and in the case of cancer risks, over the lifetime of an individual.

As noted in Section 27.5.4, the Kainai have the right to access their traditional lands used to carry out activities (e.g., fishing, hunting and trapping, harvesting and gathering for country foods) and the potential impact on the long-term or permanent displacement of access to lands may impact the ability to carry out traditional use activities. The Kainai's interests in relation to social and health conditions may potentially be impacted as a result of Project-related effects that may result in the reduction of access to healthy country foods and the potential risk for contamination to areas where country food resources are utilized by the Kainai within the Project footprint and the ATRI LSA.

It is noted that the exercise of the Kainai's interests related to access to country foods in the ATRI LSA and the ATRI RSA has likely been impacted by past and ongoing development activity (e.g., reduced access to cultural sites and the few relatively undisturbed east-west corridors that provide "gaps" in the Elk Valley mining region for the movement of land users), and the potential future use of these areas without the Project is expected to be similar to existing conditions (i.e. past and ongoing development activities that may impact access and travel through the ATRI LSA and RSA).

For Kainai's social and health conditions, site-specific knowledge and use values associated with subsistence sites, water and land transportation, and related environmental features in relation to country foods, including seasonal access and usage from Kainai knowledge holders would support and guide the assessment of Project-related effects within the Project footprint, the ATRI LSA, and the ATRI RSA in terms of potential interactions during the Project lifecycle. At the time of the assessment, as this information was not provided by the Kainai, the lack of this specific information requires continued consultation with the Kainai.

27.6.6.7.3 Education and Training

The Kainai Board of Education oversee the Kainai School District, which encompasses five schools and academies: Kainai High School, Tatsikiisaapo'p Middle School, Aahsaopi Elementary School, Saipoyi Community School, and Kainai Alternate Academy. The Kainai community's schools offer academic programs, including programs and activities that focus on Kainai and Blackfoot heritage, culture, and language (KBE, 2020). The Kainai Board of Education prioritizes the retention of Blackfoot culture and language, i.e., speaking and thinking in Blackfoot (KBE, 2016).

Red Crow Community College (RCCC) is also located on the Kainai Reserve. The College offers certificate programs in agricultural sciences, education assistant, arts and science, Indigenous language and culture, Indigenous Bachelor of Social Work, and Indigenous Mental Health Diploma. RCCC partners with the University of Lethbridge, which allows students to transfer to the University following the completion of a certificate program (RCCC, 2020).

27.6.6.7.4 Employment

The Kainai government has a dedicated Economic Development Department, which is organized into two areas: Business Development and Corporate Development. The Economic Development Department supports the community's entrepreneurs by facilitating workshops and promoting training programs, as well as administering grant programs (Blood Tribe Economic Development [BTED], 2020). The number of individuals within the community that are income recipients is reported by Statistics Canada to be 2,785 individuals, and the median income is \$24,200 with a labour force participation rate of 41% and an unemployment rate of 23.1% (Statistics Canada, 2022).

27.6.6.7.5 Gender Related Baseline Information

The GBA+ study carried out in 2023 was focused on socio-community barriers affecting Indigenous employment in mining (overlapping with Chapter 17: Economic Conditions Assessment), as well as the safety and security of Indigenous women, girls and Two-Spirited and Indigenous LGBTQQIA+ people in relation to mining. These sub-groups were identified based on:

1. The potential for Indigenous Peoples to benefit from employment in mining but with an awareness of socio-community barriers that can prevent them from reaching that potential; and
2. Safety and security issues associated with mining which Indigenous women, girls, and Two-Spirited and Indigenous LGBTQQIA+ people in the Elk Valley region as well as other mining areas across Canada may experience.

Both a desktop review of existing literature and primary data collection was undertaken as part of the 2023 GBA+ study. Indigenous Peoples comprise a critical potential current and future workforce for the mining industry based on living in relative proximity to many mine sites in Canada, as well as having a relatively young demographic compared to the rest of the Canadian population (Statistics Canada, 2022). In addition, economic opportunities in mining may help to provide a pathway out of colonial-induced poverty and deprivation for Indigenous groups. There remain important barriers and opportunities to understand in relation to the aforementioned issues. These issues were explored first through a desktop review of the broader literature concerning opportunities and barriers to economic participation of Indigenous Peoples in mining in Canada and also focused on safety and security issues for Indigenous women, girls, and 2SLGBTQQIA+⁷ people as well as socio-demographic and incident-based crime statistics. Existing literature on these topics was found to be fairly limited. This phase also included interviews at the local scale with Indigenous Nations and Communities, as well as mining councils to better understand barriers and opportunities to economic participation in mining that may be specific to the Elk Valley Region and also comprised of interviews with representatives of potentially impacted Indigenous Nations and community members concerning socio-community barriers to economic development and employment and safety issues in mining.

The GBA+ analysis also included a review of statistical information to identify potential safety and security issues for Indigenous women, girls and 2SLGBTQQIA+ people who may be living in Sparwood, Elkford, or Fernie. Based on the socio-demographic and crime statistics for the Elk Valley (Chapter 18, Section 18.4.4.6.3), both Elkford and Sparwood had higher than provincial rates of those identifying as Indigenous and Women+ in 202 while Fernie's population identifying as Indigenous and Women+ was lower than the provincial rate. In general, the Elk Valley region has a lower level of crime than the provincial average with the exception of Fernie which has a higher rate of harassing communications. While these statistics indicate that the Elk Valley is a relatively safe region, they do not indicate whether crimes were committed against Indigenous women, girls, and Two-Spirited and Indigenous LGBTQQIA+ people. It is to be noted that data may also be unavailable as some crimes are never reported to the police especially relevant to where Indigenous Peoples and Indigenous women are extremely distrustful of police in Canada based on the forced removal of Indigenous children into the residential school system and apprehensions during the Sixties Scoop, experiences of violence and mistreatment by the police, and racism pervading law enforcement (McKay, 2021).

⁷ 2SLGBTQQIA+ stands for: 2S-Two-Spirited, L- Lesbian, G-Gay, B-Bisexual, T-Trans, Trans-gendered or Trans identified, Q-Queer, Q-Questioning, I-Intersex, A-Asexual, and +-any identity not represented by the acronym. Note that there are different acronyms that can/may be used by different groups.

As previously noted, the GBA+ study undertaken in 2023 considered socio-community barriers faced by Indigenous Communities, and Indigenous women, girls, and Two-Spirited and Indigenous LGBTQIAA+ peoples in the context of mining both in Canada and the Elk Valley region (Chapter 18, Section 18.4.4.7). The GBA+ interviews revealed a variety of socio-community related barriers and concerns related to the mining industry in Canada and the Elk Valley region. While there will not be temporary work camps for the Project, and the workforce will be primarily drawn locally, hyper-masculine and sexist cultures can still pervade mining regions (NWAC 2020), including urban areas where off-reserve Indigenous women, girls, and 2SLGBTQIA+ people may reside for this Project.

The themes have been classified as housing barriers, childcare, cost of living, the safety of Indigenous women, girls, and Two-Spirited and Indigenous LGBTQIAA+ people, health barriers, and other social and cultural barriers. The focus of the interviews was to understand Indigenous perspectives and knowledges with respect to socio-community barriers in the mining industry. In addition, while the above themes have been separated and parsed out in order to generate understanding and meaning, there is also some overlap across these themes and those presented in Chapter 17. It is to be noted that positive responses received, and interviews conducted with leaders, female, youth, and Elders as members of the Kainai may have included perspectives of the interviewees that may not be representative of the Kainai. Interviewees highlighted barriers⁸ associated with socio-community conditions specific to mining in the Elk Valley region, or to mining in general and the highlights of themes and findings are further outlined in Chapter 18.

27.6.6.8 Economic Conditions

The Kainai view their rights and related interests as including the protection of the use and enjoyment of the Kainai's Traditional Territory for present and future generations, including the cultural, environmental, social, and economic benefits of that Territory, and the protection, continuation, and preservation of the cultural, social, economic, and environmental connection of the Kainai to their lands and resources. As such, for the Application/EIS, the economic conditions are regarded as the Kainai's interests within their Traditional Territory based on publicly available information.

The Kainai's primary economic base is agriculture (BTHD, 2020). Other industries include gemstone mining, house construction, oil and gas development, and small businesses and tourism. The Blood Tribe Agricultural Project (BTAP) is an independent, profit based, and internationally renowned agribusiness (BTAP, 2018b). They offer forage processing and Mataki Farms, which manage 18 center pivot irrigated production fields (a total of 2262 acres under cultivation) (BTAP, 2018c). The Kainai have been noted to have refused to become isolated from the surrounding (non-Indigenous) local economy and have succeeded in becoming significant contributors (Regular, 2009). The Kainai Reserve has been an important land base to the surrounding agricultural sector, and the Kainai have provided essential products such as coal and hay (Regular, 2009). They have also become expert freighters, transporting goods from the Reserve for non-Indigenous businesses (Regular, 2009).

As noted in Section 27.5.4, the Kainai have the right to access their traditional lands used to carry out activities (e.g., fishing, hunting and trapping, harvesting and gathering for country foods) and the potential impact on the long-term or permanent displacement of access to lands may impact the ability to carry out traditional use activities. The Kainai's interests in relation to economic conditions may potentially be

⁸ Note that not all of these barriers are not necessarily specific to Indigenous People, but may apply to non-Indigenous peoples as well.

impacted as a result of Project-related effects to the reduction of access to country foods and increased food security concerns, and the reduction or elimination of potential commercial activities (e.g., tourism, activities related to cultural knowledge transfer and transmission, commercial harvesting) within the ATRI LSA.

It is noted that the exercise of the Kainai's interests related to access to areas of traditional activities (e.g., country foods to support the rights-based economy) in the ATRI LSA and the ATRI RSA has likely been impacted by past and ongoing development activity (e.g., reduced access to cultural sites and the few relatively undisturbed east-west corridors that provide "gaps" in the Elk Valley mining region for the movement of land users), and the potential future use of these areas without the Project is expected to be similar to existing conditions (i.e. past and ongoing development activities that may impact access and travel through the ATRI LSA and RSA).

For the Kainai's economic conditions, site-specific knowledge and use values associated with subsistence sites, water and land transportation, and related environmental features in relation to country foods, including seasonal access and usage from Kainai knowledge holders would support and guide the assessment of Project-related effects within the Project footprint, the ATRI LSA, and the ATRI RSA in terms of potential interactions during the Project lifecycle. At the time of the assessment, as this information was not provided by the Kainai, the lack of this specific information requires continued consultation with the Kainai.

27.6.7 Summary of the Kainai's Rights and Interests

The following Table 27.6-2 presents a summary of the interests identified within the background and contextual information provided in Section 27.6, preliminary consultation with Kainai in relation to the Project, as well as the feedback received on this section (Appendix 27-A, Table 27.A-2). All information compiled and presented in this summary has been authored by NWP utilizing secondary sources that are publicly available due to the lack of Project-specific information provided by the Kainai. The information presented is not intended to supersede traditional knowledge or specific information of the community members and Elders of the Kainai.

Table 27.6-2: Summary of the Kainai's Rights and Interests in Relation to the Project

Indigenous Rights & Interest	Indigenous Resource, Use, or Species of Interest
Fishing	<p>Based on available information, fishing is understood to be a traditional activity undertaken by the Kainai within their Traditional Territory. The Kainai have the right to fishing and fish species are a potential valuable food source to the Kainai. Kainai has indicated that Westslope Cutthroat Trout, Rainbow Trout, Bull Trout, and Rocky Mountain Whitefish are species of importance. Access to healthy aquatic systems for fish to support fishing is important to Kainai.</p> <p>While information has not been provided by the Kainai to NWP that confirms that community members fish in waterbodies within the Project footprint or in the ATRI LSA, there is the potential for this rights-based activity to occur. It is the perspective of the Kainai that fish, fish habitat, and fishing opportunities have been impacted by past and ongoing development activity in the ATRI LSA and the ATRI RSA. While it is unknown as to the extent to which fishing activities are undertaken in the ATRI LSA and RSA by the Kainai at this time, the potential future use of these areas for fishing opportunities without the Project is expected to be similar to the existing conditions likely influenced by past and ongoing development activities.</p>
Hunting and Trapping	<p>The Kainai have the right to hunt the following species:</p> <ul style="list-style-type: none"> • Ungulates – mule deer, elk, bison (linii), moose, mountain goat, bighorn sheep • Carnivores – grizzly bear, coyotes, wolves • Small mammals – rabbit, beaver, gopher, otter, porcupine • Waterfowl – geese, ducks <p>Hunting and trapping rights continue to be a traditionally and culturally important activity for subsistence, medicinal, and ceremonial purposes for the Kainai. These rights are also important for use in bundle and Sundance ceremonies. Trapping among Blackfoot people has been for the primary purpose of obtaining feathers that are important for ceremonial and war regalia, and trapping of furbearers was limited to wolves and coyotes.</p> <p>Due to the lack of Project-specific information provided by the Kainai, while the Kainai have not currently identified hunting and trapping areas within the Project footprint that are utilized, there is potential for the Kainai to utilize the ATRI LSA for traditional activities. It is the perspective of the Kainai that the exercise of the Kainai's rights and interests related to hunting and trapping in the ATRI LSA and RSA has been impacted by past and ongoing development activity. While it is unknown as to the extent to which hunting and trapping activities are undertaken in the ATRI LSA and RSA by the Kainai at this time, the potential future use of these areas for hunting and trapping without the Project is expected to be similar to the existing conditions likely influenced by past and ongoing development activities.</p>

Indigenous Rights & Interest	Indigenous Resource, Use, or Species of Interest
Harvesting and Gathering	<p>The Kainai 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. Based on feedback provided by the Kainai through engagement and based on publicly available information, lodgepole pine and whitebark pine are identified as species of importance.</p> <p>Due to the lack of Project-specific information provided by the Kainai, while the Kainai have not yet identified plant harvesting and gathering sites within the Project footprint, the Kainai may exercise these rights in the ATRI LSA and the ATRI RSA based on publicly available information. Based on publicly available information, it is likely that the exercise of the Kainai's rights and interests related to gathering and harvesting in the ATRI LSA and ATRI RSA has been impacted by past and ongoing development activity and have impacted their harvesting activities.</p>
Ceremonial/Sacred Areas	<p>Based on the preliminary understanding of the Kainai's rights and interests and publicly available information, the right to conduct traditional activities in their ceremonial/sacred areas is undertaken within the Kainai's Traditional Territory. Based on publicly available information, an important bundle for Kainai ceremony is located within the ATRI LSA that is accessed each spring; due to the lack of Project-specific information provided by the Kainai at this time further details are not available. The Crowsnest Pass remains especially important as a destination to harvest the items for ceremonial bundles for the Kainai.</p> <p>Based on publicly available information, the exercise of the Kainai's rights and interests related to ceremonial practices and sacred areas in the ATRI LSA and RSA has likely been impacted by past and ongoing development activity (e.g., reduced access to cultural sites) and the potential future use of these areas without the Project is expected to be similar to existing conditions likely influenced by past and ongoing development activities.</p>
Access and Travel Routes	<p>Based on the preliminary understanding of the Kainai's rights and interests and publicly available information, the right to access traditional travel routes is related to the Kainai's cultural heritage within their Traditional Territory. Based on publicly available information, as the mountainous area of the Elk Valley is a valued site for seasonal occupancy, the Kainai Nation members potentially have travel routes tied to hunting trails or wildlife trails or key habitat types such as waterbodies within the Project footprint.</p> <p>Due to the lack of Project-specific information provided by the Kainai, while the Kainai have not currently identified Project-specific access and travel routes within the Project footprint, as noted it is expected that the Kainai utilizes the ATRI LSA for maintaining their seasonal round. It is the perspective of the Kainai that the exercise of the Kainai's rights and interests related to access and travel in the ATRI LSA and RSA has been impacted by past and ongoing development activity.</p>
Physical and Cultural Heritage	<p>Kainai potentially has physical and cultural heritage sites related to the archeological potential within the Project footprint which relate to the Kainai's cultural and spiritual rights within their Traditional Territory. Some well-known monuments include: the Okotoks Big Rocks, Crowsnest Pass, Crowsnest Mountain, Writing-On-Stone Provincial Park, Sun Dial Butte/Medicine Wheel, and Head-Smashed-In.</p>

Indigenous Rights & Interest	Indigenous Resource, Use, or Species of Interest
	<p>Due to the lack of Project-specific information provided by the Kainai, while the Kainai have not currently identified physical and cultural heritage sites within the Project footprint, it is expected that a structure, site, or thing that is of historical, archaeological, paleontological, or architectural significance to the Kainai could be within the ATRI LSA. It is the perspective of the Kainai that the exercise of the Kainai's rights and interests related to the access and use of sites of physical and cultural heritage in the ATRI LSA and RSA has likely been impacted by past and ongoing development activity.</p>
Social and Health Conditions	<p>Based on publicly available information, social and health conditions for the Kainai are regarded as an interest within their Traditional Territory.</p> <p>Housing type is dominated by single-detached houses, with 67% of the population reported to reside on-reserve. The Blood Tribe Family and Community Support Services provides a number of initiatives to help members of the community become more self-sufficient and create an environment for stable and successful families. The Kainai also have a dedicated Housing Department that promotes and manages new housing opportunities for members, and is responsible for collecting rent and housing payments as well as addressing housing concerns of tenants, among many other responsibilities. The Kainai community has a dedicated health department: the Blood Tribe Department of Health that serves the community. The Kainai Board of Education oversee the Kainai School District, which encompasses five schools and academies. The Kainai community's schools offer academic programs, including programs and activities that focus on Kainai and Blackfoot heritage, culture and language and prioritizes the retention of Blackfoot culture and language. Red Crow Community College is also located on the Kainai Reserve and offers certificate programs and partners with the University of Lethbridge.</p> <p>The Kainai government has a dedicated Economic Development Department, which is organized into two areas: Business Development and Corporate Development. The Economic Development Department supports the community's entrepreneurs by facilitating workshops and promoting training programs, as well as administering grant programs.</p> <p>The GBA+ study carried out in 2023 was focused on socio-community barriers affecting Indigenous employment in mining as well as the safety and security of Indigenous women, girls and Two-Spirited and Indigenous LGBTQIA+ people in relation to mining. These sub-groups were identified based on the potential for Indigenous Peoples to benefit from employment in mining but with an awareness of socio-community barriers that can prevent them from reaching that potential and safety and security issues associated with mining which Indigenous women, girls, and Two-Spirited and Indigenous LGBTQIA+ people in the Elk Valley region as well as other mining areas across Canada may experience. The GBA+ interviews revealed a variety of socio-community related barriers and concerns related to the mining industry in Canada and the Elk Valley region. The themes have been classified as housing barriers, childcare, cost of living, the safety of Indigenous women, girls, and Two-Spirited and Indigenous LGBTQIAA+ people, health barriers, and other social and cultural barriers. It is to be noted that positive responses received and interviews conducted with leaders, female,</p>

Indigenous Rights & Interest	Indigenous Resource, Use, or Species of Interest
	<p>youth, and Elders as members of the Kainai may have included perspectives of the interviewees that may not be representative of the Kainai.</p> <p>The GBA+ analysis also included a review of statistical information to identify potential safety and security issues for Indigenous women, girls and 2SLGBTQQIA+ people who may be living in Sparwood, Elkford, or Fernie. In general, the Elk Valley region has a lower level of crime than the provincial average with the exception of Fernie which has a higher rate of harassing communications. While these statistics indicate that the Elk Valley is a relatively safe region, they do not indicate whether crimes were committed against Indigenous women, girls, and Two-Spirited and Indigenous LGBTQIA+ people.</p> <p>It is the perspective of the Kainai that the exercise of the Kainai's interests related to access to country foods in the ATRI LSA and the ATRI RSA have likely been impacted by past and ongoing development activity.</p>
Economic Conditions	<p>Based on publicly available information, economic conditions for the Kainai are regarded as an interest within their Traditional Territory.</p> <p>The Kainai's primary economic base is agriculture and other industries include gemstone mining, house construction, oil and gas development, and small businesses and tourism. The Kainai Reserve has been an important land base to the surrounding agricultural sector, and the Kainai have provided essential products such as coal and hay and transporting goods from the Reserve for non-Indigenous businesses.</p> <p>It is the perspective of the Kainai that the exercise of the Kainai's interests related to access to areas of traditional activities in the ATRI LSA and the ATRI RSA have likely been impacted by past and ongoing development activity.</p>

27.7 Assessment of the Effects of Changes to the Environment on the Kainai

This section outlines the assessment of the effects of the changes to the environment as a result of the Project and its components and activities that are understood to be important to the Kainai (IAAC, 2020a). The effects assessment in this section is focused on the environmental factors identified by Kainai which categorize their use of lands and resources for traditional purposes in terms of fishing, hunting and trapping, harvesting and gathering, ceremonial and sacred sites, access and travel routes, as well as physical and cultural heritage, and social, health, and economic conditions.

The assessment of the effects of the changes to the environment and resulting changes on the Kainai's use of land and resources, compares projected future conditions with the Project against projected future conditions without the Project and considers that both existing and future conditions are influenced by past and ongoing development activities in the ATRI LSA and RSA. These have been considered in the description of the baseline conditions in Section 27.6. This assessment of the effects of changes to the environment is considered in the assessment of impacts on the rights and interests of the Kainai that is subsequently presented in Section 27.10. The methods for assessing potential effects on the Kainai in relation to the Project followed the approach outlined in Chapter 5 and previously described in Section 27.3.

In the absence of specific input being received from the Kainai at the time of this assessment (e.g., no Project-specific Traditional Knowledge/Traditional Land and Resource Use study for the Project footprint and the ATRI LSA), components of the environment of potential importance to the Kainai were determined through the review of publicly available information as previously described in Section 27.5, the preliminary understanding of the Kainai's rights and interests (Section 27.5.4), and consultation and engagement activities described in Section 27.5.3. This assessment of the changes to the environment is largely based on the assessment work of other study disciplines/VCs as described in detail elsewhere in this Application/EIS in combination with the information sources described previously. All information considered in the assessment of potential Project effects is not intended to supersede traditional knowledge or specific information of the citizens and Elders of the Kainai. This effects assessment may be revised and updated as a result of continued consultation with the Kainai during the assessment processes.

27.7.1 Thresholds for Determining the Significance of Residual Effects

Threshold criteria used to determine the significance of residual effects on each relevant VC (i.e., receptor, specified intermediate VCs, and federal VCs) are as outlined in Chapter 5. Significance thresholds were established in consideration of the technical guidance for Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the CEAA 2012 as well as the Ktunaxa Nation Council's *Recommended Minimum Standards for Proponents in Determining Significance of Effects in Environmental Assessments (EAs) in the Elk Valley* (Candler, 2020). Thresholds used to determine the significance of residual effects to Kainai related to the Project include:

- Potential change to use of lands and resources for traditional purposes - A significant residual effect to current use of lands and resources for traditional purposes is defined as the permanent loss of access or ability to conduct traditional land and resource use which cannot be mitigated.
- Potential change to physical and cultural heritage, and potential change to a structure, site, or item that is of historical, archaeological, paleontological, or architectural significance - A significant residual effect to physical and cultural heritage is defined as the permanent loss of physical and cultural heritage through the permanent loss of a structure, site, or item that is of historical, archaeological, paleontological, or architectural significance to Kainai, which cannot be mitigated.
- Potential change to social, health, and economic conditions – Specific to changes in health conditions, a significant residual effect to social and health conditions is defined as persistent, frequent, and long-lasting exceedance in ecological and human health risk assessment hazard quotients (HQs) and risk magnitudes for non-carcinogenic and carcinogenic contaminants of potential concern. Additionally, a significant residual effect to socio-economic conditions is defined as the permanent loss of access to social and economic resources used by Kainai as a result of the Project and that cannot be mitigated for.

27.7.2 Assessment Methods

The methods for assessing potential changes to the environment that may affect the Kainai and their rights and interests in relation to the Project followed the approach outlined in Chapter 5 and is described in Section 27.3. Where appropriate, effects on the Indigenous resources, use, or species of interest outlined previously in Table 27.6-2 were evaluated using the results of receptor and intermediate VC effects assessments (e.g., grizzly bear is a receptor VC and alteration of surface water quantity is an intermediate VC). In some cases, no receptor or intermediate VC corresponds to the Indigenous resource, use, or species of interest (e.g., bison is not a VC and not in the Project's area of influence) and as such, representative VCs were selected to serve as surrogates for the effects assessment on the Kainai. 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 applicable, to allow for an understanding of potential effects to Indigenous resources, use, or species of interest (e.g., bison is not a VC being assessed for the Project and yet information on its cultural impact on the Kainai's rights and interests can be utilized to assume that the ungulate VCs being assessed for the Project may have cultural significance).

The assessment of effects on intermediate and receptor VCs of potential interest to the Kainai, such as wildlife, plants, fish, and socio-economic conditions, may not fully capture the conditions that influence Indigenous historic and current use of lands and resources for traditional purposes. As noted in Section 27.3, the term "current use" as defined in Section 27.6.6 is intended to reflect any current use of lands and resources for traditional purposes (which for the ATRI LSA is unknown at this time) as well as potential future use as desired by the Kainai. Additional information may be provided by the Kainai in the future that would be incorporated into the effects assessment process and mitigation planning in addition to what is presented in this document.

For quantitative human health and ecological risk assessment (HHERA) in Chapter 22, the focus was on various Indigenous land use and tradition lifestyles to conservatively assess maximal potential impacts to the VC of human health. By inference, potential impacts to human health of other peoples (e.g., non-

Indigenous, recreational) would have less potential for a health risk. Human health risk assessment (HHRA) and ecological risk assessment (ERA) define and quantify potential health risks, which in the present instance serve as surrogate measures of potential health impacts from the Project and are detailed in Chapter 22. The baseline assessment method is fundamentally as described in Chapter 22, and relies primarily on measured biophysical data, especially baseline studies of concentrations of contaminants of potential concern in environmental media and is conducted to establish current “benchmark risk estimates” in the form of either hazard quotients (HQs) or as incremental lifetime cancer risks (ICLRs). The baseline benchmarks are subsequently used in the Project Case and Cumulative Case in Chapter 22 to examine the “incremental” risk resulting from releases associated with the Project and reasonably foreseeable future projects or activities. Documents from which Base Case information and data were obtained relevant to the development of the quantitative HHRA are as follows:

- Baseline Air Quality: Air Quality Baseline Report – Crown Mountain Coking Coal Project (Dillon, 2020a);
- Baseline Soil Data: Baseline Soil and Vegetation Chemistry Report – Crown Mountain Coking Coal Project (Keefer Ecological Services Ltd., 2021);
- Baseline Water Quality: Surface Water Quality Baseline Report: 2012 to 2019 Surface Water Quality Sampling Results – Crown Mountain Coking Coal Project (Dillon, 2020b);
- Baseline Sediment Quality: Crown Mountain Coking Coal Project – Aquatic Health Baseline Sampling Report (Lotic Environmental, 2020); and
- Baseline Fish Tissue Quality: Crown Mountain Coking Coal Project – Aquatic Health Baseline Sampling Report (Lotic Environmental, 2020).

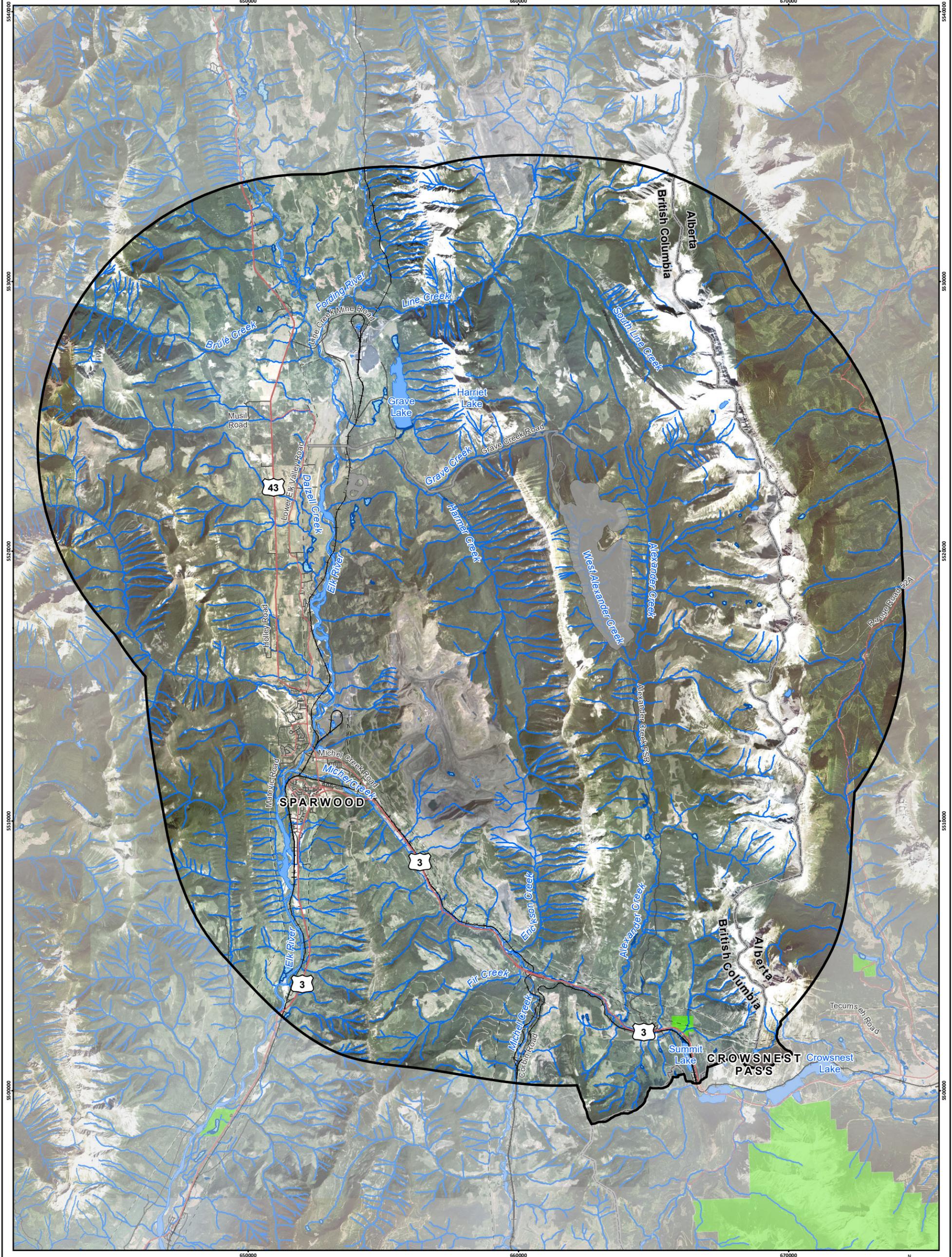
In addition to use of baseline studies on environmental quality noted above, baseline food chain modelling was conducted to ascertain the baseline dietary exposure and risk to wildlife health and human health. Food chain modelling is described further under Chapter 22, and in detail in the technical support document on human health and ecological risk assessment (Chapter 22, Appendix 22-A). As indicated in Chapter 22, there are no significant residual effects to ecological or human health anticipated as a result of the Project.

Chapter 27 identifies the potential Project-related impacts to the Kainai’s rights and interests to inform the EA regulatory decision-making process and planning of the Project in Section 27.10. Through this effects assessment and continued consultation with the Kainai, Project-related effects to the Kainai’s rights and interests may continue to be identified, and where applicable, mitigated, or accommodated.

27.7.2.1 Assessment Boundaries for the Effects of Changes to the Environment on the Kainai

Study areas represent the spatial boundaries that encompass the areas, at appropriate scales and spatial extents, in which the Project is anticipated to interact with a VC or VC group (Chapter 5). For the purposes of the assessment of impacts to Aboriginal and Treaty rights and interests, three spatial boundaries were considered in the assessment: the Project footprint, the ATRI LSA, and the ATRI RSA.

The Project footprint is the area of physical disturbance associated with the Project and encompasses all anticipated Project components, both temporary and permanent, covering approximately 13 square kilometres (km²) or 1,283 hectares (ha). The Project footprint is the area of physical disturbance associated with the Project (Figure 27.7-1).



Crown Mountain Coking Coal Project

Figure 27.7-2
Aboriginal Treaty Rights and Interests Local Study Area

- | | | | |
|--|---|--|---------------------------------|
| | Aboriginal Treaty Rights and Interests Local Study Area | | Wetland |
| | Project Footprint | | Provincial Park/Protected Area |
| | Highway | | British Columbia/Alberta Border |
| | Arterial/Collector Road | | |
| | Local/Resource Road | | |
| | Railway | | |
| | Transmission Line | | |
| | Watercourse | | |
| | Waterbody | | |



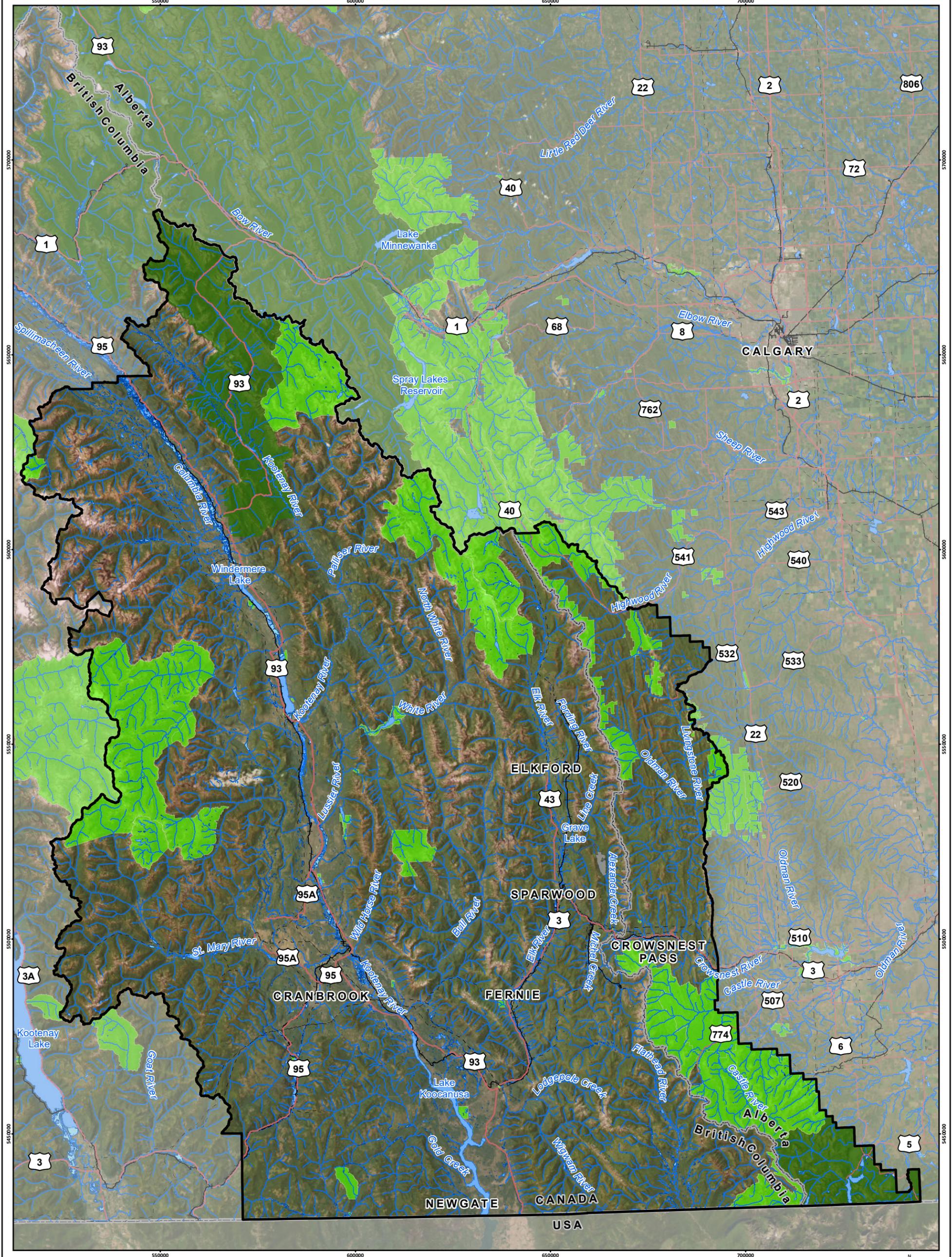
Scale 1:130,000

Map Drawing Information:
Data Provided By NWP Coal Canada Ltd, Dillon Consulting Limited, Province of British Columbia GeoBC Open Data, Government of Alberta Open Data, Natural Resource Canada. Imagery Provided By Landsat 8 (Aug 2018), and GeoBC Ortho Imagery (Aug 2016).

Map Created By: RB
Map Checked By: HS
Map Coordinate System: NAD 1983 UTM Zone 11N



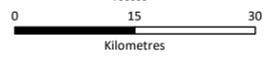
Project: 12-6231
Status: FINAL
Date: 2023-07-19



Crown Mountain Coking Coal Project

Figure 27.7-3
Aboriginal Treaty Rights and Interests Regional Study Area

- Aboriginal Treaty Rights and Interests Regional Study Area
- Project Footprint
- Highway
- Railway
- Transmission Line
- Watercourse
- Waterbody
- Wetland
- Provincial Park/Protected Area
- National Park
- British Columbia/Alberta Border



Scale 1:900,000

Map Drawing Information:
Data Provided By NWP Coal Canada Ltd, Dillon Consulting Limited, Province of British Columbia GeBC Open Data, Government of Alberta Open Data, Natural Resource Canada. Imagery Provided By ESRI.

Map Created By: RB
Map Checked By: HS
Map Coordinate System: NAD 1983 UTM Zone 11N



Project: 12-6231
Status: FINAL
Date: 2023-07-19

The Project footprint consists of the proposed surface extraction areas (three pits - north pit, east pit, and south pit); mine rock management areas; mine infrastructure and support facilities, including the plant area (raw coal stockpile area and processing plant); clean coal transportation route; rail loadout facility and rail siding; and ancillary facilities (i.e., water supply, power supply, natural gas supply, water, sewage treatment, fuel storage and explosives storage).

The ATRI LSA and RSA were developed in consideration of VCs (e.g., air quality) or VC groups (e.g., wildlife) and technical and scientific information (e.g., location and distribution of VCs) that may be potentially relevant to the assessment of Aboriginal and Treaty rights and interests (Figure 27.7-2 and Figure 27.7-3). The ATRI LSA encompasses the LSAs of receptor and intermediate VCs and VC groups in which Indigenous Peoples may have constitutionally protected rights to practice traditional activities, such as for fishing and hunting and gathering. The ATRI RSA encompasses the RSAs of the receptor and intermediate VCs and VC groups in which the Kainai may have constitutionally protected rights to practice traditional activities. The VC-specific study areas are outlined in each VC assessment chapter. The ATRI LSA is approximately 88,500 ha, while the ATRI RSA is approximately 3,193,000 ha.

The VC study areas relevant to the assessment of effects to Indigenous historic and current use of lands resources for traditional purposes include:

- Project footprint;
- Fish and Fish Habitat LSA;
- Aquatic LSA and RSA;
- Terrestrial LSA and RSA;
- Landscapes and Ecosystems LSA and RSA;
- Grizzly Bear RSA;
- Birds, Bat, and Amphibians RSA;
- Socio-Community LSA and RSA;
- Economic Conditions LSA and RSA;
- Land Use and Access LSA and RSA; and
- Archaeological LSA and RSA.

In some instances, in the assessment of effects to Aboriginal and Treaty rights and interests, the specific VC study areas are referred to as VC baseline program, and data collection was confined to the boundaries of that specific VC (LSA and/or RSA) for the purposes of the VC baseline assessment.

27.7.3 Potential Effects of the Changes to the Environment on the Kainai

This section outlines the Project activities and components that may result in potential changes to the environment that may affect the Kainai. The assessment of potential Project effects focuses on the planned Project activities. Potential effects related to unplanned events (e.g., spills, equipment malfunctions, accidents) are presented in Chapter 21. This section describes the potential changes to the environment related to the applicable VCs in consideration of the Kainai's rights and interests.

As noted in Section 27.5.4, IAAC indicated their revised understanding of potential impacts of the Project on the Kainai's Aboriginal rights (IAAC, 2020a) to include:

- Fishing;
- Hunting and Trapping;
- Harvesting and Gathering;
- Ceremonial/Sacred (i.e., Culturally Significant) Areas;
- Access and Travel (and Trade) Routes;
- Physical and Cultural Heritage; and
- Social, Health, and Economic (i.e., Health and Socio-Economic) Conditions.

The Kainai's Aboriginal rights and interests and Treaty 7 rights are defined as those outlined in Section 27.5.4. Under the terms of Treaty 7, the Kainai have an established right to hunt which is addressed further in Section 27.7.3.2.2. The discussion of effects has been organized into potential effects on the historic and current use of lands and resources for traditional purposes, social and health conditions, and economic conditions.

27.7.3.1 Project Components and Interactions

Project activities during the Construction and Pre-Production, Operations, Reclamation and Closure, and Post-Closure phases have the potential to change the environment and in turn impact the Kainai's rights and interests based on these interactions. Table 27.7-1 to Table 27.7-4, below provide a summary of the anticipated interactions between the Project and VCs (e.g., wildlife and wildlife habitat) related to the Kainai described throughout Chapter 27, by identifying the Project components/activities, the Indigenous right and/or interest, the associated VC, and the anticipated pathway for potential interactions with the Indigenous right and interest/VC. Refer to Chapter 3 for a description of the Project components/activities that are summarized below.

The interactions outlined in the table below are intended to identify the pathway between the VC and the Kainai. All components and Project activities were assessed for potential pathways for interactions between the Project and the Kainai that have the potential to impact their rights and interests as currently understood. This assessment of effects to the Kainai is primarily based on the review of publicly available information and consultation and engagement activities as the Kainai have not yet provided Project-specific TK/TLU. For ease of reading, the components and activities with similar potential pathways of interactions with the Kainai were grouped together within the following Table 27.7-1 to Table 27.7-4. Each separate table below reflects the potential interactions between the Kainai and their rights and interests as currently understood for each separate Project Phase (i.e., Construction and Pre-Production, Operations, Reclamation and Closure, and, Post Closure).

With respect to the Kainai's seasonal round, the Project components and activities were assessed based on publicly available information and feedback received from the Kainai (Section 27.5) within the Project footprint and the ATRI LSA that included species of interest and/or locations of cultural significance and traditional use that are utilized seasonally that have the potential to interact. Based on the information sources identified, as noted in Section 27.6.6, none have been currently identified by the Kainai.

Table 27.7-1: Summary of Potential Interactions between the Project and the Kainai's Rights and/or Interests for Construction and Pre-Production Phase

Project Components and Activities	Kainai Right and/or Interest	Valued Component / Valued Components Group and Effects Pathway for Potential Interaction with the Kainai
<p>Transportation Highway transport trucks, light duty vehicles and crew busses will use Highway 43, Line Creek Mine Road, Valley Road, and Grave Creek Road for all phases of the Project which include transportation of personnel, materials, and consumable items.</p>	<ul style="list-style-type: none"> Hunting and Trapping 	<ul style="list-style-type: none"> Wildlife and Wildlife Habitat (Chapter 15) - Potential interaction between vehicles with wildlife through disruption of their movements and potential direct mortality from vehicle strikes.
<p>Logging of Merchantable Timber Merchantable timber will be logged from the infrastructure and pre-production development footprint.</p>	<ul style="list-style-type: none"> Fishing Hunting and Trapping Harvesting and Gathering Ceremonial/Sacred Areas Travel Routes Physical and Cultural Heritage 	<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. Terrestrial Ecosystems (Chapter 13) and Vegetation (Chapter 14) - Potential loss of vegetation communities and change in terrestrial ecosystems through introduction of invasive vegetation species. 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.

Project Components and Activities	Kainai Right and/or Interest	Valued Component / Valued Components Group and Effects Pathway for Potential Interaction with the Kainai
<p>Clearing and Grubbing After the merchantable timber has been removed, the remaining vegetation will be cleared and grubbed from the infrastructure and pre-production development footprint. Wood waste will be stockpiled within the confines of the Project footprint, and stockpiles will not be located adjacent to waterbodies.</p>	<ul style="list-style-type: none"> • Fishing • Hunting and Trapping • Harvesting and Gathering • Ceremonial/Sacred Areas • Travel Routes • Physical and Cultural Heritage 	<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 surface runoff/erosion where bare soils are exposed during grubbing. • Terrestrial Ecosystems (Chapter 13) and Vegetation (Chapter 14) - Potential changes to vegetation that may impact the ability to harvest and gather for traditional purposes. • Terrestrial Ecosystems (Chapter 13) - Potential change in landscape and terrestrial ecosystem types resulting in the change of wildlife food sources and movements. • 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 of ceremonial or sacred areas within the Project footprint. • Potential loss/disconnection of historic and present-day travel routes and trails.
<p>Quarry for Construction Materials Excavation of road bed materials from the North Pit footprint for use on Grave Creek Road.</p>	<ul style="list-style-type: none"> • Physical and Cultural Heritage 	<ul style="list-style-type: none"> • Pre-contact archaeological resources (Chapter 16) - Potential loss of pre-contact archaeological artifacts during quarrying activities.
<p>Infrastructure and Road Construction</p> <ul style="list-style-type: none"> • Water Management or Water Management Structures; • Road Upgrades and Construction; • Overland Conveyor; • Coal Handling Process Plant Construction; 	<ul style="list-style-type: none"> • Fishing • Hunting and Trapping • Harvesting and Gathering • Ceremonial/Sacred Areas • Travel Routes • Physical and Cultural Heritage 	<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.

Project Components and Activities	Kainai Right and/or Interest	Valued Component / Valued Components Group and Effects Pathway for Potential Interaction with the Kainai
<ul style="list-style-type: none"> • Workshop / Mine Dry Construction; • Rail Loadout Construction; • Explosives Factory; and • Soil Salvage. 		<ul style="list-style-type: none"> • 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 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.

Project Components and Activities	Kainai Right and/or Interest	Valued Component / Valued Components Group and Effects Pathway for Potential Interaction with the Kainai
		<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>Construction Waste Materials Collection and transfer to a recycling facility or other approved facility. Waste will be fenced and stored in sea containers or waste oil containers as appropriate.</p>	<ul style="list-style-type: none"> • None identified 	<p>None identified - there are no anticipated interactions between Indigenous interests and storage of waste, as the construction waste will be stockpiled in contained areas or appropriate containers that are not open to the environment. Accidents, malfunctions, and unplanned events are discussed in Chapter 21.</p>

Table 27.7-2: Summary of Potential Interactions between the Project and the Kainai's Rights and/or Interests for Operations

Project Components and Activities	Kainai Right and/or Interest	Valued Component / Valued Components Group and Effects Pathway for Potential Interaction with the Kainai
<p>Labour Hiring of personnel for the mine, CHPP operations administration, and coal haul; Training of personnel.</p>	<ul style="list-style-type: none"> Economic conditions Social and Health Conditions 	<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 demographic. 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 employees to the region that could potentially contribute to social impacts, including safety risks.
<p>Explosives Factory Ammonium nitrate / emulsion storage facilities which have the ability to load explosive agents into delivery trucks; Wash facility to decontaminate the bulk explosive delivery trucks; Storage of explosives (detonators and boosters).</p>	<ul style="list-style-type: none"> Fishing Hunting and Trapping 	<ul style="list-style-type: none"> Surface Water Quality (Chapter 11), Fish and Fish Habitat (Chapter 12), Vegetation (Chapter 14), and Wildlife and Wildlife Habitat (Chapter 15) - Potential interaction with fish and fish habitat, terrestrial ecosystems and vegetation, and wildlife species of interest through the release of nitrogen compounds and other contaminants from storage areas and wash facilities.
<p>Fuel Storage Receiving bulk fuel deliveries; Onsite storage of fuel; Dispensing fuel; Transferring fuel to on-site delivery trucks.</p>	<ul style="list-style-type: none"> Fishing Hunting and Trapping 	<ul style="list-style-type: none"> Surface Water Quality (Chapter 11), Fish and Fish Habitat (Chapter 12), Vegetation (Chapter 14), and Wildlife and Wildlife Habitat (Chapter 15) – None identified - there are no anticipated interactions between Indigenous interests and fuel storage. Accidents, malfunctions and unplanned events are discussed in Chapter 21.
<p>Mining Progressive clearing; Removal of unconsolidated material; Loading, hauling and stockpiling of soil; Drilling and loading of blastholes; Detonating the explosives; Loading, hauling and dumping of mine rock; Loading hauling and stockpiling or coal.</p>	<ul style="list-style-type: none"> Fishing Hunting and Trapping Harvesting and Gathering Physical and Cultural Heritage Social and Health Conditions 	<ul style="list-style-type: none"> Surface Water Quality (Chapter 11) and Fish and Fish Habitat (Chapter 12) - Loss of West Alexander Creek as a result of mine development and the storage of mine rock. Fish and Fish Habitat (Chapter 12) - Potential interaction with fish and fish habitat as well as surface water quality and quantity through mining activities (sedimentation, erosion, spills, contact runoff, nitrate, selenium, sulphate contamination from broken rock and dust). Potential changes to the actual or perceived accessibility, health, and

Project Components and Activities	Kainai Right and/or Interest	Valued Component / Valued Components Group and Effects Pathway for Potential Interaction with the Kainai
		<p>quality of potential fish species of cultural interest/use for country foods due to mining activities.</p> <ul style="list-style-type: none"> • Terrestrial Ecosystems (Chapter 13) - Potential changes in vegetation communities/terrestrial ecosystems and introduction and colonization of invasive vegetation species that outcompete species of interest. • Vegetation (Chapter 14) - Potential interaction with vegetation health through particulate matter and dust deposition. • Wildlife and Wildlife Habitat (Chapter 15) - Potential change of wildlife species of interest food sources and movements as a result of changes in vegetation communities and terrestrial ecosystems (i.e., degradation of wildlife habitat) or sensory disturbances. Changes in wildlife species of interest movements/accessibility to these wildlife species due to presence of the mine. • Fish and Fish Habitat (Chapter 12) and Wildlife and Wildlife Habitat (Chapter 15) - Sensory disturbances to potential fish and wildlife species of interest due to detonation of explosives and other mine activities. • Pre-contact archaeological resources (Chapter 16) – Potential discovery of pre-contact archaeological resources (if present) in unconsolidated material or during progressive clearing activities. • Socio-community (Chapter 18) - Potential project nuisance effects residents due to noise and vibration. Potential change in availability/reliance on country food. Loss of potential access to fish in West Alexander Creek. • Potential loss of ceremonial/sacred areas.

Project Components and Activities	Kainai Right and/or Interest	Valued Component / Valued Components Group and Effects Pathway for Potential Interaction with the Kainai
<p>Site Water Requirements Using contact water as the primary process make-up water from Interim Sediment Pond (Year 1 to 5); Using contact water as the primary process make-up water from the North Pit (Year 5 to 15); Backup reservoir in Grave Creek as a secondary source of process make-up water.</p>	<ul style="list-style-type: none"> • Fishing • Hunting and Trapping • Ceremonial/Sacred Areas • Social and Health Conditions 	<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 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>Coal Processing Run of mine coal sizing; Washing coal; Mechanical and thermal drying of coal; Coal reject disposal (part of loading, hauling and dumping of mine rock activities); Conveying clean coal; and mine roads development.</p>	<ul style="list-style-type: none"> • Fishing • Hunting and Trapping • Ceremonial/Sacred Areas 	<ul style="list-style-type: none"> • Surface Water Quality (Chapter 11) and Fish and Fish Habitat (Chapter 12) - Potential reduction in flow of West Alexander Creek during coal reject disposal, hauling and dumping or mine rock, 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 wildlife species of interest (e.g., waterfowl) with the change or loss of aquatic habitat. Potential sensory disturbance and change in food sources for wildlife species of interest as a result of dust deposition/changes in vegetation communities. • Pre-contact archaeological resources (Chapter 16) - Potential for changes to ceremonial or sacred areas associated with West Alexander Creek or downstream habitats.

Project Components and Activities	Kainai Right and/or Interest	Valued Component / Valued Components Group and Effects Pathway for Potential Interaction with the Kainai
<p>Sewage Treatment Sewage will be treated by a septic system constructed at the plant site which will support the administration, mine dry, and CHPP facilities.</p>	<ul style="list-style-type: none"> • None identified 	<ul style="list-style-type: none"> • There are no anticipated interactions between Indigenous interests and treated sewage, as the septic system will comply with the appropriate standards and regulations. Accidents, malfunctions, and unplanned events are discussed in Chapter 21.
<p>Main Sediment Pond Construction of Main Sediment Pond in Year 4; Management of the Main Sediment Pond discharge.</p>	<ul style="list-style-type: none"> • Fishing • Hunting and Trapping 	<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 wildlife species of interest (e.g., waterfowl) with the change or loss of aquatic habitat. • Potential for change in access to places that may be important for ceremonial or sacred areas.
<p>Progressive Reclamation Reclaiming available areas as soon as possible to achieve reclamation objectives.</p>	<ul style="list-style-type: none"> • Fishing • Hunting and Trapping • Harvesting and Gathering • Ceremonial/Sacred Areas 	<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 and fish habitat through erosion and sedimentation and of bare soils. • Terrestrial Ecosystems (Chapter 13) and Vegetation (Chapter 14) - Potential for changes in vegetation communities through the introduction and colonization of invasive species that outcompete species of interest resulting in a loss of traditionally/culturally important vegetation communities. • Wildlife and Wildlife Habitat (Chapter 15) - Potential for changes in wildlife food sources through changes to ecosystems/vegetation communities resulting in changes to wildlife species of interest movements/migrations. • Potential changes to or loss of places that may be important for ceremonial or sacred areas through changes in landscape/ecosystems should reclamation activities not be effective.

Table 27.7-3: Summary of Potential Interactions between the Project and the Kainai's Rights and/or Interests for Reclamation and Closure

Project Components and Activities	Kainai Right and/or Interest	Valued Component / Valued Components Group and Effects Pathway for Potential Interaction with the Kainai
<p>Dismantling Infrastructure and Buildings Dismantling of the CHPP, maintenance facilities, administration, and other facilities; Dismantling, salvaging, collecting and transferring materials to a recycling facility or other approved facility. Removal of the powerline; Removal of the natural gas line.</p>	<ul style="list-style-type: none"> • Fishing • Hunting and Trapping • Harvesting and Gathering 	<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>Progressive Reclamation Reclaiming available areas as soon as possible to achieve reclamation objectives.</p>	<ul style="list-style-type: none"> • Fishing • Hunting and Trapping • Harvesting and Gathering • Ceremonial/Sacred Areas • Social and Health Conditions 	<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. • Terrestrial Ecosystems (Chapter 13) and Vegetation (Chapter 14) - Potential for reclamation of ecosystems and related species of interest and areas used for harvesting and gathering. • Wildlife and Wildlife Habitat (Chapter 15) - Potential for reestablishment of wildlife food sources through reestablishment of ecosystems/vegetation communities. Potential for reestablishment of wildlife accessibility in the development footprint for species of interest. • Socio-community (Chapter 18) – Potential for Indigenous Communities to take part in progressive reclamation opportunities.

Project Components and Activities	Kainai Right and/or Interest	Valued Component / Valued Components Group and Effects Pathway for Potential Interaction with the Kainai
		Potential change in community well-being. Potential change in availability/reliance on country food.
Monitoring Reclamation monitoring; Geotechnical monitoring; Aquatic effects monitoring.	<ul style="list-style-type: none"> • Fishing • Hunting and Trapping • Harvesting and Gathering • Ceremonial/Sacred Areas • Social and Health Conditions 	<ul style="list-style-type: none"> • Surface Water Quality (Chapter 11), Fish and Fish Habitat (Chapter 12), Terrestrial Ecosystems (Chapter 13), Vegetation (Chapter 14), and Wildlife and Wildlife Habitat (Chapter 15) - Potential for reduction of the quality and accessibility of fish, vegetation species of interest and wildlife species of interest for traditional/cultural purposes or country foods, should insufficient effects monitoring take place that affects the mitigation measures utilized. • Socio-community (Chapter 18) - Potential for Indigenous Communities to take part in monitoring activities, in particular: aquatic effects monitoring.

Table 27.7-4: Summary of Potential Interactions between the Project and the Kainai's Rights and/or Interests for Post Closure

Project Components and Activities	Kainai Right and/or Interest	Valued Component / Valued Components Group and Effects Pathway for Potential Interaction with the Kainai
<p>Water Management Management of the Main Sediment Pond discharge. Decommissioning the Main Sediment Pond once water quality objectives have been met.</p>	<ul style="list-style-type: none"> • Fishing • Hunting and Trapping • Harvesting and Gathering 	<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 erosion and sedimentation or changes in water levels through the decommissioning of the Main Sediment Pond. • Terrestrial Ecosystems (Chapter 13) and Vegetation (Chapter 14) - Potential for changes in water levels resulting in potential impacts to riparian vegetation communities and wildlife habitats of interest. • Wildlife and Wildlife Habitat (Chapter 15) - Potential for changes to accessibility to aquatic wildlife VC species of interest (e.g., waterfowl) with the change or loss of aquatic habitat.
<p>Rail Line and Road Use Branch C Road will remain as a permanent access road for future commercial and recreational use. The rail line will remain as a permanent feature.</p>	<ul style="list-style-type: none"> • Fishing • Hunting and Trapping • Harvesting and Gathering 	<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 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. • Surface Water Quality (Chapter 11) and 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

Project Components and Activities	Kainai Right and/or Interest	Valued Component / Valued Components Group and Effects Pathway for Potential Interaction with the Kainai
		<p>species in disturbed areas around the rail line resulting in a change of localized vegetation communities/loss of species of interest.</p> <ul style="list-style-type: none"> • 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>Monitoring Reclamation monitoring; Geotechnical monitoring; Aquatic effects monitoring.</p>	<ul style="list-style-type: none"> • Fishing • Hunting and Trapping • Harvesting and Gathering • Ceremonial/Sacred Areas 	<ul style="list-style-type: none"> • Surface Water Quality (Chapter 11), Fish and Fish Habitat (Chapter 12), Terrestrial Ecosystems (Chapter 13), Vegetation (Chapter 14), and Wildlife and Wildlife Habitat (Chapter 15) - Potential for reduction of the quality and accessibility of fish species of interest, vegetation species of interest, and wildlife species of interest for traditional/cultural purposes or country foods, should insufficient effects monitoring take place. • Socio-community (Chapter 18) - Potential for Indigenous Communities to take part in monitoring activities, in particular: aquatic effects monitoring.

The potential residual environmental effects that may exist after the proposed mitigations measures have been implemented are discussed in Section 27.7.3.2 below. Upon receipt of further information from the Kainai including a Project-specific TK/TLU study, this assessment may be further refined. The Kainai's Traditional Knowledge may provide a better understanding of the Project's potential interactions with the Kainai's rights and interests as it relates to the timing of traditional activities and practices that coincide with the specific Project phases (Appendix 27-A, Table 27.A-2).

27.7.3.2 Characterization of Potential Residual Effects of the Changes to the Environment on the Kainai

Based on the interactions identified in Table 27.7-1 to Table 27.7-4, potential effects to the Kainai are outlined in this section, using effects assessment information from the other VCs. The purpose of this assessment is to identify the potential Project-related residual effects to the Kainai and to inform the impacts to rights assessment (Section 27.10). The residual effects to the Kainai consider the residual effects for the associated VCs (e.g., Wildlife and Wildlife Habitat VCs) and anticipated effects to non-VC groups (i.e., broad ecosystem types). The potential effects and mitigation for Physical and Cultural Heritage as well as any structure, site, or thing that is of historical, archaeological, paleontological, or architectural significance are combined in Section 27.7.3.2.6, for the purposes of the residual effects assessment.

Criteria used to characterize residual effects are defined in Chapter 5, Section 5.3.4.5 and outlined in Section 27.3, 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 27.7.2, 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 Kainai 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 Kainai, Project-related residual effects to the Kainai may continue to be identified, and where applicable, mitigated or accommodated. Considering the lack of Project specific information being provided by the Kainai, the confidence of the residual effects to the current use of lands and resources by the Kainai is considered to be low to moderate where applicable.

27.7.3.2.1 Change to Use of Lands and Resources for Traditional Fishing Purposes

Based on available information, fishing or the harvesting of the fish is understood to be a traditional activity undertaken by the Kainai within their Traditional Territory. While information has not been provided by the Kainai to NWP that confirms that community members fish in or near the Project area or in the LSA, there is the potential for this activity to occur. The harvesting of fish is a potential valuable source of country food to the Kainai. It is our understanding that the Kainai have identified Westslope Cutthroat Trout, Rainbow Trout, Bull Trout, and Rocky Mountain Whitefish, and access to healthy aquatic systems for fishing rights and related interests. The fish and fish habitat VC and related residual effects assessment (Chapter 12) was used to support an understanding of Project-related residual effects that have the potential to change the opportunity to use and access to Westslope Cutthroat Trout, Rainbow Trout, Bull Trout, and Rocky Mountain Whitefish by Kainai. Residual effects to fish and fish habitat VCs, including the Westslope Cutthroat Trout VC, Bull Trout VC, and Rocky Mountain Whitefish VC include:

- Instream habitat loss as a result of mine design;

- Habitat loss due to changes in water quantity;
- Riparian disturbance; and
- Changes in water quality.

Changes to abundance, disturbance, spawning areas, seasonal movements, movement courses, and habitat requirements for fish species identified by the Kainai and considered in the EIS are included in Chapter 12, Section 12.4.2.2. Chapter 12 also notes that Alexander Creek, West Alexander Creek, Grave Creek, and 12 of 27 wetlands (surveyed for fish presence) which were connected to watercourses were considered fish bearing. 13 of the 27 wetlands surveyed had low probability for fish presence based on the lack of suitable habitat observed and/or disconnectedness with fish bearing watercourses.

As a result of changes to the fish and fish habitat VCs, potential effects on Kainai's opportunity to fish include:

- Potential change in the ability to know and teach the cultural and social aspects of fish VC species and waterbodies within the Project footprint and the ATRI LSA during all Project phases.
- Potential change in the value of place as a result of the change in accessibility of fishing opportunities within the Project footprint and the ATRI LSA, and the loss of waterbodies within the Project footprint during all Project phases.
- Potential change in accessibility to fishing opportunities in Grave Creek and West Alexander Creek as a result of Project activities in all Project phases.
- Potential change in fishing opportunities due to increased fishing pressure associated with an increase in access to watercourses as a result of Project development (i.e., upgrading of access roads).

Mitigation measures have been recommended to avoid, minimize, or otherwise address potential adverse effects to the fish and fish habitat VCs that are related to Kainai's rights and interests. Specific mitigation for fish and fish habitat VCs can be referenced in Chapter 12, Section 12.5.3.

Further, mitigation measures related to the effects of the Project on the Kainai are outlined in this chapter in Section 27.9 (Table 27.9-1) which presents the Indigenous Impact Management Plan that was developed in response to the concerns raised by the Kainai and the identified Indigenous Communities. The mitigation measures presented in Section 27.9.1 may be revised or updated as a result of specific input provided by the Kainai where applicable. No other technically and economically feasible mitigation measures were identified to address potential impacts to the Kainai's rights and interests related to the fish and fish habitat VCs. At this time, NWP is not aware of potential future technology innovations that may help to further mitigate effects.

Development of the mine site will result in the removal of approximately 5.5 km of West Alexander Creek, which may be used for traditional activities by the Kainai. While there is potential for traditional use of West Alexander Creek, it is anticipated to be relatively minimal and to a lesser extent compared to the mainstems of Alexander Creek, and the Elk River. During Operations, use of Alexander Creek for fishing will be permitted, unless blasting activities are occurring. It is important to note that blasting restrictions will not affect access to the entire length of Alexander Creek, only those sections in close proximity to the pit undergoing blasting.

The Project has the potential to result in residual adverse effects to fish and fish habitat during Project Construction and Pre-Production, Operations, Reclamation and Closure, and Post-Closure activities. The Project may result in permanent changes to instream fish habitat, the loss of habitat due to changes in water quality, riparian disturbance, and changes in water quality that could affect fish health. Project residual effects to the fish and fish habitat VCs, including Westslope Cutthroat Trout, Bull Trout, and Rocky Mountain Whitefish, indicate the potential for a residual effect on Kainai's opportunity to fish and access healthy aquatic systems for fishing opportunities.

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:

- Duration: *Short-term to Long-term*, 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: *Low to Moderate*, 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 Westslope Cutthroat Trout, Bull Trout, and Rocky Mountain Whitefish (e.g., instream loss associated with West Alexander Creek).
- Geographic Extent: *Local*, 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: *Continuous*, as the opportunity to fish and access aquatic systems potentially used currently or in the future by Kainai is anticipated to occur during Construction and Pre-Production, Operations, and Reclamation and Closure until Project activities are completed.
- Reversibility: *Reversible Long-term to Irreversible*, 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: *Neutral*, 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 Kainai 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 Kainai way of living can continue outside of the Project footprint during all Project phases.

Determination of Significance

The Kainai have not currently made available information regarding their use of the watercourses in the Project footprint for fishing purposes, though it is understood that the Project is located within the Kainai's asserted Traditional Territory. It is acknowledged that Kainai has the potential to use Project impacted watercourses that support Westslope Cutthroat Trout, Bull Trout, and Rocky Mountain Whitefish given their current use and interest in these species. The Project is anticipated to result in short-term to long-term changes in opportunities for fishing as access to upstream Grave Creek and West Alexander Creek is restricted over the course of the Project. Impacts to fish habitat, such as the loss of instream habitat, will be compensated for through the Fish and Fish Habitat Management Plan, and other than those identified within the Project footprint, no permanent losses to the ability to fish Westslope Cutthroat Trout, Bull Trout, and Rocky Mountain Whitefish are anticipated within the ATRI LSA. The Fish and Fish Habitat

Management Plan will compensate the loss of available habitat to fish and benthic invertebrate communities in the Fish and Fish Habitat LSA and Aquatic RSA or for different uses as required for their life histories, thus resulting in no net loss of instream habitat as a result of the Project.

In consideration of the above and the Project's design to reduce impacts to fish and fish habitat VCs including the Fish and Fish Habitat Management Plan, the residual effect of the Project on the current use of lands and resources for fishing is rated as not significant.

Likelihood and Confidence

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 fish VCs within the Project footprint and Fish and Fish Habitat LSA are well established, providing sufficient data to assess effects to changes in the opportunity for Kainai to fish and access to healthy aquatic systems. Though baseline data was sufficient to evaluate effects for the fish and fish habitat VCs, areas currently or potentially used by Kainai to fish were not available at the time of the assessment. As such, the confidence of the residual effects to the current use of lands and resources by Kainai for fishing and fish opportunities is considered to be low to moderate.

The residual effects to opportunities for fishing and access to aquatic systems will be further discussed through continued consultation with Kainai, 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.

As noted earlier, while mitigation measures related to the effect of the Project on the Kainai are presented in the Indigenous Impact Management Plan (Section 27.9), at this time, the Kainai did not provide specific information included in Section 27.9.1 that addressed their concerns regarding fish and fish habitat VC species (including Westslope Cutthroat Trout, Rainbow Trout, Bull Trout, and Rocky Mountain Whitefish) related to the Kainai's traditional fishing activities.

27.7.3.2.2 Change to Use of Lands and Resources for Traditional Hunting and Trapping Purposes

Based on available information, hunting and trapping is understood to be a traditional activity undertaken by the Kainai within their Traditional Territory. While information has not been provided by the Kainai to NWP that confirms that community members hunt or trap within or near the Project area or in the LSA, there is the potential for this activity to occur. The harvest of wildlife is a potential valuable source of country food and sustenance to the Kainai and may contribute to their cultural activities. Of the wildlife VC species identified as part of the EA regulatory process, moose, elk, mountain (bighorn) sheep, mountain goat, waterfowl (ducks and geese), as well as grizzly bear have been identified as being of interest to Kainai. Section 27.7.3.2.2 covers all of the wildlife VCs listed here and a subsection specific to bighorn sheep follows to highlight it as a species of particular interest to the Kainai. The wildlife and wildlife habitat residual effects assessment (Chapter 15) was used to support an understanding of Project-related effects to these species of interest which have the potential to change hunting and trapping by Kainai. Residual effects to wildlife VCs include:

- Habitat loss and degradation;

- Sensory disturbance;
- Disruption to movement; and
- Increased mortality risk.

The assessment of residual effects to land use and access (Chapter 19) was used to understand potential effects on the availability of lands used for hunting and trapping. In addition, changes to air quality (Chapter 6) and noise (Chapter 7) may result in indirect sensory disturbance to Indigenous land users and alter or deter their use of the lands for hunting and trapping. Changes to abundance, disturbance, occupancy, seasonal movements, movement corridors, and habitat requirements for wildlife species identified by the Kainai and considered in the EIS are included in Chapter 15.

Potential effects on the opportunity to hunt and trap that may result from changes associated with the Project include:

- Potential change in accessibility to hunt and trap within the ATRI LSA during the Construction and Pre-Production, Operations, and Reclamation and Closure phases due to changes in land use as a result of Project development.
- Potential change in the value of place as a result of the change in accessibility to hunt and trap, or the actual or perceived change in quality of species hunted or trapped, within the ATRI LSA during the Construction and Pre-Production, Operations, and Reclamation and Closure phases.
- Potential change in the ability to know and teach Kainai's cultural and social aspects of hunting and trapping within the Project footprint and the ATRI LSA during the Construction and Pre-Production and Operations phases due to changes in access and wildlife quality.
- Potential change in the availability of wildlife species to hunt and trap due to changes in habitat loss and degradation, sensory disturbance, disruption to movement, and increased mortality risk during all phases of the Project.
- Potential increased hunting pressure because of increased access surrounding the Project area through all phases of the Project.

Mitigation measures have been recommended to avoid, minimize, or otherwise address potential adverse effects to the wildlife VCs that are related to the Kainai's rights and interests. Specific mitigation for wildlife VCs related to the Kainai can be referenced in Chapter 15.

Further, mitigation measures related to the effects of the Project on the Kainai are outlined in this chapter in Section 27.9 (Table 27.9-1) which presents the Indigenous Impact Management Plan that was developed in response to the concerns raised by the Kainai and the identified Indigenous Communities. The mitigation presented in Section 27.9.2 may be revised or updated as a result of specific input provided by the Kainai where applicable. No other technically and economically feasible mitigation measures were identified to address potential impacts to the Kainai's rights and interests related to the wildlife VCs. At this time, NWP is not aware of potential future technology innovations that may help to further mitigate effects.

The Project has the potential to result in residual adverse effects to wildlife species potentially used by Kainai for hunting and trapping. In particular, wildlife habitat will be removed and wildlife species movement disrupted as a result of Project Construction and Pre-Production and Operations. These impacts have the potential to result in residual effects to Kainai due to the anticipated decline in the

wildlife species available for use by Kainai 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. 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.

Potential residual effects to the use of lands and resources by Kainai for hunting and trapping is characterized as follows:

- Duration: *Long-term*, 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.
- Magnitude: *Low to Moderate*, 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: *Local*, potential effects to opportunities for hunting and trapping are restricted to the Project footprint and the ATRI LSA.
- Frequency: *Continuous*, 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: *Reversible Long-term*, 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: *Neutral*, the opportunity to conduct traditional hunting and trapping within the Project footprint and local study areas is important to Kainai members. The Project footprint is within Kainai Traditional Territory, once utilized and depended upon by Kainai ancestors and part of the rights and interests of Kainai members of today. Changes to Kainai's accessibility to opportunities for hunting and trapping is deemed neutral due to the importance of these traditional activities to Kainai 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 Kainai 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 Kainai way of living can continue outside of the Project footprint during all Project phases.

Determination of Significance

The Kainai have not currently made available information regarding their use of the Project footprint for hunting and trapping purposes and it is anticipated that currently the Kainai have a low level of use in the Terrestrial LSA due to previously noted disturbances (e.g., existing mining activity). The anticipated low level of use by the Kainai coupled with the lack of significant adverse effects to wildlife VCs that are

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, and bird species.

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.

Likelihood and Confidence

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 Kainai to hunt and trap. Though baseline data was sufficient to evaluate effects for Project VCs, not all species of interest to Kainai 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 use of lands and resources by the Kainai for hunting and trapping is considered to be low to moderate.

The subsection included below on bighorn sheep highlights the Kainai's identification of the species as being culturally significant based on feedback previously received (Appendix 27-A, Table 27.A-2). Additional information on ungulates including bighorn sheep can be found in Chapter 15, Section 15.4.

Kainai's Species of Interest: Bighorn Sheep

As noted above and in Section 27.5.4, during consultation and engagement activities, Kainai provided feedback that detailed the cultural significance of bighorn sheep to the Nation (Appendix 27-A, Table 27.A-2). As such, this section focuses on the assessment of the effects of the Project on the changes to the environment in relation to bighorn sheep. Bighorn sheep was assessed for potential Project-related effects on habitat loss and degradation, sensory disturbance, disruption to movement, and increased mortality risk. Mitigation measures as recommended in Chapter 15, Section 15.4.3.3 will contribute to effect minimization, but residual adverse effects are still anticipated to remain to this species.

The Project footprint overlaps with high-quality bighorn sheep habitat and the Project will result in a predicted loss of 202 ha of high-quality habitat, representing 3.3% of the total amount of high-quality bighorn sheep habitat available in the Terrestrial LSA (6,192 ha). Loss will be at the mine site, primarily along the ridge on the east side of the valley, though some in avalanche chutes on the west side of the Mine Rock Storage Facility. There will be no loss of bighorn sheep habitat along Erickson Ridge where winter range is known to occur. On a proportional basis, the availability of high-quality bighorn sheep habitat is lower within the Project footprint compared to the Terrestrial LSA as whole (16% for Project footprint and 26% for the Terrestrial LSA), meaning high-quality habitat is more common outside the Project footprint than it is within.

Clearing will begin in Construction and Pre-Production with initial portions of the 1,283 ha Project footprint (including the buffer) prepared for the mine site facilities, a portion of the North Pit, the Interim Sediment Pond, roads, the conveyor, the powerline and the rail loadout. During Operations, progressive clearing of the pits, Mine Rock Storage Facility, and Main Sediment Pond will continue through to Year 15. Bighorn sheep habitat loss will have a continuous adverse effect until progressive reclamation begins in Year 10 of Operations. With progressive reclamation between Years 10 and 15 and continued reclamation in the Reclamation and Closure phase, the effect of habitat loss will begin to decline.

Post mine reclamation will reclaim a mosaic of coniferous forest, open alpine tundra, rock outcrops, shrub and graminoid dominated brushland, talus slopes, wetlands, and riparian areas (described in Chapter 15, and in the Ecological Restoration Plan, Chapter 33, Section 33.4.1.3). Most of the high elevation ecosystems will provide habitat for bighorn sheep and mountain goat over time. Reclamation will begin in Year 10 of Operations for limited areas and then accelerating at the end of Operations. Within 5 years of closure, graminoids, forbs, and some shrubs will have become established and will begin to provide food, though the quality will be variable and may be limited in many areas. Food availability will progressively improve at 25- and 50-years post-closure. Highwalls are to be left in their post-mine configuration with the intention of creating escape terrain habitat features for bighorn sheep and mountain goats (if the highwall slopes are steep enough). The Project footprint is ultimately expected to be a landscape similar in structure and composition to the pre-Project landscape.

Habitat degradation of ungulate habitat can occur from potential introduction and spread of invasive species, changes in vegetation vigour from dust deposition, and surface water runoff from the Project footprint that can contain suspended solids and affect vegetation. Mitigation for each of these effects is described in Chapter 13: Landscapes and Ecosystems Assessment and found to have no residual effects to each of the ecosystem VCs. Effects of habitat degradation on ungulates was therefore considered to be nil, or so small in magnitude relative to direct habitat loss that it was not quantified further. The Project footprint includes a buffer area intended to account for uncertainty in precise boundaries of disturbance. Not all of the buffer area will be disturbed, and the calculations of habitat loss are therefore conservative and may be overestimated.

Bighorn sheep habitat may be functionally lost or disturbed due to sensory disturbance. This is in addition to direct habitat loss from clearing. Sensory disturbance includes behavioural responses to Project-related noise, vibration, light, dust, and human presence. Sensory disturbance from noise and vibration has the potential to extend further than light, dust, and human presence and is the focus of the residual effects assessment, for conservatism. Potential effects arising from vibration, light, dust, and human presence would be expected to be less than those arising from noise. Continuous Project-related noise at ≥ 45 dBA (nighttime threshold) will affect up to 1,118 ha outside the Project footprint. This overlaps with up to 338 ha of high-quality bighorn habitat when Project-related noise is at its peak in Year 10 of Operations. This represents 5.5% of high-quality habitat for bighorn sheep, in the Terrestrial LSA. A much smaller amount of high-quality habitat may be affected in daytime using the ≥ 55 dBA daytime threshold. Peak noise from blasting could affect 266 ha of high-quality bighorn sheep habitat. This represents 4.3% of high-quality habitat for bighorn sheep in the Terrestrial LSA.

Bighorn sheep may be displaced within the noise zones of influence. Habitat is not lost, but animals may spend less time in areas affected by noise, effectively degrading the quality of habitat, or eliminating

availability completely. Bighorn sheep can habituate to human disturbance and are known to occur in close proximity to active mine sites if forage availability is high. The effect of sensory disturbance on bighorn sheep may therefore be less relative to other ungulates.

Blasting will be intermittent. The 1,500 m zone of influence peak from blasting (peak noise ≥ 108 dB) does not overlap with the Erickson Ridge top where the availability of high-quality habitat for bighorn sheep is greatest. Once the Operations phase is complete, noise will substantially decrease and noise from blasting will cease. Noise during Reclamation and Closure will be from decommissioning and removal of infrastructure and reclamation activities.

Movements of both bighorn sheep in the Elk Valley generally follow north-south high elevation mountain ranges and ridges but also include low elevation crossings. The main movement corridor in the Terrestrial LSA is the corridor that connects Erickson Ridge to Sheep Mountain (through Grave Creek Canyon). This corridor intersects with the access road. The access road will be upgraded and will have higher levels of daily traffic relative to existing conditions. Bighorn sheep were recorded along Grave Creek Road in both summer and winter. In general, roads represent a semi-permeable barrier, provided that no physical barriers are created during road upgrade or unbroken snowbanks created from snow clearing. The predicted traffic level of 140 vehicles per day is unlikely to affect crossing success, especially with speed reductions in areas known to have frequent wildlife (e.g., Grave Creek Canyon) and that wildlife have the right-of-way.

When the Project is at its largest extent and prior to any large areas of reclamation (around Year 10 of Operations), the mine site footprint will occupy a large portion of West Alexander Creek valley and will be a nearly impermeable barrier. The upper slopes of the west side of the valley will remain intact, but may be degraded by sensory disturbance and use for connectivity between daily or seasonal habitats may be reduced. Along the conveyor, underpasses will be created by elevating the conveyor to at least 2.4 m above ground (or higher where terrain can be used to create more clearance) at intervals of two per 1,000 m. Bighorn sheep are unlikely to be present in the conveyor area, given the habitats available. The utility corridor is primarily composed of the powerline and the buried gas line. Suitable habitat will be present beneath the powerline after construction. The powerline may not be a barrier to movement on its own but since it parallels the road, it may be avoided due to proximity and function as a semi-permeable barrier in combination with the road.

Pathways of increased risk of mortality for bighorn sheep that are unlikely to be fully mitigated are collisions with Project-related traffic on access or mine roads and increased hunter access post-closure. Even with the traffic control mitigation measures described in Chapter 15, and the Indigenous Impact Management Plan (Section 27.9), vehicle collisions with bighorn sheep may still occur. The number is expected to be small. Wildlife sightings and wildlife-vehicle collisions will be recorded and monitored. Further mitigation measures will be implemented to further minimize the risk of collision, if required.

The Project will involve loading of 120 trains per year. Trains will not be travelling at high speeds within the rail loadout, and train-wildlife collisions in this area are unlikely. There will be an incremental increase in rail traffic on the main rail lines as a result of the Project (one additional train every three days on average) where the risk of wildlife-train collisions is higher. The extent to which the Project will contribute to an incremental increase in bighorn sheep mortalities from train collisions is unknown.

The upgraded Grave Creek Road will remain open post-closure and may provide increased access to hunters. The current condition of the road is rough, though is currently accessed by 4x4 vehicles, snowmobiles, and all-terrain vehicles. Access up from Grave Creek Road to the mine site will be open to the public. The road to the explosives factory will be decommissioned and reclaimed. A change in access by hunters and leading to increased hunting of bighorn sheep is difficult to predict, but an incremental increase is assumed.

The latest population estimate for the Elk Valley East Population Management Unit (PMU) is 515 to 770 bighorn sheep and the Sheep Mountain and Erickson Ridge subpopulation (which extends outside the Terrestrial LSA) has a relatively stable population trend. The Project will result in loss of a relatively small amount of year-round high-quality habitat, though none of which has been mapped as bighorn sheep winter range (Poole et al., 2018). 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 and 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 Terrestrial 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. 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. Though residual effects to bighorn sheep may occur as result of the Project, no significant adverse effects are anticipated.

Considering the above, while the Project has no significant residual effects to bighorn sheep, there may be potential residual adverse effects to the Kainai's use of the species in the Project footprint and the ATRI LSA. As noted earlier, in relation to bighorn sheep the potential to result in residual effects to Kainai may occur due to the potential change in land use, value of place as a result of the change in accessibility to hunt or the actual or perceived change in quality of bighorn sheep, change in the ability to know and teach Kainai's cultural and social aspects of hunting and trapping, and potential increase in hunting pressure because of increased access surrounding the Project area through all phases of the Project.

The potential residual effects to the Kainai with respect to bighorn sheep in relation to the Kainai's traditional hunting activities are characterized as follows:

- *Duration: Long-term*, the potential for adverse effects to opportunities for hunting bighorn sheep will be long-term as the residual effects related to habitat loss and degradation, sensory disturbance, disruption to movement, and increased mortality risk are expected to continue to the end of the Reclamation and Closure phase of the Project.
- *Magnitude: Low to Moderate*, the potential for negative effects to opportunities for hunting bighorn sheep is low to moderate based on the limited amount of expected loss of high-quality habitat (3.3% in the Terrestrial LSA), limited percentage of high-quality habitat that will be impacted by potential sensory disturbance (up to 5.5% by continuous Project-related noise and 4.3% for peak noise from blasting in the Terrestrial LSA), the semi-permanent nature of infrastructure such as that of linear infrastructure that might impact species movements, and the mortalities as a result of the Project that are expected to be uncommon.

- Geographic Extent: *Local*, potential effects to opportunities for hunting bighorn sheep are restricted to the Project footprint and the ATRI LSA.
- Frequency: *Continuous*, the potential for adverse effects to bighorn sheep are expected to occur continuously as the Project activities are completed, from Construction and Pre-Production to Reclamation and Closure. The effect of habitat loss and degradation and disruption to movement is expected to be continuous until lost habitat is restored, varying for sensory disturbance until the end of Operations, peaking at Year 10 of Operations with noise from blasting being intermittent and mortalities at sporadic intervals (if any) during any phase of the Project.
- Reversibility: *Reversible Long-term*, changes in current use of lands and resources for traditional purposes resulting from the Project activities related to hunting bighorn sheep are anticipated to be reversible as the site is reclaimed and ecosystems are re-established (Chapter 33). The effect of noise will decline substantially at the end of Operations and continue at lower levels during Reclamation and Closure and increased mortality risk will end after Reclamation and Closure.
- Context: *Neutral*, as habitat for bighorn sheep is highly specific yet they have relatively low sensitivity to noise and high resilience to human activities and may be able to adapt to certain levels of noise generated by the Project. The Project footprint is within Kainai Traditional Territory, once utilized and depended upon by Kainai ancestors and part of the rights and interests of Kainai members of today. Changes to Kainai's accessibility to opportunities for hunting bighorn sheep is deemed neutral due to the high resilience of bighorn sheep, the anticipated renewed access and availability of the species following the completion of the Project, and the continued availability of bighorn sheep outside of the Project footprint in the ATRI LSA, balanced with the importance of these traditional activities to Kainai 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). The context is also deemed neutral due to the lack of information available from the Kainai regarding their opportunity to access and use bighorn sheep within the Project footprint at this time, as it is expected that their ability to know and teach the Kainai way of living can continue outside of the Project footprint during all Project phases.

Determination of Significance

Based on the characterization of the residual effects and 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 Terrestrial LSA. At the time of this submission, the Kainai have not made available information regarding their use of the Project footprint for hunting of bighorn sheep, and it is assumed that currently the Kainai have a low level of use in the Terrestrial LSA used to evaluate effects to VCs due to previously noted disturbances. The anticipated low level of use by the Kainai coupled with the lack of significant adverse effects to bighorn sheep that are potentially hunted indicates that there would be no to low residual effects on the change in lands and resources for traditional hunting.

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 bighorn sheep within the Project footprint or the bighorn sheep VC study areas (i.e., the Terrestrial LSA). As part of 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 bighorn sheep. Therefore, in consideration of the above and the Project's design to reduce impacts to

bighorn sheep, the residual effect of the Project on the Kainai's use of lands and resources for traditional hunting bighorn sheep is rated as not significant.

Likelihood and Confidence

Effects that are determined to be not significant do not require a characterization of likelihood. There is a good understanding of bighorn sheep ecology, their habitat availability and distribution, known occurrences, and abundance in the Terrestrial LSA. The confidence in the determination of the significance determination for residual effects to bighorn sheep is high. Confidence considers the reliability of data and analytical methods used in the assessment of effects. Baseline conditions of bighorn sheep within the Project footprint and the bighorn sheep VC study areas are well established, providing sufficient data to assess effects to changes in the opportunity for Kainai to hunt bighorn sheep. Though baseline data was sufficient to evaluate effects for Project VCs, not all species of interest to Kainai identified through publicly available information were evaluated to the depth of the bighorn sheep VC baseline studies and effects assessment. As such, the confidence of the residual effects to the use of lands and resources by the Kainai for traditional hunting activities is considered to be low to moderate.

The residual effects to opportunities for hunting and trapping will be further discussed through continued consultation with Kainai, 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.

As noted earlier, while mitigation measures related to the effect of the Project on the Kainai are presented in the Indigenous Impact Management Plan (Section 27.9), at this time, the Kainai did not provide specific information included in Section 27.9.2 that addressed their concerns regarding wildlife VC species (including bighorn sheep) related to the Kainai traditional hunting and trapping activities.

27.7.3.2.3 Change to Use of Lands and Resources for Traditional Harvesting and Gathering Purposes

Based on available information, plant harvesting is understood to be a traditional activity undertaken by the Kainai within their Traditional Territory. While information has not been provided by the Kainai to NWP that confirms that community members harvest plants within or near the Project area or in the LSA, there is the potential for this activity to occur. Plants may be harvested as a food source, for their medicinal value and/or for cultural activities. Plant species that may be of interest to Kainai, as identified through desktop review of publicly available information, include lodgepole pine and whitebark pine, both of which are present in the LSA and Project footprint. To evaluate the potential impacts to the opportunity to harvest and gather, potential effects to forested sites identified in the terrestrial ecosystem map (TEM) were used and the assessment of residual effects to whitebark pine (Chapter 14: Vegetation Assessment) were used.

The Project-specific TEM identifies approximately 10.72% of forested sites within the Project footprint, the ATRI LSA, and the Landscape and Ecosystems LSA that may be impacted as a result of the Project. Forested sites can include, but are not limited to, coniferous trees such as lodgepole pine, Douglas-fir, subalpine fir, Engelmann spruce, and western larch. Based on the anticipated impact to forested sites

within the Project footprint, there is a potential for lodgepole pine to be directly impacted as a result of Project construction activities, such as site clearing and grubbing and logging of merchantable timber.

Whitebark pine is predicted to occur in up to 591 ha of the Project footprint, which represents approximately 43% of the Project footprint. Through site clearing and grubbing, and associated vegetation clearing, in Construction and Pre-Production phases, whitebark pine within the Project footprint will be removed. As well, stripping and salvage of the soil and surface materials will potentially remove whitebark pine seed caches distributed in or near the Project footprint and will remove appropriate substrates and landforms upon which existing whitebark pine are situated.

There is expected to be other plant species of interest to Kainai for use in harvesting and gathering, including various medicinal and ceremonial species. Due to the lack of Project-specific TK/TLU provided by the Kainai, the assessment of the effects of the Project on the Kainai is restricted to the plant and vegetation species identified in Section 27.6.6.3 with the understanding that the list of culturally significant species may be expanded based on further consultation with the Kainai. At the time of this submission, the Kainai have not identified any additional species that are of interest to them and as such the potential plant species of interest are unknown and are not discussed in the assessment of potential effects.

Potential effects on harvesting and gathering for traditional use that may result from changes in broad ecosystem types and changes in whitebark pine mortality and/or loss of whitebark pine habitat, including:

- Potential change in access to harvest plant species or harvesting/gathering sites of interest through ecosystem and vegetation loss within the Project footprint during Construction and Pre-Production and Operations;
- Potential change in distribution of plant species and plant harvesting sites and activities as a result of changes to the abundance and distribution of ecosystems within the Project footprint as a result of Construction and Pre-Production;
- Potential change in the value of place as a result of the change in accessibility of plant species of interest within the Project footprint and the ATRI LSA throughout the Construction and Pre-Production, Operations, and Reclamation and Closure phases; and
- Potential change in the ability to know and teach the cultural and social aspects of plant and medicine gathering within the Project footprint and the ATRI LSA throughout the Construction and Pre-Production and Operations phases due to changes in vegetation quality and access to harvesting and gathering areas.

Mitigation measures have been recommended to avoid, minimize, or otherwise address potential adverse effects to the vegetation VCs that are related to the Kainai's rights and interests. Specific mitigation for vegetation VCs related to the Kainai can be referenced in Chapter 14.

Further, mitigation measures related to the effects of the Project on the Kainai are outlined in the Section 27.9 (Table 27.9-1) which presents the Indigenous Impact Management Plan that was developed in response to the concerns raised by the Kainai and the identified Indigenous Communities. The mitigation presented in Section 27.9.3 may be revised or updated as a result of specific input provided by the Kainai where applicable. The Project has the potential to result in impacts to forested sites within the Project footprint as a result of site development. Project activities, such as site clearing and grubbing,

logging, and soil disturbance will remove vegetation and increase the potential for invasive plant species establishment. Based on the assessment of effects to the whitebark pine VC (Chapter 14), anticipated residual effects to whitebark pine within the Landscape and Ecosystems LSA and the Project footprint include changes whitebark pine mortality and/or the loss of whitebark pine habitat. Though not considered a Project VC, lodgepole pine has the potential to also be affected by the direct loss of lodgepole pine trees and the loss of potential habitat due to site development. No other technically and economically feasible mitigation measures were identified to address potential impacts to the Kainai's rights and interests related to the plant and vegetation VCs. At this time, NWP is not aware of potential future technology innovations that may help to further mitigate effects.

The residual effect of the loss of whitebark pine and lodgepole pine habitat and availability of individual tree species may remove trees and areas currently or potentially used to Kainai to access trees for harvesting and gathering. As part of Project Reclamation and Closure activities, the Project footprint will be reclaimed to similar ecosystem types to the local area and which previously existed before disturbance (Chapter 33). Approximately 148 ha of whitebark pine habitat and 484 ha of forested areas will be reclaimed through site reclamation activities leading to a total of 785 ha being reclaimed through site reclamation activities. For whitebark pine, total area is 148 ha.

Potential residual effects to the use of lands and resources by Kainai for the harvesting and gathering is characterized as follows:

- Duration: *Long-term to Permanent*, loss of lodgepole pine and whitebark pine will be impacted over the long-term and potentially permanently as ecosystem recovery and reclamation may take longer than 34 years to recreate areas used for harvesting and gathering.
- Magnitude: *Low to Moderate*, 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 Kainai members. There is an anticipated loss of broad ecosystem types within the Landscape and Ecosystems LSA and the ATRI LSA that have the potential to include plant species of interest, including a loss of forested sites (10.72%) and whitebark pine habitat (43%) within the Project footprint.
- Geographic Extent: *Discrete to Regional*, as impacts to forested sites potentially used by Kainai for harvesting and gathering is restricted to the Project footprint. The removal of whitebark pine and the associated seed dispersal critical habitat within the Project footprint has potential to result in a functional loss of critical habitat outside of the Landscapes and Ecosystems LSA and in the ATRI LSA.
- Frequency: *Intermittent*, as the effects to forested sites containing lodgepole pine and whitebark pine will occur throughout the life of the mine as extraction expands.
- Reversibility: *Reversible Long-Term*, as ecological restoration activities will reclaim impacted forested sites and whitebark pine habitat. 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: *Neutral*, while the opportunity to conduct traditional land and resource use within the Project footprint and the ATRI LSA is deemed important to Kainai members, the Kainai have not provided any information on sites and plant species of cultural importance. The Project footprint is within Kainai Traditional Territory, once utilized and depended upon by Kainai ancestors, and part of the rights and interests of Kainai 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 Kainai's accessibility for harvesting and gathering is deemed neutral due to the importance of these traditional activities to Kainai'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 Kainai rights and interests. The context is also deemed neutral due to the lack of information available from the Kainai 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 Kainai way of living can continue outside of the Project footprint during all Project phases.

Determination of Significance

The Kainai 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 anticipated to result in temporary impacts to lodgepole pine and whitebark pine habitat, and as such, species and areas that may be used by Kainai to harvest and gather. Effects to lodgepole pine and whitebark pine 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 the Kainai, in particular the Project footprint and the Landscape and Ecosystems LSA, for traditional harvesting and gathering is anticipated to be low as the Kainai 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.

In consideration of the above regarding available information with respect to use by the Kainai, the residual effect of the Project on the use of lands and resources for harvesting and gathering is rated as not significant.

Likelihood and Confidence

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 lodgepole and whitebark pine within the Project footprint and the ATRI LSA provide sufficient data to evaluate the change in the harvesting and gathering for traditional use by Kainai. Specific to whitebark pine, uncertainty exists in the confirmed extent of whitebark pine in the Landscapes and Ecosystems LSA and the Project footprint. As well, the background loss of whitebark pine due to white pine blister rust (among other sources of mortality) and the success of whitebark pine restoration programs is also currently unknown, and therefore lowers the confidence prediction. Consequently, the confidence of residual effects to the use of lands and resources by Kainai for harvesting and gathering is considered to be low to moderate.

The residual effects to opportunities for harvesting and gathering will be further discussed through continued consultation with Kainai, 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.

27.7.3.2.4 Change to Use of Lands and Resources for Traditional Ceremonial/Sacred Areas

The entirety of Kainai Nation's Traditional Territory is of immense cultural and traditional importance. The following outlines the potential general Project effects to ceremonial and sacred places that might exist within the Project footprint:

- Potential loss of ceremonial and sacred places that might exist within the Project footprint.
- Potential change in accessibility to ceremonial and sacred places that might exist through changes in access to the Project footprint throughout Construction and Pre-Production and Operation Phases.
- Potential change in the value of place as a result of the loss or changes to ceremonial or sacred areas that might exist within the Project footprint throughout all Project Phases.
- Potential change in the ability to know and teach the cultural and social aspects of culture and history as a result of the loss or changes to ceremonial or sacred areas that might exist within the Project footprint throughout all Project Phases.

As no specific ceremonial/sacred sites were identified by the Kainai within the Project footprint, no potential Project-related effects were identified, and no specific Project-related residual effects were carried forward in this assessment. Throughout background information research, the Okotoks Big Rocks, Crowsnest Pass, Crowsnest Mountain, Writing-On-Stone Provincial Park, Sun Dial Butte/Medicine Wheel, and Head-Smashed-In were identified as being important areas of Physical and Cultural Heritage for the Kainai (O'Connor, 2018) and are discussed further in Section 27.7.3.2.6.

27.7.3.2.5 Change to Use of Lands and Resources for Traditional Access and Travel Routes

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's, and Racehorse Passes in the eastern portion of the ATRI 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 27.7.3.2.1). Other connectivity habitats included the Michel-Alexander linkage at the southern portion of the ATRI LSA that might be utilized by the Kainai for travel and access.

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 use of travel routes by Kainai, no specific Project residual effects to access or travels are carried forward in this assessment.

27.7.3.2.6 Change to Physical and Cultural Heritage, and Potential Change to a Structure, Site, or Thing that is of Historical, Archaeological, Paleontological, or Architectural Significance

As discussed above in Section 27.6.6.6, pre-contact archaeological artifacts are an immensely important connection between Indigenous Peoples, their ancestors, culture, history and traditional knowledge (i.e., Physical and Cultural Heritage). As part of the Project planning process, and following preliminary findings of the Baseline Archaeological Program, the Project footprint was re-designed and consciously placed to minimize direct impacts to as many archaeological sites as possible. The Proponent has conducted mitigation through the redesign of the railway loadout to avoid impacts to suspected ancestral burials that were identified during the Baseline Archaeological Program and is continuing consultation to address any related concerns. Through consultation with the Project Archaeologist and Ktunaxa Nation Council, an area within continuous, rolling slope situated upslope to the east-southeast of Grave Prairie was identified as a suitable revised location for the railway loadout. Though several relatively small-sized archaeological sites were discovered within the revised location, none of the sites contained evidence of ancestral burials.

Following the most recent conclusions of the Archaeological Baseline Program, and the current Project footprint configuration, there are 15 pre-contact archaeological sites identified within the Project footprint anticipated to be directly impacted as a result of the Project, none of the sites contain suspected ancestral burial grounds (refer to Chapter 16). There were eight pre-contact archaeological sites identified as having the potential for indirect impacts as a result of the Project. The potential residual effects to archaeological resources of interest to Kainai are summarized in Chapter 16. It noted that currently none of these archaeological resources of interest have been identified by the Kainai at this time.

As previously noted, throughout background information research, the Okotoks Big Rocks, Crowsnest Pass, Crowsnest Mountain, Writing-On-Stone Provincial Park, Sun Dial Butte/Medicine Wheel, and Head-Smashed-In were identified as being important areas of Physical and Cultural Heritage for the Kainai. These locations are not carried forward in this assessment as no Project interactions or results of environmental effects on locations, are anticipated at this time due to Crowsnest Pass (14 km) being located outside of the Project footprint and at the very edge of the ATRI LSA. Crowsnest Mountain (13 km) being located outside of the ATRI LSA and within the ATRI RSA, and Head-Smashed-In (78 km), Okotoks Big Rocks (113 km), Writing-On-Stone Provincial Park (146 km), and Sun Dial Butte/Medicine Wheel (147 km) being located outside of the ATRI RSA (O'Connor, 2018). These important areas are separated from the Project footprint in most cases by a major mountain ridge with relatively few passes and are reasonably located far from the Project.

Based on the above, the Project may result in the following unmitigated effects to physical and cultural heritage:

- Potential change in the value of place as a result of the permanent loss or changes to pre-contact archaeological sites that might be relevant to the Kainai within the Project footprint.
- Potential for change of physical and cultural heritage that might be relevant to the Kainai, and the ability to know and teach the cultural and social aspects as a result of the loss or changes to pre-contact archaeological sites within the Project footprint throughout all Project Phases.

Mitigation measures proposed to reduce adverse effects to physical and cultural heritage are generally accepted, understood, and proven to effectively reduce adverse effects on physical and cultural heritage. Mitigation measures for direct impacts and indirect impacts to archaeological resources have been identified to avoid, minimize, or otherwise address potential adverse effects to the archaeological resources that may be related to Kainai's rights and interests. Through the assessment of effects and continued consultation with Kainai, mitigation for physical and cultural heritage and to a structure, site, or thing that is of historical, archaeological, paleontological, or architectural significance to the Kainai may continue to be identified and implemented. Specific mitigation for archaeological resources related to the Kainai can be referenced in Chapter 16.

Further, mitigation measures related to the effects of the Project on the Kainai are outlined in this chapter in Section 27.9 (Table 27.9-1) which presents the Indigenous Impact Management Plan that was developed in response to the concerns raised by the Kainai and the identified Indigenous Communities. The mitigation presented in Section 27.9.4 may be revised or updated as a result of specific input provided by the Kainai where applicable. No other technically and economically feasible mitigation measures were identified to address potential impacts to the Kainai's rights and interests related to physical and cultural heritage and to a structure, site, or thing that is of historical, archaeological, paleontological, or architectural significance to the Kainai. At this time, NWP is not aware of potential future technology innovations that may help to further mitigate effects.

Known heritage resources (i.e., identified archaeological sites that might be relevant to the Kainai) that have the potential for environmental effects as a result of the Project are considered to be important due to rarity, undisturbed condition, and spiritual implications. Due to their potential for cultural importance to the Kainai and based on their (currently undefined but) potential link to Kainai ancestry, the Project footprint may potentially impact Kainai's physical and cultural heritage.

There are 15 pre-contact archaeological sites anticipated to be directly impacted by the Project (refer to Chapter 16), though none of these sites include ancestral burials. These resources are located in areas where adjustments to the Project footprint cannot be made. Therefore, additional mitigation in the form of salvaging these resources through a controlled, permitted, professional archaeological excavation will be required in consultation with appropriate Indigenous community representatives.

The residual effects to physical and cultural heritage and a structure, site, or item that is of historical, archaeological, paleontological, or architectural significance due to the Project footprint are characterized as follows:

- Duration: *Permanent*, as loss of a heritage resource or site that might be relevant to the Kainai related to physical and cultural heritage during Construction and Pre-Production or Operations cannot be reversed once it occurs.
- Magnitude: *High*, the potential for adverse effects to heritage resources or sites related to physical and cultural heritage that might be relevant to the Kainai is high due to the amount of change relative to baseline conditions.
- Spatial Extent: *Discrete*, as only heritage resources that exist within the Project footprint will be directly impacted. These heritage resources may be of interest to the Kainai based on their potential linkage to Kainai ancestry.

- Frequency: *Once*, the direct loss of heritage resources related to physical and cultural heritage that may exist within the Project footprint occurs only within the Construction and Pre-Production or Operations phases of the Project.
- Reversibility: *Irreversible*, heritage resources that might be relevant to the Kainai related to physical and cultural heritage that are retrieved from the Project footprint cannot be returned/reburied within the Project footprint in the same geographical context. Change of an archaeological site is irreversible.
- Context: *Low*, heritage resources of interest related to physical and cultural heritage are considered to be very important cultural resources to the Kainai that link Kainai members to their ancestors and cultural identities and have a low resilience to change as alterations to areas or sites of interest and significance may not adapt to effects that alter their presence or existence. The context is also deemed low as it is expected that the Kainai's ability to know and teach their way of living can continue outside of the Project footprint during all Project phases despite the lack of information available from the Kainai regarding their opportunity to conduct traditional cultural activities within the Project footprint at this time.

Determination of Significance

A significant adverse residual environmental effect on Kainai physical and cultural heritage related to heritage resources is one that results in a permanent Project-related disturbance to, or destruction of, all or part of a pre-contact heritage resource considered to be of importance, to the spiritual or cultural identity of Kainai that cannot be mitigated or compensated. Currently, there are no identified linkages to pre-contact archaeological sites within the Project footprint with the Kainai.

The implementation of mitigation is a key element of this significance criterion. Therefore, in consideration of the above discussion, the significance threshold, the mitigation that has been implemented to date, and the mitigation that will be implemented as the Project moves forward, both under provincial regulation and authorization and through consultation with the Kainai, the environmental effects of the Project on physical and cultural heritage and structures, sites, or items that are of historical, archaeological, paleontological, or architectural significance for all phases of the Project are rated not significant. The confidence of the prediction is discussed below.

Likelihood and Confidence

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. The confidence in the characterization of the residual effect to physical and cultural heritage from Project development is considered to be low. With the exception of Phase IV (Alexander Creek valley - Secondary Transportation Corridor), the Utility Corridor (west of Elk River); Phase I and II clearance limits (recently defined), which are identified as requiring assessment, baseline conditions of pre-contact heritage resources within the Project footprint are relatively well established, providing sufficient data to assess the potential for direct impacts to heritage resources. The baseline information on the connection between these pre-contact heritage resources and the Kainai physical and cultural heritage has not been identified based on the information available on the Kainai and the lack of Project-specific TK/TLU provided by the Kainai. Mitigation strategies proposed to avoid or offset impacts to pre-contact heritage resources are expected to be moderate to high in effectiveness. Consultation activities with Kainai could result in changes to the confidence of mitigation success and effectiveness based on connections to Kainai

ancestry which has currently not been provided. Adaptive management measures will be developed and implemented to address corrective actions, as necessary, based on the results of consultation, and mitigation through archaeological monitoring.

No residual effects on a change in heritage resources due to other Project activities were predicted in consideration of planned mitigation. Monitoring during Construction and Pre-Production and Operations, and adaptive management, as necessary, will confirm these effects predictions and the effectiveness of mitigation, or provide information to implement adaptive corrective actions and strategies.

27.7.3.2.7 Change to Social and Health Conditions

Based on the background information research and the consultation activities with Kainai to date, there are no anticipated interactions between the Project and Kainai housing, transportation, or social services and education, and therefore, no unmitigated Project effects on these aspects of social and health conditions are anticipated. Kainai have not to date identified that community members live either full or part time in the general vicinity of the Project footprint. It is possible that Kainai members live in local towns including Sparwood and Elkford although this has not been confirmed.

There is potential for Project-related effects to health and well-being through the potential consumption of country foods (e.g., fish). The residual effects assessments resulting from the Project on air quality (Chapter 7), fish and fish habitat (Chapter 12), wildlife (Chapter 15), landscapes and ecosystems (Chapter 13), and information from the human health and ecological risk assessment (Chapter 22) were used to support an understanding of Project-related effects that have the potential to change Kainai's social and health conditions.

Potential effects on Kainai's social and health conditions because of the Project and related changes applicable VCs include:

- Potential change in the actual or perceived quality of fish resources for sustenance fishing/country foods within the ATRI LSA during Operations;
- Potential change in the actual or perceived quality of wildlife resources for hunting/country foods within the Project footprint and the ATRI LSA during Operations;
- Potential change in the actual or perceived quality of terrestrial plants and medicine resources for sustenance/country foods, within the Project footprint and the ATRI LSA during Operations; and
- Potential indirect disturbance, or health effects, to Indigenous land users because of changes in air quality or surface water quality (as collectively represented by the Human and Ecological Health Assessment, Chapter 22) over the course of Construction and Pre-Production, Operations, and Reclamation and Closure.

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 will not be a large influx of outsiders to the area though, sex work, and safety and security issues are less likely to substantially increase. Related to health effects are possible changes to public safety in the surrounding Project area communities. Overall, potential unmitigated effects related to a change in community health and well-being are expected to be minimal. Nevertheless, some mitigation measures recommended to help enhance Project

benefits as well as 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 mining are addressed in the Indigenous Impact Management Plan (Section 27.9). Through the assessment of effects and continued consultation with the Kainai, mitigation for Kainai 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.

Further, mitigation measures related to the effects of the Project on the Kainai are outlined in Section 27.9 (Table 27.9-1) which presents the Indigenous Impact Management Plan that was developed in response to the concerns raised by the Kainai and the identified Indigenous Communities. The mitigation presented in Section 27.9.5 may be revised or updated as a result of specific input provided by the Kainai where applicable. No other technically and economically feasible mitigation measures were identified to address potential impacts to the Kainai's 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.

Based on the Human Health and Ecological Risk Assessment (HHERA; Chapter 22), which encompasses changes in air quality, the overall Project-related risk to terrestrial and aquatic wildlife health is considered to be low, except for a few localized receptors within the Project footprint. As well, the overall Project-related risk to human health is also considered to be low, for both Indigenous and non-Indigenous persons. The HHERA (Chapter 22) identifies potential residual effects for identified contaminants of potential concern for wildlife and human health (e.g., arsenic, cadmium, cobalt, selenium, chromium), noting that majority of the identified contaminants of potential concern have been determined to pose a low risk to wildlife and human health. Though the risk is identified as low, there is potential for residual effects to wildlife and human health based on the actual or perceived quality of fish and wildlife resources consumed as country foods. The HHERA (Chapter 22) was conducted specifically using the air quality and surface water quality modelling predictions, as well as data on soils and vegetation quality, to simulate the potential exposure of human and wildlife to contaminants of potential concern over the life of the mine and beyond, and in the case of cancer risks, over the lifetime of an individual.

The residual effects to social and health conditions due to the Project are characterized as follows:

- Duration: *Long-Term*, the predicted residual effects to wildlife and human health and the potential change in country foods is only associated with the Project footprint or close to the haul road, areas which will be reclaimed during Reclamation and Closure.
- Magnitude: *Low*, as the proposed Project and associated activities are considered to present a low risk to wildlife and human health and therefore a low magnitude to quality of country foods.
- Geographic Extent: *Discrete to Local*, as the low estimated risk to wildlife and human health, and low risk to country foods, is limited to the Project footprint (e.g., on or adjacent to the haul road) and the ATRI LSA.
- Frequency: *Continuous*, as the potential risk to country foods is most plausible during the operational lifetime of the mine as represented by the Operations phase; similar but less exposure/risk is plausible during other phases of the Project.
- Reversibility: *Reversible Long-Term*, as the low risk to wildlife and human health and associated country foods and consumption of country foods is diminished (mitigated) as the Project disturbance footprint is reclaimed in Reclamation and Closure as per the Ecological Restoration Plan (Chapter 33).

- Context: *Neutral*, as aquatic and terrestrial wildlife species and humans have a neutral sensitivity and resilience to the low potential exposure/risk; the low exposure risk is unlikely to adversely affect individuals or local populations and therefore an unlikely disruption to country food quality. The context is also deemed neutral due to the lack of information available from the Kainai regarding their opportunity to consume country foods within the Project footprint at this time, as it is expected that their ability to know and teach the Kainai way of living can continue outside of the Project footprint during all Project phases.

Determination of Significance

The residual effects of the Project on aquatic and terrestrial wildlife health and human health during all Project phases are considered not significant (Chapter 22, Section 22.5.4.3). As such, residual effects to social and health conditions due to the Project, in particular changes to the actual or perceived quality of country foods and indirect disturbance to Indigenous land users is not considered significant. The wildlife and human health risk estimates and their magnitude inherently consider operational activities, emissions, and other contaminant releases intrinsic to the predictive modelling of water quality, air quality, and secondarily food via transport, fate and food chain modelling. Given the conservative nature of the exposure/risks and proposed mitigation in Reclamation and Closure, the Project is not anticipated to result in significance adverse effects to aquatic and terrestrial wildlife or Indigenous persons.

Likelihood and Confidence

Effects from Project activities that are determined to be not significant, as in the present case, do not warrant a characterization of likelihood.

The confidence in the characterization of the residual effects to social and health conditions is considered to be moderate to high. The confidence derives from consideration of confidence in:

- Contaminant fate and transport modelling for releases to air and water which dictate exposure point concentration for exposure assessment;
- Substantive knowledge of ecological dietary/food chain relationships for exposure modelling; and
- Conservatism of assumptions that err towards overestimating rather than underestimating exposure and risk (e.g., assumptions of statistical upper-bound exposure concentrations in water, assumption of lifetime exposure scenarios).

Collectively, the above-listed practices provide moderate to high confidence that the risk estimates are not underestimated, and in the present case, an overall moderate level of confidence that the estimated health risk to aquatic and terrestrial wildlife and human health as a result of the Project is low and not significant.

27.7.3.2.8 Change to Economic Conditions

Based on the publicly available information and the consultation activities conducted with Kainai to date (Appendix 27-A, Table 27.A-2), there are no anticipated Project effects related to the Kainai's economic ventures such as commercial operations, forestry or logging, commercial fishing, hunting, trapping or gathering. Some impacts to hunting and trapping may occur and are discussed in Section 27.10.2.1.2.

There may be a modest positive effect to economic conditions through training and as part of the Construction and Pre-production, and Operations phases. There is also the opportunity for Kainai

members to take part in the Reclamation and Closure and Post-Closure phases with respect to follow-up and monitoring programs.

The Project can be expected to result in positive economic outcomes for employment, income, the regional and local economies, and government finances within the RSA (Chapter 17). These positive outcomes will be enhanced through training programs to maximize the hiring of local workers and from Indigenous Communities. Positive economic effects are expected to occur during all Project phases, with the primary economic benefits occurring during Construction and Pre-production and Operations which together are expected to occur over an 18-year period.

Using a GBA+ lens, Indigenous Peoples⁹ who may want and also be targeted for Project employment by NWP could face barriers related to housing availability, the cost of living, lack of childcare, and access to adequate community services. Potential Indigenous employees from communities like Kainai that are not within daily commuting distance of the Project (more than 100 km away), may require housing close to the Project location. Further, given that many potential Indigenous employees may be more eligible for entry level positions in mining with resulting lower wages, in addition to transportation limitations related to commuting time, barriers such as the high cost of living and lack of local affordable housing could be even more of an issue or challenge to their participation in the Project.

NWP has committed to defining targets for a high level of Indigenous employment and prioritizing Indigenous women where applicable, reducing barriers to housing and childcare are likely critical in being able to achieve certain Indigenous employment targets. Some mitigation measures are recommended to help enhance Project benefits with Indigenous communities as well as 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 Project development. These include recommendations related to hiring and training to increase the proportion of Indigenous workers and addressing affordable housing, childcare needs, shiftwork, and safety issues as outlined in this chapter and described in Chapter 18. Specific mitigation for change in economic conditions can be referenced in Chapter 17, Section 17.5.5.

Further, mitigation measures related to the effects of the Project on the Kainai are outlined in Section 27.9 (Table 27.9-1) which presents the Indigenous Impact Management Plan that was developed in response to the concerns raised by the Kainai and the identified Indigenous Communities. The mitigation presented in Section 27.9.5 may be revised or updated as a result of specific input provided by the Kainai where applicable. No other technically and economically feasible mitigation measures were identified to address potential impacts to the Kainai's rights and interests related to the change in economic conditions. At this time, NWP is not aware of potential future technology innovations that may help to further mitigate effects.

⁹ It is recognized that the housing barrier also applies to non-Indigenous peoples, but given that Indigenous peoples are a vulnerable sub-population who experience severe socio-economic inequities as a collective due to historical and ongoing colonialism, as well as NWP's objective to target Indigenous peoples for employment in mining, their situation with respect to housing access and affordability warrants special consideration from a GBA+ lens.

27.7.3.2.9 Limitations of the Assessment of Socio-Economic Conditions

No information was provided by the Kainai or publicly available on the description of the following related socio-economic conditions in the ATRI LSA or the ATRI RSA:

- The use of navigable waters;
- Kainai forestry and logging operations;
- Kainai commercial fishing, hunting, trapping, and gathering activities;
- Kainai commercial outfitters; and
- Kainai recreational use including wildlife viewing.

Therefore, the changes to the environment caused by the Project that may potentially affect the above listed socio-economic conditions and their potential effects were not carried forward into the effects assessment process and no impacts of related the Kainai rights and interests have been identified. Where related information may be available regarding the socio-economic conditions identified in this section, the assessment of potential impacts on the Kainai's rights and interests related to these socio-economic conditions will be address where applicable in Section 27.10.

27.7.3.3 Summary of Potential Residual Effects of Changes to the Environment on the Kainai

The residual effects to the Kainai are summarized below in Table 27.7-5 and are reflective of the current use of lands and resources for traditional purposes by the Kainai as well as potential future use.

27.7.4 Cumulative Effects Assessment of the Changes to the Environment on the Kainai

Cumulative effects are the result of the residual environmental effects of the Project interacting with the effects of other past, present, and reasonably foreseeable future projects or activities to produce a combined/overlapping effect. Cumulative effects as a result of this Project in combination with the existence of other past, present, and reasonably foreseeable physical activities include changes to the environment. The objective of the cumulative effects assessment is to consider overlapping effects for all residual adverse effects, not only those predicted to be significant (EAO, 2013). Additional guidance used for cumulative effects assessment in general is provided in Chapter 5, Section 5.3.5. As previously noted, all information compiled and presented in Section 27.7.4 has been authored by NWP and the information presented in relation to potential Project effects is not intended to supersede traditional knowledge or specific information of the community members and Elders of the Kainai.

The approach for determining cumulative effects requires the following for a potential cumulative effect to occur:

- The Project results in a residual adverse effect on a component of the environment that is understood to be of interest to the Indigenous Community;
- The residual Project effect interacts cumulatively with effects from other projects or activities (i.e., the effects of the Project overlap spatially and temporally with those of other projects or activities) that have been or will be carried out;
- The other projects or activities that have been or will be carried out (i.e., this does not include hypothetical information, but known future projects); and
- The cumulative effect is likely to occur.

Table 27.7-5: Summary of Potential Residual Effects Assessment on the Kainai

Residual Effect	Project Phases	Mitigation Measures	Summary of Residual Effects Characterization	Significance (Significant, Not Significant)	Confidence (High, Moderate, Low)
Change to Use of Lands and Resources for Traditional Fishing Purposes	<ul style="list-style-type: none"> Construction and Pre-Production Reclamation and Closure 	See Section 27.9 and specific mitigation tables for receptor or intermediate VCs.	Duration: Short-term to Long-term Magnitude: Low to Moderate Geographic Extent: Local Frequency: Continuous Reversibility: Reversible Long-term to Irreversible Context: Neutral	Not Significant	Low to Moderate
Change to Use of Lands and Resources for Traditional Hunting and Trapping Purposes	<ul style="list-style-type: none"> Construction and Pre-Production Operations Reclamation and Closure 	See Section 27.9 and specific mitigation tables for receptor or intermediate VCs.	Duration: Long-Term Magnitude: Low to Moderate Geographic Extent: Local Frequency: Continuous Reversibility: Reversible Long-Term Context: Neutral	Not Significant	Low to Moderate
Change to Use of Lands and Resources for Traditional Harvesting and Gathering Purposes	<ul style="list-style-type: none"> Construction and Pre-Production Operations Reclamation and Closure 	See Section 27.9 and specific mitigation tables for receptor or intermediate VCs.	Duration: Long-term to Permanent Magnitude: Low to Moderate Geographic Extent: Discrete to Regional Frequency: Intermittent Reversibility: Reversible Long-Term Context: Neutral	Not Significant	Low
Change to Physical and Cultural Heritage and Change to a Structure, Site, or Item that is of Historical, Archaeological, Paleontological, or Architectural Significance	<ul style="list-style-type: none"> Construction and Pre-Production Operations 	See Section 27.9 and specific mitigation tables for receptor or intermediate VCs.	Duration: Permanent Magnitude: High Geographic Extent: Discrete Frequency: Once Reversibility: Irreversible Context: Low	Not Significant	Low

Residual Effect	Project Phases	Mitigation Measures	Summary of Residual Effects Characterization	Significance (Significant, Not Significant)	Confidence (High, Moderate, Low)
Change to Social and Health Conditions	<ul style="list-style-type: none"> Operations 	See Section 27.9 and specific mitigation tables for receptor or intermediate VCs.	Duration: Long-Term Magnitude: Low Geographic Extent: Discrete to Local Frequency: Continuous Reversibility: Reversible Long-Term Context: Neutral	Not Significant	Moderate to High

The Impact Assessment Agency of Canada (IAAC, 2020a) has on a preliminary basis determined the depth of the duty to consult in relation to the Project to include cumulative effects assessment at the regional-scale for the Kainai First Nation.

Due to the extent of the Aboriginal and Treaty Rights and Interests Regional Study Area (ATRI RSA) and the potential for overlap of land and resources for traditional purposes undertaken by Shuswap Indian Band, Stoney Nakoda First Nation, Métis Nation British Columbia, Kainai First Nation, Piikani Nation, Siksika Nation, Tsuut'ina Nation, and the Métis Nation of Alberta, Region 3; the cumulative effects assessments for the above-listed Indigenous Communities was undertaken using the cumulative effects assessments completed for receptor and intermediate VCs that relate to rights and interests for the Project and, where available, for other projects or activities in the ATRI RSA.

27.7.4.1 Cumulative Effects Assessment Methods

The methods for assessing potential cumulative effects on the Kainai in relation to the Project followed the approach outlined in Chapter 5 and is included in Section 27.3. As noted in the assessment methods outlined in Section 27.7.2, to understand potential cumulative effects for example on a community's opportunity to fish in the regional area, the findings of the fish and fish habitat Valued Component cumulative effects assessment were used to determine the changes to the environment on the Kainai. Where applicable, publicly-available information specific to the Kainai has been presented and incorporated into the assessment of potential cumulative effects including the *Elk Valley Cumulative Effects Assessment and Management Report* (EV-CEMF, 2018) that integrates the assessment results for five Valued Components (VCs) to serve as indicators of environmental condition and trends, and the *Cumulative Effects Assessment for Kainai First Nation* (IEG and ALCES Group, 2018) report which undertakes an assessment that includes culturally important species of interest to the Kainai (i.e., ungulates: moose, elk, mule deer).

It is important to note that the assessment of effects presented in this section is preliminary. No traditional ecological knowledge or traditional land and resource use studies had been completed specifically for the Project, nor for the region as a whole (to NWP's knowledge), though consultation with the Kainai has informed the assessment (Appendix 27-A, Table 27.A-2). As such, the information provided below is based on the generally available knowledge of Indigenous use of land and resources and culture, and professional judgment. This information has been supplemented by literature sources and secondary information from past reports and EAs in the region as noted in Section 27.4.1. In this light, this chapter does not presume or replace information that may become available through further engagement of the Kainai or in any traditional knowledge/traditional land use study that might be conducted and/or provided. Future information that is received will be used to continue to refine the Project design and proposed mitigation, as appropriate.

As detailed in the Project residual effects assessments (Section 27.7.3), the Project is not anticipated to result in significant localized residual effects on the use of lands and resources for traditional purposes (i.e., fishing, hunting and trapping, and harvesting and gathering), physical and cultural heritage, structures or sites of historical, archaeological, paleontological, or architectural significance, or social, health, and economic conditions. While not considered to be significant, given that there is potential for residual effects of the Project on the Kainai, an assessment of the cumulative effects is required because the residual effects of the Project may act cumulatively with the residual effects of other past, present,

and reasonably foreseeable (i.e., announced) future projects and/or activities. Generally, the effects of past and present projects or activities are encompassed in the existing (baseline) conditions relating to Indigenous rights and interests. Information regarding the overall cumulative effects assessment methodology for all Valued Components assessed in this Application/EIS is provided in Chapter 5, Section 5.3.4.6.

For the purposes of the cumulative effects assessment on the Kainai, residual Project effects considered in the assessment include the following, which are based largely on those as enumerated in Section 5(1)(c) of CEA Act, 2012:

- Change to use of lands and resources for traditional purposes: Fishing;
- Change to use of lands and resources for traditional purposes: Hunting and trapping;
- Change to use of lands and resources for traditional purposes: Harvesting and gathering;
- Change to physical and cultural heritage and change to a structure, site, or item that is of historical, archaeological, paleontological, or architectural significance; and
- Change to social, health, and economic conditions.

The assessment of potential cumulative effects is a qualitative assessment of potential cumulative interactions between the Project's residual effects and the residual effects that may arise from other projects or activities within the ATRI RSA. A conservative approach has been used in the assessment of cumulative effects that assumes that the current and potential use of the lands and resources occurs throughout the ATRI RSA. The conservative approach was used due to NWP's continued consultation with the Kainai, and additional information related to the past and current use of lands for various traditional activities continues to be discussed and confirmed.

Though no spatial or temporal overlap is anticipated to occur in conjunction with the Project's effects to archaeological resources and other reasonably foreseeable future projects and activities (because effects on archaeological resources are limited to the area of physical disturbance of a particular project, and there is no such spatial overlap between project footprints in the present case), a potential cumulative effect on physical and cultural heritage and potential changes to a structure, site, or item that is of historical, archaeological, paleontological, or architectural significance is nonetheless carried forward in the cumulative effects assessment. While Archaeological Impact Assessments were conducted for the Archaeological LSA, additional sites of significance within the ATRI RSA could be identified in the future that are currently unknown or undocumented and could have the potential to be impacted as a result of projects and activities, and therefore may impact the Kainai.

The assessment of potential residual Project effects to the socio-community VC, based on publicly available information, indicated that no residual effects are anticipated, and as such, no cumulative effects to the socio-community as it relates to potential residual cumulative effects on the Kainai is presented. Similarly, the assessment of potential residual Project effects to the economic conditions VC indicated that no residual effects are anticipated, and as such, no cumulative effects to the socio-economic conditions related to potential residual cumulative effects is presented. It is noted that there is potential for some positive economic conditions effects through: increase in employment opportunities and income, contribution to regional and local economies, and increased payment to government through taxes and royalty payments.

Valued Components (VCs) that have linkages to Aboriginal and Treaty rights and interests and were used in the assessment of potential cumulative effects include:

- Fish and fish habitat;
- Ungulates;
- Carnivores;
- Bird community;
- Terrestrial ecosystems;
- Vegetation;
- Land use and access;
- Heritage resources; and
- Human and wildlife health.

27.7.4.1.1 Cumulative Effects Assessment Boundaries

The assessment of cumulative effects to the Kainai was conducted at a regional scale using receptor and intermediate VC information, as available, within ATRI RSA. The ATRI RSA is approximately 3,193,000 ha and encompasses the VCs and VC groups in which the Kainai and the identified Indigenous Communities may have constitutionally protected rights to practice traditional activities, such as for fishing and hunting and gathering.

The VC study areas relevant to the assessment of cumulative effects include the following, which are encompassed within the ATRI RSA:

- Aquatic RSA;
- Terrestrial RSA;
- Landscapes and Ecosystems RSA;
- Grizzly Bear RSA;
- Terrestrial RSA;
- Birds, Bats, and Amphibians RSA;
- Socio-Community RSA;
- Economic Conditions RSA;
- Land Use and Access RSA;
- Archaeological RSA; and
- Human Health and Ecological Risk Assessment (HHERA) RSA.

Temporal, administrative, and technical boundaries used in the assessment of receptor and intermediate VCs were considered in the assessment of cumulative effects and are summarized in the relevant VC assessment chapters. These were further supported by available historical baseline conditions for cumulative effects assessment based on pre-industrial or range of natural variation conditions (IEG and ALCES Group, 2018) and reasonably foreseeable projects and/or activities in combination with the Project.

27.7.4.2 Identifying Past, Present, and Reasonably Foreseeable Projects and/or Activities

Prior to European settlement, the natural region that makes up a majority of the study area would have supported grassland-associated species such as elk and mule deer, and forest-dwelling species such as moose in the forested landscapes including the mountain valleys in the ATRI RSA (IEG and ALCES Group, 2018). Natural wildlife and fish populations would have supported traditional land use throughout the

region. Since European settlement, a substantial transformation has occurred, with the regional landscape slowly converting to anthropogenic cover types and the built environment. Current changes, including effects from environmental change and industrial projects, are experienced on top of ongoing legacies from past impacts on the ATRI RSA (IEG and ALCES Group, 2018). From the perspective of the Kainai, consideration of cumulative effects in relation to the Project requires consideration of a pre-industrial baseline, and of the significance of already existing effects on Aboriginal and Treaty rights in the regional study area, as well as the additional potential effects of the Project in combination with reasonably foreseeable future projects and activities, and effects from changes in the environment (IEG and ALCES Group, 2018).

Past, present, and reasonably foreseeable future projects and activities have the potential to act cumulatively with the Project residual effects within the ATRI RSA and result in a potential cumulative effect on the Kainai. Descriptions of the past, present, and reasonably foreseeable projects and/or activities for consideration in the cumulative effects assessment are provided in Chapter 5, Section 5.3.5.3. A map showing the location of reasonably foreseeable future projects and activities relative to the ATRI RSA is presented in Figure 27.7-4. The following projects were considered as past, present projects and/or activities in the cumulative effects assessment and were included in the determination of baseline conditions:

- Natural Resource Extraction (Mining) – Past mining operations that are no longer operational include Hosmer Wheeler, Natal Ridge, Michel Creek, Sparwood Ridge, Balmer, and J-Area (Sparwood Operations), McGillivray, and Tent Mountain;
- Coal Mountain Operations – Present;
- Elkview Operations – Present; Line Creek Operations – Present;
- Fording River Operations – Present;
- Greenhills Operations – Present;
- Kootenay West Mine – Present;
- Elkhorn Quarry West (Windermere Mining Operations) – Present;
- Energy (Elko Dam) – Present;
- Kooanus Reservoir – Present;
- Marten Phosphate Project – Present;
- Forestry – Occurring on both private and Crown land in the Elk Valley, timber has been harvested on private lands by several proponents, including Tembec, Jemi Fibre Corp, and Canwel Building Materials Group (Canwel). Canwel harvests timber on privately held lands across the Elk Valley. B.C. Crown Land timber harvests occur throughout the Elk Valley and have been active since the late 1800s. The total allowable cut in the Cranbrook Timber Supply Area is approximately 900,000 cubic meters per year, before considering harvesting on private lands (EVCEMWG, 2018); Natural processes or events include geophysical events (i.e., avalanches, seismic events, and landslides) and forest fires that have occurred in the past and are occurring in the present;
- Energy (Pipelines) – FortisBC and TransCanada Energy (TC Energy) operate natural gas pipelines in the region;
- Energy (Electrical Transmission) – Several overhead transmission lines occur in the Elk Valley generally running along highways, the transmission lines intersect towns and other linear features in the area (e.g., rail, local roads, and gas pipelines);

- Transportation – Linear transportation features across the Elk Valley includes rail, roads (e.g., forestry, exploration, private, and local roads), and highways. Rail runs along major highways in the Elk Valley, servicing existing coal mines;
- Recreation and Tourism – Recreation and tourism take place in front-country and backcountry areas across the Elk Valley;
- Commercial, Residential, and Industrial Use – Lands of nearby communities used for commercial, residential, and industrial use including commercial and industrial development that facilitates commerce and employment as well as areas of residential use;
- Parks and Protected Areas – Parks and protected areas occur throughout the Elk Valley and include Provincial Parks, recreation areas, and community and local parks; and
- Agriculture – Agricultural lands in the Elk Valley are mainly used for farming and grazing purposes, with equine and beef livestock the most common livestock activities.

The future projects and activities identified as having a potential to interact cumulatively with the anticipated residual Project effects on the Kainai primarily include the currently ongoing future projects and activities that have the potential to occur in the ATRI RSA. For the purposes of the cumulative effects assessment, only reasonably foreseeable future projects and activities are considered. It is assumed that past and present projects and activities are included in the baseline information that includes historic and current use of lands and resources for traditional purposes.

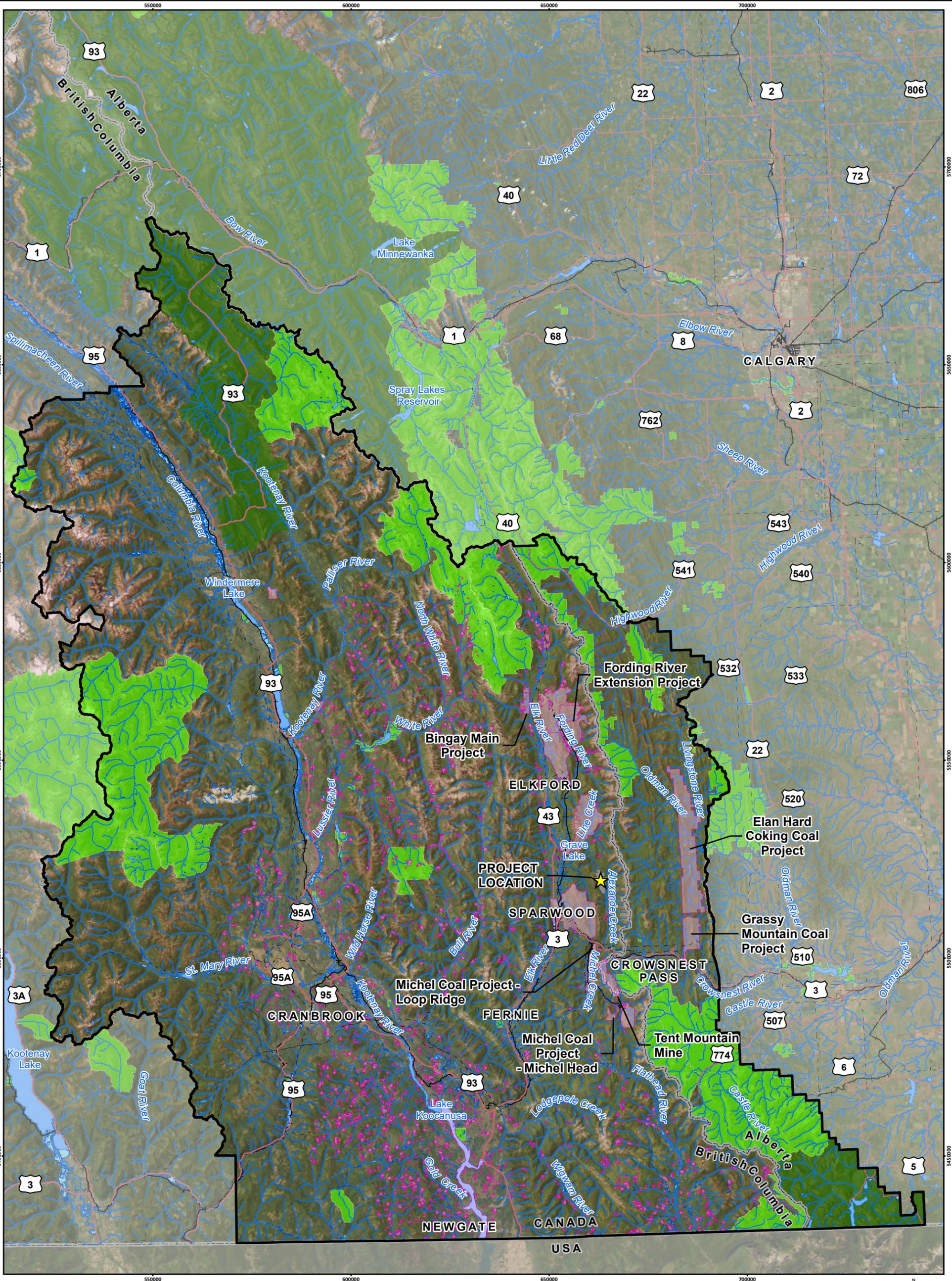
Figure 27.7-5 presents a map depicting certain past, present, and reasonably foreseeable future projects and/or activities within the ATRI RSA together to showcase the extent of the cumulative effects within the ATRI RSA with the applicable information.

Reasonably foreseeable projects and activities that have the potential to act cumulatively with the Project residual effects within the ATRI RSA, and with potential the Kainai Rights and related interests include:

- Tent Mountain Mine;
- Fording River Extension Project;
- Bingay Main Project;
- Grassy Mountain Project;
- Michel Coal Project;
- Elan Hard Coking Coal Project;
- Future forestry, including use of future cutblocks;
- Climate change, including changes in extreme weather events related to precipitation, temperature, wind events, and hydrological events; and
- Natural processes or events, including geophysical events (i.e., avalanches, seismic events, and landslides) and forest fires that have occurred in the past, are occurring, or that have the potential to occur in the future.

The following projects were considered as past, present, or reasonably foreseeable future projects and/or activities but were not included in the cumulative effects assessment:

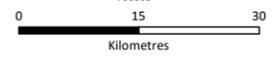
- Coal Mountain Phase 2 as the environmental assessment was placed on hold by Teck in 2016;
- Mount Brussilof (Baymag Mine) by Baymag due to no temporal overlap (TBD);
- Barns Lake Phosphate Exploration Project by Fertoz International Inc. given that the project is in exploration phase and no project has been proposed; and
- Cabin Ridge Coal by Warburton Group is in exploration and no project has been proposed.



Crown Mountain Coking Coal Project

Figure 27.7-4
Reasonably Foreseeable Future Projects and Activities in the ATRI RSA

- | | |
|--|---------------------------------|
| Reasonably Foreseeable Projects and Activities | Waterbody |
| Aboriginal Treaty Rights and Interests Regional Study Area | Wetland |
| Crown Mountain Coking Coal Project | Provincial Park/Protected Area |
| Highway | National Park |
| Railway | British Columbia/Alberta Border |
| Transmission Line | |
| Watercourse | |



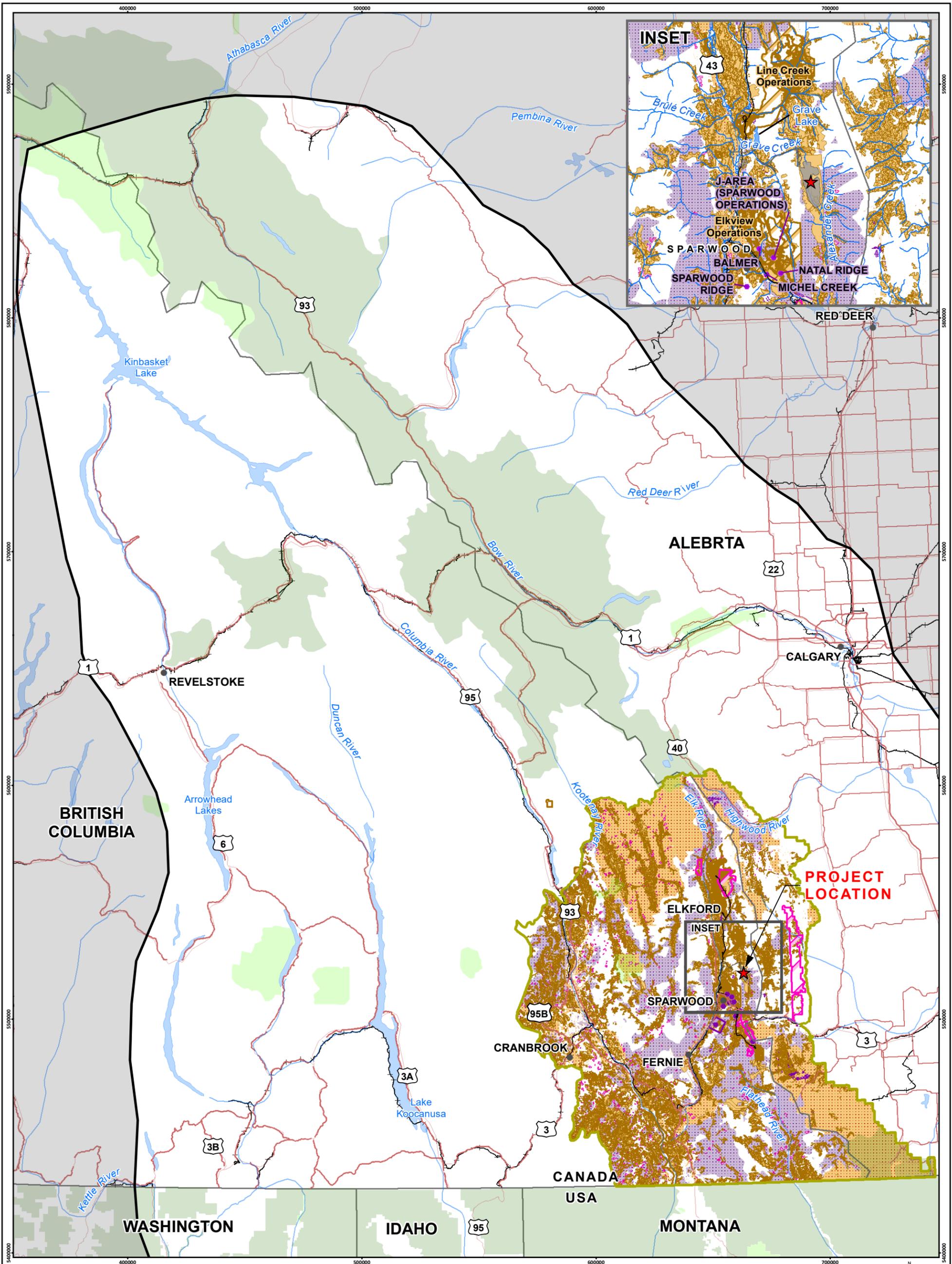
Scale 1:900,000

Map Drawing Information:
Data Provided by NWP Coal Canada Ltd, Dillon Consulting Limited, Province of British Columbia GeoBC Open Data, Government of Alberta Open Data, Natural Resource Canada. Imagery Provided by ESRI.

Map Created By: RB
Map Checked By: HS
Map Coordinate System: NAD 1983 UTM Zone 11N



Project: 12-6231
Status: FINAL
Date: 2023-07-19



Crown Mountain Coking Coal Project

Figure 27.7-5
 Certain Past, Present, and Reasonably Foreseeable Future Projects and Activities in the ATRI RSA

- | | | |
|---|--|-------------------------------|
| ● Past Project | ■ Present Activities | ● City/Town |
| ▭ Past Projects and Activities | ▨ Past Wildfire Extents (1919-2021) | — Highway |
| ▭ Present Projects and Activities | ▭ Extent of Cumulative Effects Data | — Railway |
| ▭ Reasonably Foreseeable Future Projects and Activities | ▭ Ktunaxa Nation Traditional Territory | — Watercourse |
| ▭ Retired Cutblocks | ▭ Project Footprint | ■ Waterbody |
| ▭ Present Forest Activities | | ■ Provincial/State/Local Park |
| ▭ Reasonably Foreseeable Future Forestry Activities | | ■ National Park |
| | | ▭ Province/State Boundary |

0 25 50
 Kilometres

Scale 1:1,500,000

Map Drawing Information:
 Data Provided By NWP Coal Canada Ltd, Dillon Consulting Limited, Province of British Columbia GeoBC Open Data, Government of Alberta Open Data, Natural Resource Canada, ESRI Basedata, Ktunaxa Nation.

Map Created By: RB/LMM
 Map Checked By: MN
 Map Coordinate System: NAD 1983 UTM Zone 11N



Project: 12-6231
 Status: FINAL
 Date: 2023-07-19

A cumulative effects assessment was completed for each VC that corresponds to the Kainai's rights and interests as outlined in Section 27.5, including fish and fish habitat (Chapter 12), wildlife and wildlife habitat (Chapter 15; i.e., ungulates, carnivores, and birds), terrestrial ecosystems (Chapter 13), vegetation (Chapter 14), land use and access (Chapter 19), heritage resources (Chapter 16), and human and wildlife health (Chapter 22). Section 27.7.4.3 identifies the effects of past and present projects or activities that have been carried out and generally reflects those in the existing baseline environment; in other words, the contributions of past and present projects and activities are normally encompassed in the baseline conditions established for the Project. Therefore, in most cases, it was more appropriate and logical to consider the overlap of the effects of the Project and those of past and present projects and/or activities in the Project-related effects assessment for each VC (with the Project effects contributing to a change in those baseline conditions), and to focus the cumulative effects assessment on the effects of reasonably foreseeable projects or activities.

The assessment and evaluation of the cumulative effects of the Project in combination with past, present, and reasonably foreseeable future projects and/or activities considered the nature and degree of change from baseline conditions due to both the Project and the other projects and/or activities.

27.7.4.3 Identification of Potential Cumulative Effects of the Changes to the Environment on the Kainai

The potential effects of the Project have the potential to act cumulatively with reasonably foreseeable future projects and/or activities and as such, may result in cumulative effects on VCs that relate to changes to the environment on the Kainai as outlined above. Based on the significance determination undertaken for each VC related to the Kainai and identified in their relevant chapters in the Application/EIS, no significant adverse cumulative effects were anticipated for VCs or VC groups.

It is noted that the Impact Assessment Agency of Canada (IAAC) has indicated that the duty to consult with the Kainai is based on IAAC's understanding of the Kainai as outlined in Section 27.5.4 (IAAC, 2020a). In addition, while the Kainai have not provided specific information on their use of land and waterways in the Project footprint and the ATRI LSA, given the information that is available at this time, it is anticipated that the ATRI RSA does have potential for use by the Kainai for various traditional activities. Further, their possible use of the area may be impacted by past and present activities and other projects. In the absence of specific information on use of land being provided by the Kainai, much of the description of possible cumulative residual effects on the change to use of lands and resources for traditional purposes in Section 27.7.4.4 is speculative. As noted earlier, a conservative approach has been taken to account for the lack of information provided by the Kainai with respect to the cumulative impact on their rights and interests.

The assessment of potential residual cumulative effects for VCs or VC groups related to the Kainai are summarized as follows:

- **Fish and Fish Habitat:** The Project has the potential to result in impact to fish and fish habitat from instream habitat loss as a result of mine development, habitat loss due to changes in water quantity, changes in water quality, changes in streambed structure, and riparian disturbance. The Project will not contribute to significant residual effects due to incremental loss of fish habitat through mine development, changes in water quantity, changes in streambed structure, or riparian disturbance in the ATRI RSA, since all habitat losses anticipated to occur as a result of the

Project will be compensated for through measures to enhance, restore, and create fish habitat in the Elk Valley, resulting in no residual effect. Changes in water quality as a result of the Project will be mitigated through Project design and Project- effects and are not anticipated to extend beyond the Fish and Fish Habitat LSA. Changes in water quality as a result of the Project were found to be a localized effect; therefore, no potential ATRI RSA-scale interaction with fish and fish habitat is anticipated to occur. The Project in combination with other reasonably foreseeable future projects and activities is not anticipated to cause the “death of fish by means other than fishing” or the “harmful alteration, disruption, or destruction” (HADD) of fish habitat, as direct habitat losses will be compensated for through offsetting in the Aquatic RSA. The residual cumulative effects to fish and fish habitat were considered to be not significant. The potential residual cumulative effects to the change to use of lands and resources for traditional fishing purposes resulting from the Project in combination with other reasonably foreseeable future projects and activities are described in Section 27.7.4.4.1.

- **Wildlife and Wildlife Habitat:** The Project has the potential to result in impacts to wildlife and wildlife habitats. The wildlife cumulative effects assessments for ungulates, carnivores, aquatic mammals, waterfowl, and birds identified the potential cumulative effects from habitat loss and alteration, sensory disturbance, disruption to movements (for ungulates and carnivores) and increased mortality risk (for ungulates and carnivores). The Project is likely to contribute to incremental loss of habitat for some species in the ATRI RSA, though the amount contributed by the Project is small and the total amount in combination with other reasonably foreseeable future projects and activities is considered to be low (Chapter 15). Similarly, the Project may contribute to further loss of habitat due to avoidance for species that are sensitive to noise, though the amount contributed by the Project is not significant and the total amount in combination with other reasonably foreseeable future projects and activities is anticipated to be low. The Project and other reasonably foreseeable future projects and activities may block ungulate and carnivore movements to varying degrees. Ungulate and carnivore movements are geographically separated from the Project such that additive barriers with the Project are unlikely. Increased density of roads can result in increased risk of mortality due to hunter access and collisions with vehicles. Road density is predicted to decline in the regional area and increased mortality risk is not expected. The Project, in combination with other reasonably foreseeable future projects and activities, would not limit the ability of ungulates, carnivores, and birds to persist and maintain self-sustaining populations in the VC-specific regional study areas (i.e., Terrestrial RSA, Grizzly Bear RSA) (Chapter 15). The residual cumulative effects to these species were therefore considered to be not significant. The potential residual cumulative effects to the change to use of lands and resources for traditional hunting and trapping purposes resulting from the Project in combination with other reasonably foreseeable future projects and activities are described in Section 27.7.4.4.2.
- **Landscapes and Ecosystems/Vegetation:** The Project has the potential to result in impacts to landscapes, ecosystems, and vegetation. The landscapes and ecosystems cumulative effects assessment considered potential residual effects of the Project interacting with reasonably foreseeable future projects and activities to affect the abundance and distribution as well as composition and structure for avalanche chutes, riparian habitat, grasslands, old and mature forest, and wetland ecosystems as well as vegetation. Generally, the potential effects of dust, spills/releases, weeds, and other related sources of impact affecting the composition and structure of ecosystems were all found to be mitigated through the implementation of standard

industry practices such that associated residual effects were not anticipated to occur. The potential Project residual effects, combined with reasonably foreseeable future projects and activities, anticipated change in abundance and distribution of each landscapes and ecosystems VCs. The potential residual cumulative changes in abundance and distribution of the landscapes and ecosystem VCs were characterized to be of moderate magnitude for some VCs in the Landscapes and Ecosystems RSA; none were assessed to be significant. The Project and other reasonably foreseeable future projects or activities directly overlap with approximately 14% of potential whitebark pine critical habitat in the Landscapes and Ecosystems RSA, but the Project contribution to that loss is approximately 2%, proportional to its contribution to the overall footprint of other reasonably foreseeable future projects or activities (i.e., less than 3%), and therefore was considered to be not significant. The potential residual cumulative effects to the change to use of lands and resources for traditional harvesting and gathering purposes resulting from the Project in combination with other reasonably foreseeable future projects and activities are described in Section 27.7.4.4.3.

- **Heritage Resources:** At this time, no spatial or temporal overlap of the Project's effects in combination with the effects of other past, present, or reasonably foreseeable future projects or activities is known to occur within the ATRI RSA. 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 overlap with the other future projects and activities. The locations of these resources and sites are unknown at this time at a regional scale. It is anticipated that planned mitigation for current and future projects and activities includes identification of heritage resources prior to the development of projects and activities, as well as the commitment to implement mitigation in consultation with the Kainai. Archaeological resources and sites are protected by the *Heritage Conservation Act* through designation as "provincial heritage sites", or through automatic protection by virtue of being of particular historic or archaeological value (FLNRORD, 2021). Protected archaeological sites may not be altered (i.e., changed in any manner) without a permit issued by the Minister or designate. The residual cumulative effects on heritage resources were therefore considered to be not significant. The potential residual cumulative effects to the change to physical and cultural heritage resources and structures, sites, or things of historical, archaeological, paleontological, or architectural significance resulting from the Project in combination with other reasonably foreseeable future projects and activities are described in Section 27.7.4.4.4.
- **Human and Ecological Health:** The assessment of potential cumulative effects to terrestrial and aquatic wildlife health concluded that there are no significant residual cumulative effects and that the cumulative exposure is largely reflective of the exposures documented for the Project scenarios. The wildlife and human health risk estimates and their magnitude inherently consider operational activities, emissions, and other contaminant releases intrinsic to the predictive modelling of water quality, air quality, and secondarily food via transport, fate and food chain modelling. Terrestrial wildlife health risk is negligible, low (and likely to be negligible due to conservatism of the assessment), or in isolated instances (e.g., masked shrew), moderate to high but not ecologically significant due to geographic locations of the exposure scenario within the mine footprint or adjacent to the mine haul road. With regard to aquatic health, the health risk was considered in most cases either negligible, low (and likely to be negligible due to conservatism of the assessment), or in isolated instances, moderate and geographically isolated to short reaches of immediate receiving waters at the mine footprint. The overall cumulative effects

related to human health risk, including conservative risk estimates conducted specifically for a hypothetical First Nations receptor¹⁰, were considered to be low to negligible. The results of the cumulative effects assessment indicated that there were no significant residual cumulative effects to ecological or human health anticipated because of the Project in combination with other past, present, and reasonably foreseeable future projects or activities. The potential residual cumulative effects to the change to social, health, and economic conditions resulting from the Project in combination with other reasonably foreseeable future projects and activities are described in Section 27.7.4.4.5.

27.7.4.4 Potential Residual Cumulative Effects of the Changes to the Environment on the Kainai

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:

- The current 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.

Though potential residual cumulative effects to VC or VC groups that may be of interest to the Kainai Communities are not assessed as significant, a conservative approach to the assessment of residual cumulative effects on the Kainai indicates residual cumulative effects may occur. Residual cumulative effects assessments for potential cumulative effects are presented in Section 27.7.4.4.1 to 27.7.4.4.5.

27.7.4.4.1 Change to Use of Lands and Resources for Traditional Fishing Purposes

Within the ATRI RSA, potential residual cumulative effects to fish and fish habitat, in particular species such as Westslope Cutthroat Trout and Bull Trout that may be of interest to the Kainai for fishing, may occur as a result of the construction and operations of present and reasonably foreseeable future projects and activities. Potential residual cumulative effects on fish and their habitat within the ATRI RSA could include instream habitat loss as a result of future developments and changes in water quantity, changes in water quality, changes in streambed structure, and riparian disturbance. Specific to the Project, direct habitat losses will be compensated for through offsetting in the Aquatic RSA and no significant residual cumulative effects to fish VCs are anticipated. Climatic changes in the regional area could change the habitat available to species fished within the ATRI RSA, for example through increased water temperatures limiting geographic distribution. As well, climatic changes may result in hydrologic changes, changes in channel morphology, and increased spread of invasive species. Given the potential for cumulative effects on fish habitat and disturbance to fish species potentially used by the Kainai for fishing as a result of past, present, and reasonably foreseeable future projects and activities, the potential residual cumulative effects to fishing within the ATRI RSA were evaluated.

¹⁰ The First Nations receptor was modelled as being present at each of the receptor locations for 100% of their lifetime and exposed to Project effects throughout all Project phases using conservative high percentage of country foods and water sourced directly from the LSA throughout that lifetime.

The potential residual cumulative effects to the use of lands and resources for fishing arising from the effects of the Project in combination with the effects of other past, present, and reasonably foreseeable future projects or activities are characterized as follows:

- Duration: *Long-Term*, as the opportunity to fish within the ATRI RSA may be affected by fish habitat loss, which will be reclaimed within the ATRI RSA through offsetting and reclamation and post-closure activities of reasonably foreseeable future projects and activities.
- Magnitude: *Moderate*, as the changes in fish and fish habitat are not expected to result in changes in the opportunity by the Kainai to fish within the ATRI RSA.
- Geographic Extent: *Regional*, as potential effects to the opportunity to fish will be limited to the respective footprints of the Project and those of other reasonably foreseeable future projects and activities within the ATRI RSA.
- Frequency: *Continuous*, as the effects to fish and fish habitat have the potential to occur until habitat is reclaimed or offset, resulting in changes to the opportunity to fish over the course of reasonably foreseeable future projects and activities until reclamation occurs.
- Reversibility: *Reversible Long-Term*, changes in the opportunity to fish are anticipated to be reversible as the respective footprints of the Project and those of other reasonably foreseeable future projects and activities are reclaimed and off-site aquatic compensation is achieved.
- Context: *Neutral*, as opportunities to fish are present within several watercourses in the ATRI RSA, and many of these watercourses have been previously disturbed by human activities (e.g., Elk River and mining activities). The ATRI RSA overlaps with several Indigenous Communities' traditional territories and as such, changes in the accessibility to fish may impact the ability to undertake cultural and traditional practices for community members and the importance of available lands for traditional practices. The context is also deemed neutral due to the lack of information available from the Kainai 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 Kainai way of living can continue outside of the Project footprint during all Project phases.

Determination of Significance of Residual Cumulative Effects

As previously noted in Chapter 12, Section 12.6.1, instream habitat loss due to mine design and development and changes in streambed structure have the potential to interact with other reasonably foreseeable future projects and activities in the Aquatic RSA. Habitat losses in tributaries of the Elk River are expected to occur as other coal mining projects are developed. These losses could include both direct habitat loss due to mine design and development, and indirect losses due to changes in flows. Habitat losses from other reasonably foreseeable future projects are anticipated to be compensated following DFO's strategy for offsetting instream habitat losses that result from HADD. As such, while there may be a measurable change in fish habitat availability locally in some tributaries that will be in addition to the habitat losses expected from the Project in West Alexander Creek, a net loss of fish habitat in the Aquatic RSA is not expected, provided that compensation habitat is developed as required by regulatory habitat loss restrictions under the *Fisheries Act*. Due to the lack of information available on the Kainai's use of the Project footprint and the ATRI LSA for fishing, the Project's contribution to residual cumulative effects on changes to fish and fish habitat is not anticipated to reduce the ability and opportunity of the Kainai to practice their Aboriginal and Treaty rights and interests related to fishing within the ATRI RSA.

A net loss of habitat is not expected in the Aquatic RSA due to reasonably foreseeable future projects and activities. The Project, in combination with other reasonably foreseeable future projects and activities, is

not anticipated to result in the harmful alteration, disruption, or destruction of fish habitat or the death of fish, since direct habitat losses and direct mortality will be compensated by habitat offsetting measures in the Aquatic RSA such that no residual effect remains. In consideration of this and the mitigation and offsetting activities that may occur as part of the development of reasonably foreseeable future projects and activities, and information currently available on the use of lands and resources within the ATRI RSA for fishing, the potential residual cumulative effects to fishing arising from the Project in combination with other past, present, and reasonably foreseeable future projects and activities during all phases are anticipated to be not significant. The Project's contribution to residual cumulative effects on changes to fish and fish habitat is not anticipated to reduce the ability and opportunity of the Kainai to practice their Aboriginal and Treaty rights and interests related to fishing within the ATRI RSA. The potential cumulative impacts to the Kainai's rights and interests of the residual cumulative effect on traditional fishing are discussed further in Section 27.10.2.1.1.

Likelihood and Confidence

Effects that are determined to be not significant do not require a characterization of likelihood. Fish and fish habitat conditions of relevant fish species of interests (e.g., Westslope Cutthroat Trout), including their ecology, habitat availability and distribution, and occurrence and abundance, are well understood at the scale of the Aquatic RSA. Some uncertainty does exist for fish population trends. In addition, not all aquatic systems and fish species that may be of interest to the Kainai were evaluated at the scale of the ATRI RSA. At this time, the full extent of aquatic systems that are used by fish species of interest and accessed by the Kainai for fishing historically and currently or that could be used in the future are not well understood within the ATRI RSA, and will continue to be refined as NWP continues engagement with the Kainai on this Project. Uncertainty also exists regarding the implications of regional climatic changes that may impact fish habitat availability. As such, the confidence of residual cumulative effects to the use of lands and resources for fishing is considered to be low.

NWP is committed to further discussions with the Kainai to understand current and potential use of lands within the ATRI RSA for fishing, in order to improve the level of confidence in this prediction.

27.7.4.4.2 Change to Use of Lands and Resources for Traditional Hunting and Trapping Purposes

Within the ATRI RSA, potential residual cumulative effects to wildlife and wildlife habitat, in particular ungulates, carnivores, and birds that may be of interest to the Kainai for hunting and trapping, may occur as a result of the construction and operations of present and reasonably foreseeable future projects and activities. Potential residual cumulative effects on wildlife and their habitat within the ATRI RSA could include habitat loss and alteration, sensory disturbance, disruption to movements (for ungulates and carnivores), and increased mortality risk (for ungulates and carnivores). The Project in combination with other reasonably foreseeable future projects and activities would not limit the ability of ungulates, carnivores, and birds to persist and maintain self-sustaining populations, and no significant residual cumulative effects to these VC groups are anticipated. Climatic changes in the regional area could change the habitat available to species hunted and trapped within the ATRI RSA. Given the potential for cumulative effects on wildlife habitat and disturbance to species used by the Kainai for hunting and trapping as a result of past, present, and reasonably foreseeable future projects and activities, potential residual cumulative effects to hunting and trapping within the ATRI RSA were evaluated.

Potential residual cumulative effects to the use of lands and resources for hunting and trapping arising from the effects of the Project in combination with the effects of other past, present, and reasonably foreseeable future projects or activities are characterized as follows:

- Duration: *Long-term to Permanent*, as the opportunity to hunt and trap within the ATRI RSA may be affected by wildlife habitat loss which will be reclaimed within the ATRI RSA through reclamation and post-closure activities on future projects and activities. Reclaimed areas like forests may not be fully reclaimed until after post-closure periods for the reasonably foreseeable future projects and activities. Sensory disturbance to wildlife species of interest and the Kainai who may hunt and trap in a specific area of the ATRI RSA near future projects and activities may experience changes in sensory conditions as a result of future projects and activities over the course of operational activities. Increased mortality is anticipated to occur to the end of reclamation and closure phases for reasonably foreseeable future projects and activities.
- Magnitude: *Low*, as the changes in wildlife habitat and the movement of species is not expected to result in changes in the opportunity to hunt and trap within the ATRI RSA, and the sustainability of wildlife populations is not expected to be affected.
- Geographic Extent: *Regional*, as potential effects to the opportunity to hunt and trap will be limited to the respective footprints of the Project and those of other reasonably foreseeable future developments within the ATRI RSA.
- Frequency: *Continuous*, as the effects to wildlife and wildlife habitat have the potential to occur until habitat is reclaimed as part of reclamation activities, resulting in changes to the opportunity to hunt and trap over the course of future projects and activities until reclamation of the landscape occurs.
- Reversibility: *Reversible Long-term to Irreversible*, as ecological restoration activities anticipated to occur through reclamation strategies associated with the Project and past, present, and reasonably foreseeable future projects and activities will result in reclaimed wildlife habitat and areas potentially accessed for hunting and trapping. If areas used for hunting and trapping can no longer be accessed due to developments, there is a potential for the change in access to be irreversible.
- Context: *Neutral*, as the opportunity to hunt and trap within the ATRI RSA is dependent on access to self-sustaining wildlife populations and appropriate wildlife habitat. The ATRI RSA overlaps with several Indigenous Communities' traditional territories, and as such, changes in the accessibility to hunt and trap may impact the ability to undertake cultural and traditional practices for community members and the importance of available lands for traditional practices. The context is also deemed neutral due to the lack of information available from the Kainai 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 Kainai way of living can continue outside of the Project footprint during all Project phases.

Determination of Significance of Residual Cumulative Effects

The Project, in combination with other reasonably foreseeable future projects and activities, is not anticipated to limit the ability of ungulates, carnivores, and birds to persist and maintain self-sustaining populations in the VC-specific regional study areas (i.e., Terrestrial RSA, Grizzly Bear RSA). In consideration of this and mitigation and reclamation activities that may occur as part of the development of reasonably foreseeable future projects and activities, and the information currently available on the current and potential use of lands and resources within the ATRI RSA for hunting and trapping, the potential residual

cumulative effects to the use of land and resources for the traditional purpose of hunting and trapping arising from the Project in combination with other past, present, and reasonably foreseeable future projects and activities during all phases are anticipated to be not significant. Due to the lack of information available on the Kainai's use of the Project footprint and the ATRI LSA for hunting and trapping, the Project's contribution to residual cumulative effects on changes to wildlife and wildlife habitat is not anticipated to reduce the ability and opportunity of the Kainai to practice Aboriginal and Treaty rights and interests related to hunting and trapping within the ATRI RSA. The potential cumulative impacts to the Kainai's rights and interests of the residual cumulative effect on traditional hunting and trapping activities are discussed further in Section 27.10.2.1.2.

Likelihood and Confidence

Effects that are determined to be not significant do not require a characterization of likelihood. Wildlife and wildlife habitat conditions within the regional study areas of relevant wildlife species of interests (e.g., grizzly bear), including their ecology, habitat availability and distribution, and occurrence and abundance, are well understood at the scale of the VC regional study areas (e.g., Grizzly Bear RSA). Some uncertainty does exist for wildlife species population trends. In addition, not all wildlife species that may be of interest were evaluated at the scale of the ATRI RSA. At this time, the full extent of lands that are used by wildlife species of interest and lands accessed by the Kainai for hunting and trapping historically and currently or that could be used in the future is not well understood within the ATRI RSA, and will continue to be refined as NWP continues engagement with the Kainai on this Project. Uncertainty also exists regarding the implications of regional climatic changes that may impact wildlife habitat availability. As such, the confidence of residual cumulative effects to the use of lands and resources for hunting and trapping is considered to be low.

NWP is committed to further discussions with the Kainai to understand current and potential use of lands within the ATRI RSA for hunting and trapping, in order to improve the level of confidence in this prediction.

27.7.4.4.3 Change to Use of Lands and Resources for Traditional Harvesting and Gathering Purposes

Potential Project residual effects on terrestrial ecosystems and vegetation VCs that may be of relevant to Indigenous harvesting and gathering have the potential to interact cumulatively with past, present, and reasonably foreseeable future projects and activities within the ATRI RSA. The assessment of potential residual cumulative effects for landscapes and ecosystems VCs and vegetation VCs concluded no significant residual cumulative effects. At this time, specific areas of harvesting and gathering are unknown within the ATRI RSA. The residual cumulative effects assessment considers the potential for current and future use within the ATRI RSA and the various landscapes and ecosystems that cover this area. Changes in climatic conditions, including higher annual precipitation and increases in average annual air temperatures (EV-CEMF, 2018), may alter the abundance and distribution of plant communities in the Elk Valley, resulting in impacts to the Kainai's harvesting and gathering activities.

The residual cumulative effects to the use of lands and resources for harvesting and gathering arising from the effects of the Project in combination with the effects of other past, present, and reasonably foreseeable future projects or activities, are characterized as follows:

- Duration: *Long-term to Permanent*, as the loss of vegetation communities and plant species of interest used in harvesting and gathering, as well as the opportunity to access harvesting and gathering areas, may be impacted as a result of the construction of reasonably foreseeable future projects and activities. Reclamation activities may reclaim impacted communities over the long-term and re-establish areas potentially used for harvesting and gathering.
- Magnitude: *Moderate*, the Project acting cumulatively with past, present, and reasonably foreseeable projects and activities will result in the loss of terrestrial ecosystems and plant species that may be of interest to the Kainai's harvesting and gathering practices, but the sustainability of populations and ecosystems is not expected to be affected.
- Geographic Extent: *Regional*, as the loss of terrestrial ecosystems that may be accessed and used for harvesting and gathering will be limited to the respective footprints of the Project and those of other reasonably foreseeable future developments within the ATRI RSA.
- Frequency: *Once to Intermittent*, as the removal of vegetation potentially used for harvesting and gathering will occur during the construction of reasonably foreseeable future projects and activities (e.g., site clearing activities). Climatic changes may result in alteration of vegetation communities sporadically over the long-term.
- Reversibility: *Reversible Long-term to Irreversible*, as ecological restoration activities anticipated to occur through reclamation strategies associated with the Project and past, present, and reasonably foreseeable future projects and activities will result in reclaimed terrestrial ecosystems and vegetation communities potentially accessed and used for harvesting and gathering. If areas used for harvesting and gathering can no longer be accessed due to developments, there is a potential for the change in access to be irreversible.
- Context: *Neutral*, as 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. The ATRI RSA overlaps with several Indigenous Communities' traditional territories, and as such, changes in the accessibility to harvest and gather may impact the ability to undertake cultural and traditional practices for community members and the importance of available lands for traditional practices. The context is also deemed neutral due to the lack of information available from the Kainai 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 Kainai way of living can continue outside of the Project footprint during all Project phases.

Determination of Significance of Residual Cumulative Effects

In consideration of mitigation measures and reclamation activities that may occur as part of development of reasonably foreseeable future projects and activities and information currently available on the current and potential use of lands and resources within the ATRI RSA for harvesting and gathering, the potential residual cumulative effects on the use of land and resources for the traditional purpose of harvesting and gathering arising from the Project in combination with other past, present, and reasonably foreseeable future projects and activities during all phases are anticipated to be not significant. Due to the lack of information available on the Kainai's use of the Project footprint and the ATRI LSA for harvesting and gathering, the Project's contribution to residual cumulative effects on changes in landscapes and ecosystems and relevant vegetation VCs is not anticipated to reduce the ability and opportunity for the

Kainai to practice their rights and interests related to harvesting and gathering within the ATRI RSA. The potential cumulative impacts to the Kainai's rights and interests of the residual cumulative effect on traditional harvesting and gathering activities are discussed further in Section 27.10.2.1.3.

Likelihood and Confidence

Effects that are determined to be not significant do not require a characterization of likelihood. The full extent of loss of lands that are used by the Kainai for harvesting and gathering historically and currently or that could be used in the future is not well understood within the ATRI RSA. In conjunction with this, the full extent of loss to landscapes and ecosystems and vegetation species of interests associated with past, present, and reasonably foreseeable future projects and activities cannot be accurately predicted based on the scale and availability of the information publicly available at this time, and will continue to be refined as engagement with the Kainai on this Project is continued. As such, the confidence of the residual cumulative effects to the use of lands and resources for harvesting and gathering is considered to be low.

NWP is committed to further discussions with the Kainai to understand current and potential use of lands within the ATRI RSA for harvesting and gathering activities, in order to improve the level of confidence in this prediction.

27.7.4.4.4 Change to Physical and Cultural Heritage, and Change to any Structure, Site, or Thing that is of Historical, Archaeological, Paleontological, or Architectural Significance

There is potential for physical and cultural heritage resources and structures, sites, or things of historical, archaeological, paleontological, or architectural significance to be located within 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 Kainai 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).

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 effects of the Project in combination with the effects of other past, present, and reasonably foreseeable future projects or activities are characterized as follows:

- Duration: *Permanent*, as the potential loss of physical and cultural heritage and of any structure, site, or things that is of historical, archaeological, paleontological, or architectural significance cannot be reversed once it occurs within the ATRI RSA.
- Magnitude: *High*, the potential alteration of physical and cultural heritage and of any structure, site, or thing that is of historical, archaeological, paleontological, or architectural significance may result in a measurable change from existing conditions.
- Geographic Extent: *Regional*, as the potential loss of physical and cultural heritage and of any structure, site, or thing that is of historical, archaeological, paleontological, or architectural significance is limited to the ATRI RSA.

- Frequency: *Once*, as the direct loss of physical and cultural heritage and of a structure, site, or thing that is of historical, archaeological, paleontological, or architectural significance that may exist within the ATRI RSA will occur as reasonably foreseeable future projects and activities are constructed or carried out across the ATRI RSA.
- Reversibility: *Irreversible*, as impacts to or alteration of physical and cultural heritage and of any structure, site, or thing that is of historical, archaeological, paleontological, or architectural significance cannot be returned/reburied and are permanent.
- Context: *Low*, as physical and cultural heritage and any structure, site, or thing that is of historical, archaeological, paleontological, or architectural significance have a low resilience to change as alterations to areas or sites of interest and significance may not adapt to effects that alter their presence or existence. The context is also deemed low as it is expected that the Kainai's ability to know and teach their way of living can continue outside of the Project footprint during all Project phases despite the lack of information available from the Kainai regarding their opportunity to conduct traditional cultural activities within the Project footprint at this time.

Determination of Significance of Residual Cumulative Effect

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 are currently unknown outside of the Project footprint and Archaeological LSA. 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 not significant. Due to the lack of information available on the Kainai's physical and cultural heritage within the Project footprint and the ATRI LSA, the Project's contribution to 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 is not anticipated to reduce the ability and opportunity of the Kainai to practice their Aboriginal and Treaty rights and interests within the ATRI RSA. The potential cumulative impacts to the Kainai's rights and interests of the residual cumulative effect on their physical and cultural heritage are discussed further in Section 27.10.2.1.4.

Likelihood and Confidence

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. The confidence in the characterization of the potential residual cumulative effect to physical and cultural heritage and to any structure, site, or thing that is of historical, archaeological, paleontological, or architectural significance is considered to be low. Mitigation measures that may be used by present and future reasonably foreseeable projects and activities to avoid impacts to physical and cultural heritage and to any structure, site, or thing that is of historical, archaeological, paleontological, or architectural significance (e.g., archaeological impact assessment, cultural monitoring) are generally considered moderate to high. The lack of regional information on the Kainai's physical and cultural heritage and

structures, sites, or things that are of historical, archaeological, paleontological, or architectural significance reduces the level of confidence of the significance of effects. Adaptive management measures will be implemented as part of future projects and activities, in combination with Indigenous consultation, to understand potential regional impacts to physical and cultural heritage and to any structure, site, or thing that is of historical, archaeological, paleontological, or architectural significance. It is anticipated that Section 12.2 Heritage Inspection Permits will be required to determine if and where archaeological resources are present prior to developments of reasonably foreseeable future projects and activities within the ATRI RSA.

27.7.4.4.5 Change to Social, Health, and Economic Conditions

The assessment of potential residual cumulative effects to terrestrial and aquatic wildlife health as well as human health concluded the health risks are considered to be low. The Project is not anticipated to act cumulatively with other future projects or activities to contribute substantially to a change in the health of terrestrial and aquatic country foods and Indigenous health. As there may be potential for impacts to species of interest (for fishing, hunting, trapping, harvesting, and gathering) to the Kainai due to subsistence harvesting activities and potential of change to opportunity for access to country foods, the human and wildlife health conditions VCs are assessed cumulatively. As a result, the following assessment focuses on the human and wildlife health conditions of the residual cumulative effects.

As noted in Chapter 18 (Section 18.5.5), all anticipated residual socio-community effects are considered to be negligible and no significant adverse residual effects are expected. As such, there is no spatial or temporal overlap of Project effects in combination with those of past, present, or reasonably foreseeable future projects or activities. Therefore, residual adverse cumulative effects on the socio-community are not expected. Similarly, as previously mentioned and noted in Chapter 17 (Section 17.6), residual adverse cumulative effects on economic conditions are not expected. It must be noted that due to the potential for change to opportunity for access to country foods within the ATRI LSA and the lack of information on subsistence harvesting, a potential for development of reasonably foreseeable future projects and activities to overlap with these resources and sites have the potential to impact socio-community and economic conditions (i.e., diet, financial impact); these potential cumulative effects will be updated through further consultation with the Kainai.

The residual cumulative effects to social, health, and economic conditions arising from the effects of the Project in combination with the effects of other past, present, and reasonably foreseeable future projects or activities are characterized as follows:

- Duration: *Long-Term*, as the predicted residual cumulative effects to the health of wildlife and potential country foods, as well as human health, are only associated with the Project footprint or close to Project infrastructure in areas that will be reclaimed during Reclamation and Closure; there were no residual adverse effects on socio-economic conditions.
- Magnitude: *Low*, as the potential residual cumulative effects of the Project are considered to present a low risk to wildlife and human health and therefore a low magnitude to quality of country foods; there were no residual adverse effects on socio-economic conditions.
- Geographic Extent: *Local to Discrete*, as the potential effects on wildlife and human health and country foods are restricted to the HHERA RSA, receiving watersheds, and the Project footprint in which effects are inferred to be largely undetectable outside of the HHERA RSA; there were no residual adverse effects on socio-economic conditions.

- Frequency: *Continuous*, as the potential risk to country foods is most plausible during the Operations phase of the Project.
- Reversibility: *Reversible Long-Term*, as the low risk to wildlife and human health and associated country foods and consumption of country foods is diminished (mitigated) as the Project disturbance footprint is reclaimed in Reclamation and Closure; there were no residual adverse effects on socio-economic conditions.
- Context: *Neutral*, as aquatic and terrestrial wildlife species and humans have a neutral sensitivity and resilience to the low potential exposure/risk; the low exposure risk is unlikely to adversely affect individuals or local populations and therefore an unlikely disruption to country food quality or accessibility; there were no residual adverse effects on socio-economic conditions. The context is also deemed neutral due to the lack of information available from the Kainai regarding their opportunity to consume country foods within the Project footprint at this time, as it is expected that their ability to know and teach the Kainai way of living can continue outside of the Project footprint during all Project phases.

Determination of Significance of Residual Cumulative Effects

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 socio-economic conditions were predicted, therefore no cumulative effect to socio-economic conditions are expected to occur. As such, 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 considered not significant. The wildlife and human health risk estimates inherently consider operational activities, emissions, and other contaminant releases intrinsic to the predictive modelling of water quality, air quality, and secondarily food via transport, fate, and food chain modelling. Due to the lack of information available on the Kainai's use of the Project footprint and the ATRI LSA to consume country foods, the Project's contribution to the residual cumulative effects on social, health, and economic conditions are not anticipated to reduce the ability and opportunity of the Kainai to practice their Aboriginal and Treaty rights and interests within the ATRI RSA. The potential cumulative impacts to the Kainai's interests of the residual cumulative effect on their social, health, and economic conditions are discussed further in Section 27.10.2.1.5

Likelihood and Confidence

Cumulative effects that are determined to be not significant, as anticipated for social, health, and economic conditions, do not warrant a characterization of likelihood. The confidence in the characterization of residual cumulative effects to social, health, and economic conditions, and in particular country foods and Indigenous health, is considered to be moderate. The confidence derives from consideration of confidence in:

- Contaminant fate and transport modelling for releases to air and water which dictate exposure point concentration for exposure assessment;
- Substantive knowledge of ecological dietary/food chain relationships for exposure modelling; and
- Conservatism of assumptions that err towards overestimating rather than underestimating exposure and risk (e.g., assumptions of statistical upper-bound exposure concentrations in water, assumption of lifetime exposure scenarios).

Collectively, the above-listed practices provide moderate to high confidence that the risk estimates are not underestimated, and in the present case, an overall moderate level of confidence that the estimated health risk to aquatic and terrestrial wildlife and human health as a result of the Project is low and not significant.

27.7.4.5 Summary of Cumulative Effects Assessment of the Changes to the Environment on the Kainai

Residual cumulative effects and the selected mitigation measures, characterization criteria, likelihood, significance determination, and confidence are summarized in Table 27.7-6.

Table 27.7-6: Summary of Cumulative Effects of the Changes to the Environment on the Kainai

Residual Cumulative Effect	Project Phase(s)	Mitigation Measures	Summary of Cumulative Residual Effects Characterization	Significance (Significant, Not Significant)	Confidence (High, Moderate, Low)
Change to Use of Lands and Resources for Traditional Fishing Purposes	<ul style="list-style-type: none"> Construction and Pre-Production Operations Reclamation and Closure Post-Closure 	<ul style="list-style-type: none"> Implementation of mitigation measures proposed for relevant VCs and VC groups will be implemented over the life of the Project. Implementation of management programs and plans specific to VCs or VC groups (e.g., Ecological Restoration Plan, Traffic Control Plan). 	Duration: Long-term Magnitude: Moderate Geographic Extent: Regional Frequency: Continuous Reversibility: Reversible Long-term Context: Neutral	Not Significant	Low
Change to Use of Lands and Resources for Traditional Hunting and Trapping Purposes	<ul style="list-style-type: none"> Construction and Pre-Production Operations Reclamation and Closure 	<ul style="list-style-type: none"> Implementation of the Indigenous Impact Management Plan will be undertaken in consultation with the Kainai. Regional collaboration between Indigenous Communities, proponents, and governments and implementation of initiatives to minimize collective impacts of past, present, and future projects and activities. 	Duration: Long-term to Permanent Magnitude: Low Geographic Extent: Regional Frequency: Continuous Reversibility: Reversible Long-term Context: Neutral	Not Significant	Low
Change to Use of Lands and Resources for Traditional Harvesting and Gathering Purposes	<ul style="list-style-type: none"> Construction and Pre-Production Operations Reclamation and Closure 	<ul style="list-style-type: none"> Continued consultation and engagement with the Kainai 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 	Duration: Long-term to Permanent Magnitude: Moderate Geographic Extent: Regional Frequency: Once to Intermittent Reversibility: Reversible Long-term to Irreversible Context: Neutral	Not Significant	Low

Residual Cumulative Effect	Project Phase(s)	Mitigation Measures	Summary of Cumulative Residual Effects Characterization	Significance (Significant, Not Significant)	Confidence (High, Moderate, Low)
Change to Physical and Cultural Heritage and Change to any Structure, Site, or Thing that is of Historical, Archaeological, Paleontological, or Architectural Significance	<ul style="list-style-type: none"> Construction and Pre-Production Operations 	infrastructure as well as opportunities for harvesting and gathering within the Project footprint prior to construction for Indigenous community members.	Duration: Permanent Magnitude: High Geographic Extent: Regional Frequency: Once Reversibility: Irreversible Context: Low	Not Significant	Low
Change to Social, Health, Economic Conditions	<ul style="list-style-type: none"> Operations 		Duration: Long-term Magnitude: Low Geographic Extent: Local to Discrete Frequency: Continuous Reversibility: Reversible Long-term Context: Neutral	Not Significant	Moderate to High

27.8 Overview of the Changes to the Environment on the Kainai and their Perspectives

The following is a summary of Section 27.7 which provides an assessment of changes to the environment and the potential resulting impact on the Kainai. Effects of the changes to the environment could result in impacts to the Kainai and their rights (see Section 27.10) that may occur where the Project has a residual effect and residual cumulative effect on traditional activities such as fishing, hunting and trapping, harvesting and gathering. As well, the Project could result in changes to physical activities associated with traditional use such as travel and navigation, ceremonial and sacred sites, and physical and cultural heritage areas and any structure, site, or thing that is of historical, archaeological, paleontological, or architectural significance and social, health, economic conditions. Sections 27.7.3 and 27.7.4 taken together have provided an assessment of the Project effects on the Kainai's traditional land and resource use that correspond with Kainai's traditional activities as noted above.

The Project-related residual effects are concluded to be rated as “not significant”, with a generally low to moderate level of confidence in relation to the lack of Kainai information provided within the Project footprint based on publicly available information and consultation activities (Appendix 27-A, Table 27.A-2). Further to the assessment on the potential direct effects of the Project, an assessment of potential cumulative effects was undertaken and as a result of the assessment it was determined that the potential cumulative effects for each Kainai right and/or interest would also be minor in nature and are not considered to be significant. These potential residual and cumulative effects are not anticipated to alter long-term populations and abundance of fish, wildlife, and plant species of interest within the ATRI RSA which may be relied upon by the Kainai to exercise their rights and interests. Additionally, the potential for residual cumulative effects of the Project in combination with reasonably foreseeable future projects and activities on physical and cultural heritage and to any structure, site, or thing that is of historical, archaeological, paleontological, or architectural significance are restricted to those located within the footprint of the Project and of other potential projects developed within the ATRI RSA.

Mitigation measures discussed in the assessment and related VC assessment chapters and listed in Section 27.9 will reduce or eliminate effects on the Kainai in order to exercise their rights and interests and reduce or eliminate effects on conditions that may prohibit or deter the exercise of the Kainai's rights and interests in the Project footprint, the ATRI LSA, and the ATRI RSA. While the Kainai have not confirmed their use of land and waterways in the ATRI LSA and the ATRI RSA, it is anticipated that traditional land and resource use activities and the exercise of related rights could generally occur undeterred in the ATRI LSA and the ATRI RSA. With the previously identified displacement of existing features and where restricted for safety purposes (e.g., the temporary blast restriction area in the vicinity of the mine site) within the Project footprint, traditional land and resource use activities will be restricted during certain Project phases. As identified throughout the Application/EIS, it is again noted that engagement is ongoing, and the Kainai may provide additional information about the potential effects of the Project on their rights and interests during the assessment processes.

As identified in Section 27.5.2 and based on the comments received from the Kainai on the draft effects assessment in Appendix 27-A, Table 27.A-2, the Kainai has indicated a primary concern about selenium levels in surface water, and how this may impact human health, wildlife, fish and fish habitat, and the

plants and medicines that rely on this water. From the Kainai perspective, due to the historic and current coal mining in the area, the ATRI LSA and RSA has been polluted and damaged by coal development (Appendix 27-A, Table 27.A-2). The Kainai have noted that any consideration of cumulative effects:

“must address the reality that these waterways and the fish, and other species that rely on them are on the brink of devastation due to coal mining (Appendix 27-A, Table 27.A-2).”

Additionally, the Kainai recommended that NWP approach the assessment of cumulative effects of the Project from a more holistic perspective as noted in Section 27.5.2 (Appendix 27-A, Table 27.A-2). As identified throughout the Application/EIS, it is again noted that engagement is ongoing, and the Kainai may provide additional information about the potential effects of the Project on the Kainai’s rights and interests related to the assessment on potential Project effects. Based on the Kainai’s perspective, the additional cumulative effects of the Project, while determined to be minor in nature, may exacerbate current and ongoing effects in the ATRI RSA from other past and current projects, and on the Kainai’s exercise of their rights and interests, for the foreseeable future. As details on cumulative effects to the Kainai in the ATRI RSA are restricted to secondary sources of information, further information from the Kainai, including Project-specific TK/TLU when provided might lead to a better understanding of these potential Project-related effects to the Kainai.

27.9 Indigenous Impact Management Plan

Following the assessment of the Project effects on the Kainai and the cumulative effects assessment, this section describes the Indigenous Impact Management Plan that will be implemented as a result of the outcomes of the assessment processes outlined in Section 27.3.

Impact management measures identified for the potential impacts on the Kainai’s rights and interests are based on both the publicly available information and preliminary consultation and engagement activities summarized in Section 27.5 (IAAC, 2020a; Appendix 27-A, Table 27.A-1, Appendix 27-A, Table 27.A-2). As previously identified, the Kainai’s rights and interests are defined as those outlined in the correspondence from the Impact Assessment Agency of Canada, indicating the Agency’s preliminary understanding of the nature and extent of the Kainai’s rights and interests as described in Section 27.5.4. As noted in Section 27.5.4, under the terms of Treaty 7, the Kainai have an established right to hunt for which the mitigation measures and key commitments identified in relation to the use of land and resources for traditional purposes related to hunting and trapping have been addressed in Section 27.9.2. Continued consultation and engagement with the Kainai to further identify and adapt mitigation measures to address impacts on their rights and related interests within the Project footprint and the ATRI LSA are expected to refine this process throughout the Project life-cycle.

Specific and detailed mitigation for VCs related to the Kainai’s rights and interests can be referenced in the respective effects assessment VC chapters. The nature and extent of the recommended VC mitigation measures are influenced by several factors including the anticipated magnitude or extent of the environmental effects, the expected effectiveness of mitigation, the level of certainty in the environmental effects predictions, and the resulting potential for impact on the Kainai’s rights and interests. As the potential for, and consequences of, adverse environmental effects increases; so, does the comprehensiveness of the recommended measures.

Based on the assessment of the potential environmental effects of the Project, that consider Project-related residual effects and residual cumulative effects for the applicable VCs of interest (e.g., Wildlife and Wildlife Habitat VCs) and anticipated effects to non-VC groups (i.e., broad ecosystem types), and after implementation of the mitigation measures outlined in this section, as well as additional information (certain intermediate and receptor VCs) included in the assessment, the potential impacts of the Project on the Kainai's rights and interests are addressed in Section 27.10. It is to be noted that the impact measures identified nor the effectiveness of these measures has been confirmed by the Kainai to date.

NWP is committed to an ongoing dialogue with the Kainai, 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 Kainai.
- 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 cumulative effects where applicable, with the Kainai, 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 Kainai 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. To this end, NWP is committed to the Canadian Council for Aboriginal Business' Progressive Aboriginal Relations program¹¹.

In addition to the mitigations outlined in the specific VC chapters, the following mitigation measures are proposed to reduce the potential impact on the Kainai's rights and interests based on the response to the concerns raised by the Kainai and the identified Indigenous Communities:

- Engaging with the Kainai 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 Kainai 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 Kainai. This 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.
- Supporting possible opportunities to augment VC-specific monitoring programs to include responses to concerns raised by the Kainai utilizing adaptive management approaches for follow-up strategies.

¹¹ Based on the CCAB's PAR program, NWP continues to improve their Indigenous relationships and to working across cultures, and are committed to prosperity in Indigenous Communities.

- Participation in the Elk Valley Cumulative Effects Management Framework as co-led by the KNC.
- Encouraging the participation of the Kainai 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 Kainai 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 Kainai 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.

For each potential impact as previously described and assessed in Section 27.7, the specific mitigation measures identified that relate to the Kainai's rights and interests are described in the following sections and are also presented in Table 27.9-1.

27.9.1 Use of Lands and Resources for Traditional Fishing Purposes

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 Kainai's fishing rights including those related to their ability to know and teach the Kainai way of living during all Project phases.

Table 27.9-1: Summary of the Indigenous Impact Management Plan in relation to the Kainai

Impact on Rights and Interests	Applicable Project Phase(s)	Key Commitments/Mitigation Measures
<p>Potential Change to all Rights/Interests</p>	<ul style="list-style-type: none"> • Construction and Pre-Production • Operations • Reclamation and Closure • Post-Closure 	<p>NWP is committed to an ongoing dialogue with the Kainai, including commitments to the following:</p> <ul style="list-style-type: none"> • 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 Kainai. • 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 Kainai, 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 and recognize and respect the deep personal, community, and cultural attachment of the Kainai 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. <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 Kainai's rights and interests based on the response to the concerns raised by the Kainai and the identified Indigenous Communities:</p> <ul style="list-style-type: none"> • Engaging with the Kainai 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 Kainai 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

Impact on Rights and Interests	Applicable Project Phase(s)	Key Commitments/Mitigation Measures
		<p>the Kainai. This 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 Kainai 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 Kainai 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 Kainai 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 Kainai 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.

Impact on Rights and Interests	Applicable Project Phase(s)	Key Commitments/Mitigation Measures
<p>Potential Change to Use of Lands and Resources for Traditional Fishing Purposes</p>	<ul style="list-style-type: none"> • Construction and Pre-Production • Operations • Reclamation and Closure • Post-Closure 	<p>The mitigation measures identified for the change to use of lands and resources for traditional fishing purposes are as identified in Chapter 12, Section 12.5.3. Key mitigation measures for fishing also include, where practicable:</p> <ul style="list-style-type: none"> • Limiting erosion and contain sediment through the application of standard industry practices (Erosion and Sediment Control Plan, Chapter 33, Section 33.4.1.8). • Conducting regular inspections to ensure control measures are effective and functioning properly. • Diverting clean runoff around mine disturbed areas. • Capturing clean surface water that cannot be diverted in sediment ponds prior to release. • Limiting the mine disturbance footprint through Project design and progressive reclamation. • Prohibiting or limiting non-Indigenous access to fishing areas to assure compliance with fishing restrictions. • Respecting traditional fisheries timing windows and related seasonal rounds where practicable. • As there is potential for access within the Project footprint, NWP is committed to creating permanent access during the Post-Closure phase for future traditional activities including fishing where practicable. • Developing NUE areas in collaboration with Indigenous Communities, regulators, and key stakeholders based on safety, logistical, and administrative considerations to restrict public access to fishing areas within the Project footprint. • Educating the Project workforce about fish and fish habitats and implementing a no angling policy for NWP non-Indigenous employees and contractors where practicable. • NWP will coordinate with local conservation enforcement for Alexander and West Alexander Creeks should increases in non-Indigenous recreational fishing be observed by NWP employees. • Progressive reclamation to occur such that riparian habitats are reclaimed as quickly as possible to minimize the magnitude of Project impacts at the temporal scale with collaboration where practicable with Indigenous Communities. • Continued consultation and engagement with the Kainai to identify and adapt mitigation measures to address impacts on use of lands (and waters) and resources for traditional fishing purposes within the Project footprint and the ATRI LSA.

Impact on Rights and Interests	Applicable Project Phase(s)	Key Commitments/Mitigation Measures
<p>Potential Change to Use of Lands and Resources for Traditional Hunting and Trapping Purposes</p>	<ul style="list-style-type: none"> • Construction and Pre-Production • Operations • Reclamation and Closure • Post-Closure 	<p>The mitigation measures identified for the change to use of lands and resources for traditional hunting and trapping purposes are as identified in Chapter 15 (e.g., ungulates, Chapter 15, Section 15.4.3.3). Key mitigation measures for hunting and trapping also include, where practicable:</p> <ul style="list-style-type: none"> • Minimizing disturbance and encroachment into natural vegetation, to the extent feasible, by clearing and grubbing only what is required for Construction and Pre-Production activities and progressive development of pits and Mine Rock Storage Facility. • Clearing vegetation only in the year in which the area will be required for Construction or Operation activities to minimize the extent of cleared vegetation, to the extent possible. • Sequencing the development of pits and Mine Rock Storage Facility areas to limit total disturbance during any one period and maximizing progressive reclamation opportunities during Operations where practicable. • Implementation of the Erosion and Sediment Control Plan (Chapter 33, Section 33.4.1.4) to reduce the potential for sedimentation of riparian, wetland, and aquatic habitat used by wildlife VCs. • Minimizing sensory disturbances and disruption by limiting construction activities, especially those with high noise impact, to daytime hours and appropriately timing construction activities to minimize cumulative noise levels. • Installing and maintaining noise and light mitigation measures, where practicable, on and around Project infrastructure to minimize sensory disturbances. • A wildlife education program will be developed to raise awareness of requirements and commitments to avoid wildlife and protect wildlife and wildlife habitat including educating employees on noise impacts and potential mitigation/control measures through appropriate training. • Management of vehicle traffic (including limiting road traffic and access and the Traffic Control Plan) contributes to minimization of sensory disturbance and direct mortality along roads and reducing the barrier effect of roads or filters to movement. • Wildlife will be given the right-of-way on all Project roads and gaps will be created in snowbanks to allow for unimpeded wildlife passage across roads at regular intervals. • Preventing wildlife entrapment through implementation of wildlife protection protocols including during avalanche control activities.

Impact on Rights and Interests	Applicable Project Phase(s)	Key Commitments/Mitigation Measures
		<ul style="list-style-type: none"> Minimizing the potential for exposure to chemical hazards and attractants through the use of holding tanks or closed facilities that exclude wildlife. As there is potential for access within the Project footprint, NWP is committed to creating permanent access during the Post-Closure phase for future traditional activities including hunting and trapping where practicable. Developing NUE areas in collaboration with Indigenous Communities, regulators, and key stakeholders based on safety, logistical, and administrative considerations to restrict public access to traditional hunting and trapping use areas within the Project footprint. Respecting traditional hunting and trapping timing windows and seasonal rounds where practicable. Progressive reclamation and revegetation throughout the mine life to reduce the Project footprint as quickly as possible to minimize the magnitude of Project impacts at the temporal scale with collaboration where practicable with Indigenous Communities. Continued consultation and engagement with the Kainai to identify and adapt mitigation measures to address impacts on use of lands and resources for traditional purposes within the Project footprint and the ATRI LSA.
Potential Change to Use of Lands and Resources for Traditional Harvesting and Gathering Purposes	<ul style="list-style-type: none"> Construction and Pre-Production Operations Reclamation and Closure Post-Closure 	<p>The mitigation measures identified for the change to use of lands and resources for traditional harvesting and gathering purposes are as identified in Chapter 13 (e.g., riparian habitat, Section 13.6.5.2) and Chapter 14 (e.g., whitebark pine, Section 14.5.5.2.1). Key mitigation measures for harvesting and gathering also include, where practicable:</p> <ul style="list-style-type: none"> Minimizing disturbance and encroachment into natural vegetation, to the extent feasible, by clearing and grubbing only what is required for Construction and Pre-Production activities and progressive development of pits and Mine Rock Storage Facility. Clearing vegetation only in the year in which the area will be required for Construction or Operation activities to minimize the extent of cleared vegetation, to the extent possible. Sequencing the development of pits and Mine Rock Storage Facility areas to limit total disturbance during any one period and maximizing progressive reclamation opportunities during Operations where practicable.

Impact on Rights and Interests	Applicable Project Phase(s)	Key Commitments/Mitigation Measures
		<ul style="list-style-type: none"> • Implementation of the Erosion and Sediment Control Plan (Chapter 33, Section 33.4.1.4) to reduce the potential for sedimentation of riparian, wetland, and aquatic habitats and ecosystems. • Implement the Vegetation and Ecosystems Management and Monitoring Plan (Chapter 33, Section 33.4.1.11), to limit the effects that invasive plants may have on natural vegetation. • Develop and implement whitebark pine salvage, propagation, and restoration as outlined briefly in Chapter 14, Section 14.5.5.2.1. • Revegetation with Indigenous species to limit the effects that invasive plants may have on natural vegetation. • As there is potential for access within the Project footprint, NWP is committed to creating permanent access during the Post-Closure phase for future traditional activities including harvesting and gathering where practicable. • Developing NUE areas in collaboration with Indigenous Communities, regulators, and key stakeholders based on safety, logistical, and administrative considerations to restrict public access to traditional harvesting and gathering use areas within the Project footprint. • Respecting traditional harvesting and gathering timing windows and seasonal rounds where practicable. • Identifying opportunities for harvesting and gathering prior to construction for the Kainai community members within the Project footprint and the reestablishment of plant harvesting activities in the reclamation phase. • Consideration of support for possible mapping of all high priority cultural use areas in the proximity to the Project including potential for field sampling in these sites by Indigenous Communities including support for research and development of approaches for restoring Landscape and Ecosystem VCs. • Progressive reclamation and revegetation throughout the mine life to reduce the Project footprint as quickly as possible to minimize the magnitude of Project impacts at the temporal scale with collaboration where practicable with Indigenous Communities. As part of Project Reclamation and Closure activities, the Project footprint will be reclaimed to similar ecosystem types to the local area and which previously existed before disturbance.

Impact on Rights and Interests	Applicable Project Phase(s)	Key Commitments/Mitigation Measures
		<ul style="list-style-type: none"> Continued consultation and engagement with the Kainai to identify and adapt mitigation measures to address impacts on use of lands and resources for traditional purposes within the Project footprint and the ATRI LSA.
<p>Potential Change to Physical and Cultural Heritage and Change to any Structure, Site, or Thing that is of Historical, Archaeological, Paleontological, or Architectural Significance</p>	<ul style="list-style-type: none"> Construction and Pre-Production Operations 	<p>An Archaeology Management Plan (Chapter 33, Section 33.4.1.2) was developed for the Project and describes protocols that will be followed where the Project footprint encroaches upon the recorded boundaries of pre-contact archaeological sites (pre-dating A.D. 1846) that are protected under the <i>Heritage Conservation Act</i>, in addition to best management practices for archaeological potential zones and Chance Finds. Key mitigation measures for physical and cultural heritage also include, where practicable:</p> <ul style="list-style-type: none"> Continued support of site visits from representatives of the Kainai. Providing opportunities for ceremonies on the land prior to construction of Project infrastructure. Seeking Kainai consent where applicable on any cultural heritage site or resource that may be impacted by a proposed development/land alteration. Protection of all cultural heritage sites and resources and managed in a way that is respectful of Indigenous stewardship, cultural values, and traditional teachings. NWP will support the development of a Traditional and Cultural Protection Plan to include cultural programs on site where applicable; and events and activities in communities where resource capacity may be supported by NWP. NWP with guidance from the identified Indigenous Communities will support the following: <ul style="list-style-type: none"> Recording the nature and extent of any identified trail corridors and associated passes in proximity of the Project footprint including areas potentially disturbed by Project-related infrastructure, and The rehabilitation of trails, marking of trail sections interrupted by disturbance within the Project footprint, and any additional archival information available regarding them. Continued consultation and engagement with the Kainai to identify and adapt mitigation measures to address impacts on physical and cultural heritage, and structures, sites, or things of historical, archaeological, paleontological, or architectural significance within the Project footprint and the ATRI LSA.

Impact on Rights and Interests	Applicable Project Phase(s)	Key Commitments/Mitigation Measures
<p>Potential Change to Social, Health, and Economic Conditions</p>	<ul style="list-style-type: none"> • Construction and Pre-Production • Operations • Reclamation and Closure 	<p>The mitigation measures identified for the change to social, health, and economic conditions are as identified in Chapters 17 (Section 17.5.5) and 18 (Section 18.5.4). Key mitigation measures for change to social, health, and economic conditions also include, where practicable:</p> <ul style="list-style-type: none"> • With respect to the use of lands and resources for traditional purposes (including fishing, hunting and trapping, harvesting and gathering, physical and cultural heritage, and social, health and economic conditions) NWP with guidance from the Kainai, will include a process to monitor during the relevant phases of the Project: <ul style="list-style-type: none"> ○ Potential Project contaminants to water, country foods, and medicines, including identifying areas or species of particular risk where practicable. ○ The development and implementation of mitigation and compensation strategies and measures to address contaminants related to water, country foods, and medicines and their impact on Indigenous community members and Indigenous culture. ○ A culturally appropriate communication strategy to inform Indigenous community members regarding the relative safety or risks of water, country foods, and medicine consumption in proximity of the Project based on scientific and Traditional Knowledge. ○ A joint process for the incorporation of Traditional Knowledge and the participation of Indigenous community representatives in monitoring activities relate to water, country foods, and medicines within and downstream (Alexander Creek) of the Project. • Avoidance strategies to reduce exposure by Indigenous harvesters active near the Project footprint during Operations, such as site fencing to preclude access and signage. • Implementation of the Health and Safety Management Plan (Chapter 33, Section 33.4.2.3) to mitigate possible social issues that could emerge as a result of the changes to the environment due to the Project. • Incorporating diversity and inclusivity and GBA+ in all areas of the company such that acceptable and expected behaviours are integrated in the company and are reflected at the community level. • Implementation of social safety measures and preventative plans to reduce incidents and developing incident support programs.

Impact on Rights and Interests	Applicable Project Phase(s)	Key Commitments/Mitigation Measures
		<ul style="list-style-type: none"> • Collaborating with local Indigenous organizations on diversity and inclusivity initiatives and events. • Providing preferential employment provisions including where applicable training programs that encourage the Kainai members to have the training, skills, and qualifications to apply for jobs that become available. • Developing a well-being management plan with Indigenous partners to address ways to reduce the potential effects of shift work for new Indigenous employees and to promote the safety and security of Indigenous women, girls, and 2SLGBTQIAA+ people in the workplace. • Defining goals for a certain percentage of the workforce to be comprised of Indigenous employees while prioritizing Indigenous women where applicable and requirements that all contractors and subcontractors agree to the preferential hiring process. • Providing flexible and individually tailored shift work hours for Indigenous employees new to shift work and possibly wage based employment, as well as those Indigenous employees needing time off for traditional hunting, fishing, trapping, and/or gathering activities. • Designation of an Indigenous Project Liaison to assist Indigenous employees and to address workplace concerns, the availability of different types of cultural leaves for Indigenous employees where applicable. • Distribution of relevant materials where applicable in local languages and on-site interpretation where needed for Indigenous employees, and employment assistance programs that offer culturally relevant support for Indigenous employees where applicable. • Where practicable, contracting and sub-contracting related to the Project will be given to qualified businesses that are owned at least in part by Indigenous Community members and requirements that all businesses contract employ Indigenous employees. • NWP will work with the Kainai to create economic benefits for the community that might include initiatives related to: <ul style="list-style-type: none"> ○ Capacity building; ○ Direct and indirect employment; ○ Education and training; and ○ Procurement and business relationships.

Impact on Rights and Interests	Applicable Project Phase(s)	Key Commitments/Mitigation Measures
		<ul style="list-style-type: none"> • NWP will support activities related to monitoring and address potential beneficial and adverse economic and social effects related to increased participation of Indigenous community members in the NWP work force including providing support to related Indigenous Communities to conduct community-based surveys to monitor baseline trends and track positive and negative changes in socio-economic conditions. • Continued consultation and engagement with the Kainai to identify and adapt mitigation measures to address impacts on social, health, and economic conditions within the Project footprint and the ATRI LSA.

Key mitigation measures for traditional fishing also include, where practicable:

- Limiting erosion and contain sediment through the application of standard industry practices (Erosion and Sediment Control Plan, Chapter 33, Section 33.4.1.8).
- Conducting regular inspections to ensure control measures are effective and functioning properly.
- Diverting clean runoff around mine disturbed areas.
- Capturing clean surface water that cannot be diverted in sediment ponds prior to release.
- Limiting the mine disturbance footprint through Project design and progressive reclamation.
- Prohibiting or limiting non-Indigenous access to fishing areas to assure compliance with fishing restrictions.
- Respecting traditional fisheries timing windows and seasonal rounds for related activities where practicable.
- As there is potential for access within the Project footprint, NWP is committed to creating permanent access during the Post-Closure phase for future traditional activities including fishing where practicable.
- Developing NUE areas in collaboration with Indigenous Communities, regulators, and key stakeholders based on safety, logistical, and administrative considerations to restrict public access to fishing areas within the Project footprint.
- Educating the Project workforce about fish and fish habitats and implementing an angling policy for NWP non-Indigenous employees and contractors where practicable.
- NWP will coordinate with local conservation enforcement for Alexander and West Alexander Creeks should increases in non-Indigenous recreational fishing be observed by NWP employees.
- Progressive reclamation to occur such that riparian habitats are reclaimed as quickly as possible to minimize the magnitude of Project impacts at the temporal scale with collaboration where practicable with Indigenous Communities.

NWP is committed to continued consultation and engagement with the Kainai to identify and adapt mitigation measures to address impacts on use of lands (and waters) and resources for traditional fishing purposes within the Project footprint and the ATRI LSA. The mitigation measures relevant to the fish and fish habitat VCs are connected to the Kainai's rights and interests related to their ability to fish for species of interest, their perspectives on fish quality and abundance, the values associated with sustenance based on fish resources available to the Kainai, and their ability to know and teach the Kainai way of living during all Project phases.

27.9.2 Use of Lands and Resources for Traditional Hunting and Trapping Purposes

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 Kainai's hunting and trapping rights including those related to their ability to know and teach the Kainai way of living during all Project phases.

Key mitigation measures for hunting and trapping also include, where practicable:

- Minimizing disturbance and encroachment into natural vegetation, to the extent feasible, by clearing and grubbing only what is required for Construction and Pre-Production activities and progressive development of pits and Mine Rock Storage Facility.
- Clearing vegetation only in the year in which the area will be required for Construction or Operation activities to minimize the extent of cleared vegetation, to the extent possible.
- Sequencing the development of pits and Mine Rock Storage Facility areas to limit total disturbance during any one period and maximizing progressive reclamation opportunities during Operations where practicable.
- Implementation of the Erosion and Sediment Control Plan (Chapter 33, Section 33.4.1.4) to reduce the potential for sedimentation of riparian, wetland, and aquatic habitat used by wildlife VCs.
- Minimizing sensory disturbances and disruption by limiting construction activities, especially those with high noise impact, to daytime hours and appropriately timing construction activities to minimize cumulative noise levels.
- Installing and maintaining noise and light mitigation measures, where practicable, on and around Project infrastructure to minimize sensory disturbances.
- A wildlife education program will be developed to raise awareness of requirements and commitments to avoid wildlife and protect wildlife and wildlife habitat including educating employees on noise impacts and potential mitigation/control measures through appropriate training.
- Management of vehicle traffic (including limiting road traffic and access and the Traffic Control Plan) contributes to minimization of sensory disturbance and direct mortality along roads and reducing the barrier effect of roads or filters to movement.
- Wildlife will be given the right-of-way on all Project roads and gaps will be created in snowbanks to allow for unimpeded wildlife passage across roads at regular intervals.
- Preventing wildlife entrapment through implementation of wildlife protection protocols including during avalanche control activities.
- Minimizing the potential for exposure to chemical hazards and attractants through the use of holding tanks or closed facilities that exclude wildlife.
- As there is potential for access within the Project footprint, NWP is committed to creating permanent access during the Post-Closure phase for future traditional activities including hunting and trapping where practicable.
- Developing NUE areas in collaboration with Indigenous Communities, regulators, and key stakeholders based on safety, logistical, and administrative considerations to restrict public access to traditional hunting and trapping use areas within the Project footprint.
- Respecting traditional hunting and trapping timing windows and seasonal rounds where practicable.
- Progressive reclamation and revegetation throughout the mine life to reduce the Project footprint as quickly as possible to minimize the magnitude of Project impacts at the temporal scale with collaboration where practicable with Indigenous Communities.

NWP is committed to continued consultation and engagement with the Kainai to identify and adapt mitigation measures to address impacts on use of lands and resources for traditional purposes within the Project footprint and the ATRI LSA. The mitigation measures relevant to the wildlife VCs are connected to the Kainai's rights and interests related to their ability to hunt and trap species of interest, their perspectives on the quality and abundance of these species, the values associated with sustenance based on traditional resources available to the Kainai, and their ability to know and teach the Kainai way of living during all Project phases.

27.9.3 Use of Lands and Resources for Traditional Harvesting and Gathering Purposes

The mitigation measures identified for the change to use of lands and resources for traditional harvesting and gathering purposes are as identified in Chapter 13 (e.g., riparian habitat, Section 13.6.5.2) and Chapter 14 (e.g., whitebark pine, Section 14.5.5.2.1) including the Vegetation and Ecosystems Management and Monitoring Plan and the Ecological Restoration Plan. Many of the measures to mitigate impacts to plants and vegetation VCs are part of protocols described in Chapter 33 including the Wildlife Management and Monitoring Plan (Section 33.4.1.13), Air Quality and Greenhouse Gas Management Plan (Section 33.4.1.1), the Soil Management Plan (Section 33.4.1.9), Spill Prevention, Control, and Countermeasures Plan (Section 33.4.1.10), and the Waste Management Plan (Section 33.4.1.12). These are identified in combination with the key mitigations for traditional harvesting and gathering activities to reduce the impacts on the Kainai's harvesting and gathering rights including those related to their ability to know and teach the Kainai way of living during all Project phases.

Key mitigation measures for harvesting and gathering also include, where practicable:

- Minimizing disturbance and encroachment into natural vegetation, to the extent feasible, by clearing and grubbing only what is required for Construction and Pre-Production activities and progressive development of pits and Mine Rock Storage Facility.
- Clearing vegetation only in the year in which the area will be required for Construction or Operation activities to minimize the extent of cleared vegetation, to the extent possible.
- Sequencing the development of pits and Mine Rock Storage Facility areas to limit total disturbance during any one period and maximizing progressive reclamation opportunities during Operations where practicable.
- Implementation of the Erosion and Sediment Control Plan (Chapter 33, Section 33.4.1.4) to reduce the potential for sedimentation of riparian, wetland, and aquatic habitats and ecosystems.
- Implement the Vegetation and Ecosystems Management and Monitoring Plan (Chapter 33, Section 33.4.1.11), to limit the effects that invasive plants may have on natural vegetation.
- Develop and implement whitebark pine salvage, propagation, and restoration as outlined briefly in Chapter 14, Section 14.5.5.2.1.
- Revegetation with Indigenous species to limit the effects that invasive plants may have on natural vegetation.
- As there is potential for access within the Project footprint, NWP is committed to creating permanent access during the Post-Closure phase for future traditional activities including harvesting and gathering where practicable.

- Developing NUE areas in collaboration with Indigenous Communities, regulators, and key stakeholders based on safety, logistical, and administrative considerations to restrict public access to traditional harvesting and gathering use areas within the Project footprint.
- Respecting traditional harvesting and gathering timing windows and seasonal rounds where practicable.
- Identifying opportunities for harvesting and gathering prior to construction for the Kainai community members within the Project footprint and the reestablishment of plant harvesting activities in the reclamation phase.
- Consideration of support for possible mapping of all high priority cultural use areas in the proximity to the Project by Indigenous Communities including support for research and development of approaches for restoring Landscape and Ecosystem VCs.
- Progressive reclamation and revegetation throughout the mine life to reduce the Project footprint as quickly as possible to minimize the magnitude of Project impacts at the temporal scale with collaboration where practicable with Indigenous Communities. As part of Project Reclamation and Closure activities, the Project footprint will be reclaimed to similar ecosystem types to the local area and which previously existed before disturbance.

NWP is committed to continued consultation and engagement with the Kainai to identify and adapt mitigation measures to address impacts on use of lands and resources for traditional purposes within the Project footprint and the ATRI LSA. The mitigation measures relevant to the plant and vegetation VCs are connected to the Kainai's rights and interests related to their ability to harvest and gather plant species of interest, their perspectives on the quality and abundance of these species, the values associated with sustenance based on traditional resources available to the Kainai, and their ability to know and teach the Kainai way of living during all Project phases.

27.9.4 Physical and Cultural Heritage, and Change to any Structure, Site, or Thing that is of Historical, Archaeological, Paleontological, or Architectural Significance Impact Management

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 Kainai. 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. This will include:

- Monitoring by a qualified archaeologist throughout the duration of mechanical activity within defined site boundaries.

- Salvage inspection ($\leq 20\%$ sample screening) of mechanically-excavated sediment extracted from and immediately adjacent to recorded archaeological sites.
- Short-term or long-term halt(s) of mechanical activity should significance archaeological resources be exposed.
- Salvage inspection (100% screening) should any of topsoil/sediment that originates from within an archaeological site be required to be removed from the locality of the site area.

These are identified in combination with the key mitigations for physical and cultural heritage to reduce the impacts on the Kainai's rights including those related to their ability to know and teach the Kainai way of living during all Project phases. Key mitigation measures for physical and cultural heritage also include, where practicable:

- Continued support of site visits from representatives of the Kainai.
- Providing opportunities for ceremonies on the land prior to construction of Project infrastructure.
- Seeking Kainai consent where applicable on any cultural heritage site or resource that may be impacted by a proposed development/land alteration.
- Protection of all cultural heritage sites and resources and managed in a way that is respectful of Indigenous stewardship, cultural values, and traditional teachings.
- NWP will support the development of a Traditional and Cultural Protection Plan to include cultural programs on site where applicable; and events and activities in communities where resource capacity may be supported by NWP.
- NWP with guidance from the identified Indigenous Communities will support the following:
 - Recording the nature and extent of any identified trail corridors and associated passes in proximity of the Project footprint including areas potentially disturbed by Project-related infrastructure, and
 - The rehabilitation of trails, marking of trail sections interrupted by disturbance within the Project footprint, and any additional archival information available regarding them.

Continued consultation and engagement with the Kainai to identify and adapt mitigation measures to address impacts on physical and cultural heritage, and structures, sites, or things of historical, archaeological, paleontological, or architectural significance within the Project footprint and the ATRI LSA. The mitigation measures relevant to the Kainai's physical and cultural heritage are connected to the Kainai's rights and interests related to their perspectives on access to these sites, the values associated with the traditional resources available to the Kainai, and their ability to know and teach the Kainai way of living during all Project phases.

27.9.5 Social, Health, and Economic Conditions Impact Management

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 Kainai's traditional activities to reduce the impacts on the Kainai's interests including those related to their ability to know and teach the Kainai way of living during all Project phases.

Key mitigation measures for change to social, health, and economic conditions also include, where practicable:

- With respect to the use of lands and resources for traditional purposes (including fishing, hunting and trapping, harvesting and gathering, physical and cultural heritage, and social, health and economic conditions) NWP with guidance from the Kainai, will include a process to monitor during the relevant phases of the Project:
 - Potential Project contaminants to water, country foods, and medicines, including identifying areas or species of particular risk where practicable.
 - The development and implementation of mitigation strategies and measures to address contaminants related to water, country foods, and medicines and their impact on Indigenous community members and Indigenous culture.
 - A culturally appropriate communication strategy to inform Indigenous community members regarding the relative safety or risks of water, country foods, and medicine consumption in proximity of the Project based on scientific and Traditional Knowledge.
 - A joint process for the incorporation of Traditional Knowledge and the participation of Indigenous community representatives in monitoring activities relate to water, country foods, and medicines within and downstream (Alexander Creek) of the Project.
- Avoidance strategies to reduce exposure by Indigenous harvesters active near the Project footprint during Operations, such as site fencing to preclude access and signage.
- Implementation of the Health and Safety Management Plan (Chapter 33, Section 33.4.2.3) to mitigate possible social issues that could emerge as a result of the changes to the environment due to the Project.
- Incorporating diversity and inclusivity and GBA+ in all areas of the company such that acceptable and expected behaviours are integrated in the company and are reflected at the community level;
- Implementation of social safety measures and preventative plans to reduce incidents and developing incident support programs.
- Collaborating with local Indigenous organizations on diversity and inclusivity initiatives and events.
- Providing preferential employment provisions including where applicable training programs that encourage the Kainai members to have the training, skills, and qualifications to apply for jobs that become available.
- Developing a well-being management plan with Indigenous partners to address ways to reduce the potential effects of shift work for new Indigenous employees and to promote the safety and security of Indigenous women, girls, and 2SLGBTQIAA+ people in the workplace.
- Defining goals for a certain percentage of the workforce to be comprised of Indigenous employees while prioritizing Indigenous women where applicable and requirements that all contractors and subcontractors agree to the preferential hiring process.

- Providing flexible and individually tailored shift work hours for Indigenous employees new to shift work and possibly wage based employment, as well as those Indigenous employees needing time off for traditional hunting, fishing, trapping, and/or gathering activities.
- Designation of an Indigenous Project Liaison to assist Indigenous employees and to address workplace concerns, the availability of different types of cultural leaves for Indigenous employees where applicable.
- Distribution of relevant materials where applicable in local languages and on-site interpretation where needed for Indigenous employees, and employment assistance programs that offer culturally relevant support for Indigenous employees where applicable.
- Where practicable, contracting and sub-contracting related to the Project will be given to qualified businesses that are owned at least in part by Indigenous Community members and requirements that all businesses contract employ Indigenous employees.
- NWP will work with the Kainai to create economic benefits for the community that might include initiatives related to:
 - Capacity building;
 - Direct and indirect employment;
 - Education and training; and
 - Procurement and business relationships.
- NWP will support activities related to monitoring and address potential beneficial and adverse economic and social effects related to increased participation of Indigenous community members in the NWP work force including providing support to related Indigenous Communities to conduct community-based surveys to monitor baseline trends and track positive and negative changes in socio-economic conditions.

Continued consultation and engagement with the Kainai to identify and adapt mitigation measures to address impacts on social, health, and economic conditions within the Project footprint and the ATRI LSA. The mitigation measures relevant to the Kainai's social, health, and economic conditions are connected to the Kainai's interests related to their perspectives on country food consumption, the values associated with the traditional resources available to the Kainai, and their ability to know and teach the Kainai way of living during all Project phases.

27.9.6 Summary of the Indigenous Impact Management Plan

The Indigenous Impact Management Plan commitments and mitigation measures related to the Kainai's rights and related interests are presented above in Table 27.9-1.

27.10 Assessment of Potential Impacts on the Kainai's Rights and Interests

Considering the assessment of effects of the changes to the environment on the Kainai and the cumulative effects assessment, detailed in Sections 27.7.3 and 27.7.4 and the outline of the Indigenous Impact Management Plan in Section 27.9, this section describes the results of the assessment of the impacts on the Kainai's rights and interests as a result of the Project. It includes a description and an assessment of the potential impact of the Project on Kainai's rights and interests considering the potential future use of the Project footprint with and without the Project.

The potential for impacts on Aboriginal and Treaty rights and interests may occur when there is potential for residual (after mitigation) Project effects (direct, indirect and/or cumulative) on traditional activities such as fishing, hunting and trapping, harvesting and gathering, or on activities associated with traditional use such as travel and navigation, ceremonial and sacred sites, and on physical and cultural heritage areas. This section provides an assessment of the possible impacts on the Kainai's rights and interests through the determination of potential Project effects on traditional land and resource use, including: potential change to use of lands and resources for traditional purposes; potential change to physical and cultural heritage and to any structure, site, or thing that is of historical, archaeological, paleontological, or architectural significance; and potential change to social, health, and economic conditions based on both the publicly available information and feedback received on this section and related consultation activities summarized in Section 27.5.4 (IAAC, 2020a; Appendix 27-A, Table 27.A-22). It should be noted that as previously identified, Kainai's Aboriginal and Treaty rights and interests are defined as those outlined in the correspondence from the Impact Assessment Agency of Canada (IAAC, 2020a), indicating the Agency's preliminary understanding of the nature and extent of the Kainai's Aboriginal and Treaty rights and interests as described in Section 27.5.4. As noted in Section 27.5.4, under the terms of Treaty 7, the Kainai have an established right to hunt for which the impacts identified in relation to the use of land and resources for traditional purposes related to hunting and trapping this has been addressed in Section 27.10.2.1.2.

27.10.1 Assessment Methods

The objective of assessing the level of the severity of the impact on Kainai's rights and interests as required by IAAC (EIS Guidelines; CEAA, 2015; IAAC, 2020a) is to assess the level of severity of the impacts that the Project may have on the exercise of these rights and related interests. An iterative approach has been taken to evaluating the severity of impacts; it may be deemed necessary to update the evaluation as new information becomes available and/or as new mitigation measures are proposed. At the time of the submission of this chapter, the Kainai have yet to submit a Traditional Knowledge/Traditional Land and Resource Use study within the ATRI LSA for the Project. Therefore, the information utilized reflects NWP's current determination of level of severity of adverse impacts, the understanding of which may be further refined through continued consultation with the Kainai. Additionally, the overall confidence of the severity of impact on Kainai's rights and interests is considered to be low to moderate due to the TLU for the ATRI LSA having not been submitted by the Kainai.

Generally, the methods for assessing potential impact on Aboriginal and Treaty rights and interests in relation to the Project are as listed in Section 27.3 and further details are provided on the following:

- Consider the seven guiding principles as outlined in the *CEAA-Mikisew Cree First Nation Methodology for Assessing Potential Impacts on the Exercise of Aboriginal and Treaty Rights of the Proposed Frontier Oil Sands Mine Project* (CEAA-MCFN, 2018), to understand whether the Project will have a residual impact on the exercise of rights. A lens based on the seven guiding principles was applied for the assessment of impacts to rights and interests related to the Project; and
- Identify and describe potential adverse impacts that may result from the residual effects including cumulative environmental effects in terms of *IAAC Guidance: Assessment of Potential Impacts on the Rights of Indigenous Peoples*, updated 2022 (IAAC, 2022b). The criteria include likelihood,

geographic extent, frequency, duration, and reversibility, cultural well-being, health, cumulative impacts, governance, impact inequity, and the severity of these adverse impacts¹².

The identification and assessment of potential Project-related impacts to Aboriginal and Treaty Rights and Interests is to inform the EA/IA regulatory decision-making processes and planning of the Project. Through this impact on rights assessment and continued consultation with the Kainai, Project-related impacts to Kainai's Aboriginal and Treaty rights can be used to inform Agency decision making.

Current use as defined in Section 27.6.6 is reflective of current use of land and resources for traditional purposes as well as the potential desired future use by the Kainai. The potential future use of the Project footprint, the ATRI LSA, and the ATRI RSA without the Project in place for the exercise of the Kainai's rights and interests is in consideration of the certain past, present, and reasonably foreseeable future projects and activities within the ATRI RSA that could potentially impact the potential future use of lands and resources for traditional purposes, potential change to physical and cultural heritage activities and areas, potential change to any structure, site, or thing that is of historical, archaeological, paleontological, or architectural significance, and the potential future social, health, and economic conditions.

The assessment of the potential impacts on the Kainai's rights and interests described in Section 27.10.2 are in consideration of the existing and potential future use of the Project footprint, the ATRI LSA, and the ATRI RSA by the Kainai to exercise their rights and interests with and without the Project. This section also notes where applicable that the potential future use of the Kainai to exercise its rights in the ATRI LSA and RSA has likely been influenced by past and ongoing development activities that have been included in the description of the baseline conditions in Section 27.6 utilizing the assessment methodology identified in Chapter 5 and referenced in Sections 27.3 and 27.7.4.2.

27.10.1.1 Limitations of the Impact on Rights and Interests Assessment

As noted in Section 27.6.6, not all heritage is "tangible" and can be quantified as physical sites and objects. Intangible cultural heritage for the Kainai includes traditional knowledge, practices, and skills which can define culture such as language, oral history, art techniques, rituals, stories, intergenerational transfer of knowledge, representations, values, landscapes, and place names. The Kainai's language and culture, which are intangible cultural resources are understood to include non-site-specific values that are based in Kainai Traditional Knowledge, but which may be spatially indistinct or difficult to record using maps. The connection that the Kainai have with the land is an example of intangible cultural heritage. As a result of environmental change, including from urbanization and industrial development, the connection to the land can be "broken" and result in impacts to intangible cultural heritage.

There is limited information available publicly, and none provided by Kainai directly regarding the importance of the land proposed for the Project and how it ties to their cultural heritage. As such, while the potential that physical changes to the land and resources may also result in impacts to intangible cultural heritage have been identified, without direct input from the Kainai that provides their perspective on what these cultural impacts may mean to them, confidence in the characterization of the determination of severity of adverse cultural impact is rated as low. At this time, due to the lack of information available on intangible cultural values, Section 27.10.2.1 does not fully assess the degree of severity of adverse cultural impacts.

¹² Based on the criteria identified by IAAC in the Guidance: Assessment of Potential Impacts on the Rights of Indigenous Peoples, updated 2022.

Through ongoing engagement and consultation with the Kainai, NWP hopes to gain more insight into the potential for these impacts and to better understand their severity to allow for the development of appropriate impact management measures. It is to be noted that the assessment on impact to the Kainai's rights and interests is based on publicly available information and preliminary consultation and engagement with the Kainai and is not meant to supersede the Crown's formal consultation process to determine adverse impacts to rights addressed in Section 27.10.

27.10.1.2 Assessment Boundaries

Study areas represent the spatial boundaries that encompass the areas, at appropriate scales and spatial extents, in which the Project is anticipated to interact with a VC or VC group (Chapter 5). For the purposes of the assessment of impacts to Aboriginal and Treaty rights, the three spatial boundaries defined in Section 27.7.2.1 were considered in the assessment: the Project footprint, the ATRI LSA, and the ATRI RSA.

27.10.2 Potential Impacts on the Kainai's Rights and Interests

As noted in Section 27.5.4, IAAC indicated their revised understanding of potential impacts of the Project on the Kainai's Aboriginal rights (IAAC, 2020a) to include:

- Fishing;
- Hunting and Trapping;
- Harvesting and Gathering;
- Ceremonial/Sacred (i.e., Culturally Significant) Areas;
- Access and Travel (and Trade) Routes;
- Physical and Cultural Heritage; and
- Social, Health, and Economic (i.e., Health and Socio-Economic) Conditions.

Based on the assessment of the potential environmental effects of the Project, that consider Project-related residual effects and residual cumulative effects for the applicable VCs of interest (e.g., Wildlife and Wildlife Habitat VCs) and anticipated effects to non-VC groups (i.e., broad ecosystem types), and after implementation of the mitigation measures outlined in the Indigenous Impact Management Plan (Section 27.9) as well as additional information (certain intermediate and receptor VCs) included in the assessment, there is potential for adverse impacts on Kainai rights and interests that may include:

- Change to use of lands and resources for traditional purposes: Fishing;
- Change to use of lands and resources for traditional purposes: Hunting and trapping;
- Change to use of lands and resources for traditional purposes: Harvesting and gathering;
- Change to physical and cultural heritage and change to a structure, site, or item that is of historical, archaeological, paleontological, or architectural significance; and
- Change to social, health, and economic conditions.

As outlined in Section 27.7.3.2.6, the potential impact on Kainai's rights related to Physical and Cultural Heritage as well as any structure, site, or thing that is of historical, archaeological, paleontological, or architectural significance are combined for the purposes of the impact assessment.

Based on the EIS guidelines, the assessment of the impacts of the Project components and activities, in all phases, includes a comparison of the impact on the Kainai's rights and interests related to the biophysical

and human environments between the potential future conditions with the Project and the potential future use of the Project footprint without the Project. Potential future use of lands and resources for traditional purposes as they correspond to the Kainai's rights and interests without the Project are addressed in Section 27.10.2.1 under their respective potential impact on the Kainai's rights and interest for each identified use of lands and resources for traditional purposes.

27.10.2.1 Characterization of Severity of Adverse Impacts on the Kainai's Rights and Interests

The assessment of severity of adverse impacts on Aboriginal and Treaty rights and interests involves the consideration and evaluation of specific impact assessment criteria based on the degree (i.e., 'level') of severity for adverse impacts on the rights of the Kainai. Criteria used to characterize the degree of severity for adverse impacts on rights are defined in Table 27.10-1. The Agency's (IAAC) proposed suite of criteria (IAAC, 2022b) has been utilized to evaluate the severity of a wide range of adverse impacts on the rights of Indigenous Communities. This suite of criteria has been used as an inventory from which the set of criteria considered for the assessment of impacts on the Kainai's rights and interests has been determined, based on feedback from Kainai (Appendix 27-A, Table 27.A-2) and the methods and VCs that have been identified.

The set of severity assessment criteria included in Table 27.10-1 is adapted from the *Guidance: Assessment of Potential Impacts on the Rights of Indigenous Peoples*, updated 2022 (IAAC, 2022b) for the Project. The characterization for the severity of impacts (low, moderate, and high) have been customized for this assessment. The criteria included for this assessment are likelihood, geographic extent, frequency, duration, and reversibility, cultural well-being, health, and cumulative impacts. As a result of publicly available information and feedback received from Kainai (Appendix 27-A, Table 27.A-2), the two criteria proposed in the suite that have not been carried forward are governance and impact inequity.

As previously noted, the Kainai have not provided a Traditional Knowledge/Traditional Land and Resource Use study within the ATRI LSA for the Project; as such, this severity assessment is based on the set of criteria noted in Table 27.10-1 and NWP's current understanding of the Kainai's rights and interests according to publicly available information. Confidence in the assessment results considers the reliability of data and analytical methods used in the assessment of impact on rights. The confidence in the characterization of the severity of adverse impacts to the Kainai's rights and interests is considered to be low due to the lack of information provided by the Kainai to date. Due to the preliminary nature of the understanding of the Kainai's rights and interests (Section 27.5.4) and based on feedback from the Kainai (Appendix 27-A, Table 27.A-2), it is expected that the Crown consultation process will confirm the contents of the assessment on impact on Kainai's rights and interests described in this section.

Table 27.10-1: Criteria for Assessing the Level of Severity of the Impacts of the Project on the Exercise of Rights (IAAC, 2022b)¹³

Impact Criteria	Characteristics	Severity of Impact Levels
Likelihood	The full lifecycle of the Project, including its various stages and lifespan, is considered in determining the likelihood of an effect occurring. The likelihood of an impact on rights occurring considers the certainty of the potential change to environmental conditions as a result of the Project and available information on the extent to which the rights holder uses the Project area to exercise their rights.	<p>Low - A potential impact is unlikely but could occur. The land/water resource is not known to be used by the rights holder to exercise their rights.</p> <p>Moderate - A potential impact is likely to occur. The land/water resource is known to be used but infrequently by the rights holder to exercise their rights.</p> <p>High - An impact is highly likely to occur. The land/water resource is known to be used frequently by the rights holder to exercise their rights.</p>
Geographic extent	Geographic extent refers to the spatial area over which the impact is predicted to occur. The qualitative scales for characterizing geographic extent include the Project footprint, the ATRI LSA, and the ATRI RSA. The extent of an impact is described in terms of how much of the traditional territory would be impacted. Key information required for this criterion includes the location of each Indigenous community's traditional or treaty territory and interactions with the Project's effects.	<p>Low - The impact could occur over a small spatial extent (e.g., Project footprint) relating to the exercise of rights. Impacts are not expected within areas of preferred or exclusive use.</p> <p>Moderate - The impact could occur over a moderate spatial extent (e.g., the LSA) relating to the exercise of rights. Impacts may occur within areas of preferred use.</p> <p>High - The impact could occur over a large spatial extent (e.g., the RSA) relating to the exercise of rights. Impacts expected within areas of preferred use or high value.</p>
Frequency, duration, and reversibility	Frequency describes how often an impact could occur within a given time period. Duration refers to the length of time that an impact on a right is discernible. A reversible impact is one where the exercise of rights is expected to recover from the impact caused by the Project.	<p>Low - The impact lasts less than 5 years. The impact would be confined to one discrete period during the life of the Project. The impact may be reversed in the short term.</p> <p>Moderate - The impact may last up to one generation. The impact would occur at sporadic, intermittent intervals, and throughout the operation and decommissioning of the Project. The impact may be reversed within one generation.</p>

¹³ Based on the criteria identified by IAAC in the Guidance: Assessment of Potential Impacts on the Rights of Indigenous Peoples, updated 2022.

Impact Criteria	Characteristics	Severity of Impact Levels
		<p>High - The impact is likely to persist over multiple generations. The impact would occur constantly during, and potentially beyond, the life of the Project. The impact cannot be reversed either in whole or in part.</p>
Cultural well-being	<p>Cultural well-being can be considered as the ability of an Indigenous community to continue customs, traditions, and practices integral to the community's distinct culture. Many rights are based on a unique relationship to the landscape that cannot be replicated elsewhere.</p> <p>The assessment considers impacts on the following types of areas that could hold cultural importance within an Indigenous community's territory. It is noted that the values associated with the different areas may overlap with one another:</p> <p>Physical heritage areas and structure, site, or item that is of historical, archaeological, paleontological, or architectural significance with certain tangible resources, such as notable densities of archaeological sites or burial grounds. Areas where traditional lifestyles are practiced through activities such as fishing, hunting and trapping, and harvesting and gathering. Ceremonial/sacred sites of particular spiritual importance. Cultural landscapes with interconnected access, including the travel routes and spaces between them.</p>	<p>Low - No or little indication that there would be any impact on areas of cultural importance. The impact is not likely to impeded peaceful access to practice cultural activities. The Indigenous community has only minor concerns about impacts from the Project or activity on health or integrity of resources and/or places used to practice rights.</p> <p>Moderate - There may be an impact on areas and/or practices of cultural importance. The impact may impede or alter access to practice cultural activities. There may be loss of habitat or availability of culturally important species. The disturbance may be of a physical or sensory nature.</p> <p>High - There would likely be an impact on areas and/or practices of cultural importance. Multiple impacts could occur to one area of high importance. There would likely be loss of habitat or availability and quality of culturally important species. Access to areas required to practice cultural activities would likely be disrupted or limited. The disturbance may be of a physical or sensory nature or may affect laws, knowledge, customs, and/or spiritual practices.</p>
Health	<p>Utilizing health as dimension for analysis of severity for all impacts on rights is to capture the inter-relatedness of impacts on rights and impacts on the health conditions of the Indigenous community.</p> <p>For the purposes of this assessment, "health" includes considerations of physical, mental, emotional, and spiritual health, including Indigenous views of health.</p>	<p>Low - The Indigenous community has minor to no concerns about impacts from the Project or activity on health, the Project is not likely to pose environmental effects to health, including effects to country foods.</p> <p>Moderate - There may be an impact on the physical, mental, emotional, and/or spiritual aspects of health on an individual and/or broader community basis. The Project has the potential to result in effects on food sources or cultural species of importance to traditional</p>

Impact Criteria	Characteristics	Severity of Impact Levels
		<p>diets, and to food security. The exercise of rights is altered due to quantifiable and/or perceived effects from the Project.</p> <p>High - There are significant effects from the Project on food sources or cultural species and to food security. The community has serious concerns about impacts to holistic and/or traditional models of health. Perception of effects to health interferes with, alters, and/or stops the exercise of Indigenous rights, the Project is likely to impact health on a community-wide level.</p>
Cumulative impacts	<p>Cumulative impacts on a right may result from the Project in combination with impacts of past, existing, and future Projects or activities. Cumulative impacts may have a regional or historic context and may extend to aspects of rights related to socio- economic conditions, health, culture, heritage, and other matters tied to an Indigenous community's history and connection to the landscape. While the outcomes of the cumulative effects assessment, are included under this criterion, cumulative impacts consider a broader range of impacts and are not limited to a consideration of impacts from Projects and activities.</p>	<p>Low - The Project or activity has no to limited impacts on environmental components relevant to rights and/or is in an area with few past/ongoing developments that cause environmental effects. Cumulative effects are not expected to results from the development of the Project.</p> <p>Moderate - There are other land use activities, including existing or proposed Projects in the community's territory that impact the practice of rights. The development of the Project may cause environmental effects that could combine with the ongoing or future environmental effects of other Projects that may contribute to addition impacts on rights.</p> <p>High - There are many historic, current, or proposed Projects in the area and there is a high level of disturbance on the environment that is impacting the excise of rights. The development of the Project is likely to result in additional environmental effects that are likely to combine with the ongoing or future environmental effects that may contribute to addition impacts on rights.</p>

Source: Guidance: Assessment of Potential Impacts on the Rights of Indigenous Peoples, updated 2022 (IAAC, 2022b).

27.10.2.1.1 Impact on Use of Lands and Resources for Traditional Purposes: Fishing

The Project has the potential to impact Kainai's fishing rights and interests through the following:

- The potential for reduction in populations of fish species of interest (e.g., Westslope Cutthroat Trout, Bull Trout, and Rocky Mountain Whitefish) 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 Kainai from fishing locations within the Project footprint resulting in impacts to their ability to know and teach the Kainai way of living.

The impact on the opportunity to fish and the use of fish species for traditional purposes due to the Project are characterized as follows:

- **Likelihood:** *Low to Moderate*, while there is the potential for this impact to occur, the Kainai have not provided specific information to date regarding their current use of Alexander Creek for fish and fishing opportunities or whether they have an interest in using the creek in the future. It is acknowledged that the Kainai have the potential to use Alexander Creek where it supports fish and fish habitat VCs, including Westslope Cutthroat Trout, Bull Trout, and Rocky Mountain Whitefish given their interest in these species within the ATRI LSA.
- **Geographic Extent:** *Low*, as the impact on the exercise on rights will occur over a small spatial extent (West Alexander Creek). Further, the Kainai have not provided any specific information to date regarding their current use of Alexander Creek for fishing or whether they have an interest in using the creek in the future. Impacts on rights and interests within areas of the Kainai's preferred or exclusive use are based on consultation with Kainai (Appendix 27-A, Table 27.A-2) and as identified by IAAC (IAAC, 2020a).
- **Frequency, Duration, and Reversibility:** *Low to Moderate*, as while the impact (removal) to West Alexander Creek will be permanent, impacts to the remaining sections of Alexander Creek during the life of the Project are expected to be infrequent and low in magnitude and largely reversible. The Kainai have not provided any specific information to date regarding their use of Alexander Creek for fishing or whether they have an interest in using the creek in the future. While the removal of sections of West Alexander Creek may adversely affect fishing activity, the opportunity to fish in this Creek by the Kainai is not expected to be affected in the long term. The main branch of Alexander Creek which has the potential for fish and fishing opportunity, will not be physically altered by the Project. Impacts to fish habitat, such as the loss of instream habitat, will be compensated for through the Fish and Fish Habitat Management Plan resulting in no net loss of instream habitat as a result of the Project.
- **Cultural Well-being:** *Moderate*, as while there is potential for the Alexander Creek to be culturally important to the Kainai, they have not provided any information to date regarding the importance of the creek to the nation. It is acknowledged that the Kainai have the potential to use

watercourses that support Westslope Cutthroat Trout, Bull Trout, and Rocky Mountain Whitefish Westslope Cutthroat Trout given their interest in these species within the ATRI LSA.

- Health: *Low*, as the Project is not likely to pose environmental effects to health of the Kainai related to fish harvesting as surface water quality is not expected to be altered significantly due to mitigation measures identified (Site Water Management Plan) and continued monitoring will help improve adaptive management measures. The low rating also reflects that the Kainai have not provided any specific information to date regarding their use of Alexandra Creek for fish and fishing opportunity or whether they have an interest in using the Creek in the future.
- Cumulative Impacts: *Moderate*, as the Project in combination with other reasonably foreseeable future projects and activities is not anticipated to result in measurable residual cumulative Project effects that will reduce the ability and opportunity of the Kainai 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 27.7.4.2). 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. Kainai perspectives on cumulative effects in the ATRI RSA note that *"waterways and the fish, and other species that rely on them are on the brink of devastation due to coal mining (Appendix 27-A, Table 27.A-2)."* The cumulative impact is determined as moderate due to the lack of information available from the Kainai 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 Kainai way of living can continue outside of the Project footprint during all Project phases.

Degree of Severity for Adverse Impacts

The degree in severity of impact on Kainai's rights for the use of lands and resources for fishing and fish opportunities is rated as low to moderate based on the criteria noted above. 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 Kainai from fishing locations within the Project footprint, for which there is no current mitigation identified (Appendix 27-A, Table 27.A-2). It is further noted that that this physical alteration and potential change in the opportunity of the Kainai to practice related traditional activities (e.g., fishing) may also have impacts on intangible cultural heritage. Due to the lack of current information available on their use of the Project footprint for traditional purposes, understanding and characterizing these potential related impacts to their intangible cultural heritage requires further input from the Kainai.

Though baseline data was sufficient to evaluate effects for the fish and fish habitat VCs, there is no current information available indicating that the Kainai use the watercourses within the Project footprint. The Kainai have also not expressed to date an interest in possibly using the project-impacted watercourse (Alexander Creek) in the future (Appendix 27-A, Table 27.A-1 and Table 27.A-2). 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 and engagement with the Kainai, 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 the Kainai's rights and interests.

Potential Future Use without the Project of Lands and Resources for Traditional Purposes: Fishing

This section describes the potential future use of lands and resources related to fishing for traditional purposes in the Project footprint, the ATRI LSA, and the ATRI RSA without the Project in place. This is in consideration of the certain past, present, and reasonably foreseeable future projects and activities within the ATRI RSA that could impact the potential future use of lands and resources related to fishing as it relates to the potential impact on the Kainai's ability to exercise this right. As previously noted, the Kainai have not provided any information to date regarding their use of lands and resources related to fishing in the Project footprint or whether they have an interest in using the waterways in the Project footprint for fishing in the future. It is acknowledged that the Kainai have the potential to use watercourses in the ATRI LSA such as Alexander Creek that support fish and fish opportunity given the importance of healthy waterways within the ATRI LSA and RSA.

Past and ongoing projects and activities located in the ATRI LSA and RSA may likely be impacting the real or perceived quality and quantity of fish and fishing opportunities available for the Kainai in preferred locations to exercise the Kainai's rights and interests. As noted in Section 27.7.4.2 and in Chapter 12, with respect to the reasonably foreseeable future projects and activities in the ATRI RSA and based on the historical baseline of cumulative effects, past and current development activity in the ATRI LSA and RSA includes for example other mines, forestry activity (including logging in the Elk Valley), housing development, transportation facilities (roads), and recreation activities. It is anticipated that these activities will continue in the future without the Project and will continue to have influence on watercourses (water quality and quantity) and possibly fishing activity.

There is a potential for cumulative effects without the Project as the rivers and streams of the ATRI RSA including multiple reaches have experienced industrial effects and contaminant loading due to the impact on related ecosystems by forestry, mining, recreational development, and associated road networks. The Elk River system has been noted to be affected by sport fishing, transportation infrastructure, mining related impacts, and forestry activities which are anticipated to continue without the Project. The Elk River Valley has also seen substantial residential development and associated municipal water use and waste effluent deposition which are anticipated to continue without the Project.

While past, present, and the reasonably foreseeable future projects and activities in the ATRI RSA have the potential for impact on the Kainai's rights for fishing for traditional purposes, the total footprint of the potential future use related to fishing without the Project in the Elk Valley represents a relatively small proportion of the overall Elk River watershed area. Effects on fish or fish habitat due to past and ongoing projects and activities in the ATRI RSA will interact with foreseeable future development, and with changes in the environment, and are expected to continue to have an adverse effect on the Kainai's rights and interests without the Project. Table 27.10-2 presents a summary of the potential impacts of the Project on the Kainai's rights and interests related to fishing opportunities in comparison to a future scenario without the Project.

Table 27.10-2: Summary of Impact on the Kainai’s Fishing Rights and related Interests based on Potential Future Use with and without the Project

Impact on Rights Interests and Interests	Project Phase(s)	Potential Future Use with Project	Potential Future Use without Project
Potential Impacts on Fishing Rights.	Construction and Pre-Production	<p>Potential loss of fishing opportunities and the potential to impact on fishing rights due to potential interactions with:</p> <ul style="list-style-type: none"> • The loss of West Alexander Creek as a result of mine development and the storage of mine rock with the potential to impact traditional fishing due to the potential reduction of populations of fish species of interest. • Non-contact surface runoff/erosion where bare soils are exposed during logging, grubbing, and sedimentation of bare soils with the potential to impact traditional fishing due to potential for changes to the actual or perceived accessibility, health, and quality of potential fish species of cultural interest/use for country foods. • Potential localized changes in accessibility to fishing areas and the riparian habitat including temporary restrictions on access to Alexander Creek (e.g., during blasting activities). • The installation of water supply pipelines from Grave Creek and West Alexander Creek to result in potential changes in water level and erosion and sedimentation with the potential to impact on traditional fishing due to potential for changes to the actual or perceived accessibility, health, and quality of potential fish species of cultural interest/use for country foods. • The potential for the permanent alienation of the Kainai from fishing locations within the Project footprint resulting in impacts to their ability to know and teach the Kainai way of living. 	<p>Potential impact on rights without the Project:</p> <ul style="list-style-type: none"> • The Kainai have not to date provided information regarding their possible fishing activity within the Project footprint. Nevertheless, there is potential for the use of watercourses for fishing by the Kainai members in the ATRI LSA (e.g., Alexander Creek) and in the RSA (e.g., Elk River). • Past and current development activity in the ATRI LSA and RSA has resulted in changes to watercourses and fish populations. This includes for example other mines, forestry activity (including logging), housing development, transportation facilities (roads), and recreation activities. It is anticipated that these activities will continue in the future without the Project and continue to have influence on watercourses (water quality and quantity) and possibly fishing activity.

Impact on Rights Interests and Interests	Project Phase(s)	Potential Future Use with Project	Potential Future Use without Project
	Operations	<p>Potential loss of fishing opportunities and the potential impact on fishing rights due to potential interactions with:</p> <ul style="list-style-type: none"> • The release of nitrogen compounds and other contaminants from storage areas and wash facilities with the potential to impact traditional fishing due to the potential for change in water quality in Alexander Creek that could result in impacts to abundance and quality of fish species of interest. • Mining activities (sedimentation, erosion, spills, contact runoff, nitrate, selenium, sulphate contamination from broken rock and dust) with the potential to impact traditional fishing due to potential for changes to the actual or perceived accessibility, health, and quality of potential fish species of cultural interest/use for country foods. • Potential changes to the actual or perceived accessibility, health, and quality of potential fish species of cultural interest/use for country foods due to mining activities. • Sensory disturbances to potential fish species of interest due to detonation of explosives and other mine activities. • Potential reduction of flows in Grave Creek through use as a secondary source of process make-up water, with potential to impact on surface water quality and quantity resulting in the potential for the permanent alienation of the Kainai from fishing locations within the Project footprint and their ability to know and teach the Kainai way of living. • Potential reduction in flow of West Alexander Creek during coal reject disposal, hauling and dumping or mine rock, with the potential to impact fish species of interest and their habitat may potentially impact traditional fishing due to the potential reduction of populations of fish species of interest. • 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. 	<ul style="list-style-type: none"> • These past and ongoing projects and activities located in the ATRI LSA and RSA may likely be impacting real or perceived quality and quantity of fish and fishing opportunities available for the Kainai in preferred locations. These past and ongoing activities may be impacting the ability of the Kainai to exercise their rights related to fishing in the ATRI LSA and RSA. • Related to local area changes described above, the Elk River Valley has also seen substantial residential development and associated municipal water use and waste effluent deposition which may potentially impact fish and fishing opportunities that are anticipated to continue without the Project.

Impact on Rights Interests and Interests	Project Phase(s)	Potential Future Use with Project	Potential Future Use without Project
		<ul style="list-style-type: none"> • Potential interaction with fish species of interest and their habitat through sedimentation or changes in water levels through the management (discharge) of the Main Sediment Pond may potentially impact traditional fishing due to the potential reduction of populations of fish species of interest. • The potential for the permanent alienation of the Kainai from fishing locations within the Project footprint resulting in impacts to their ability to know and teach the Kainai way of living. 	
	Reclamation and Closure	<p>Potential loss of fishing opportunities and the potential impact on fishing due to potential interactions with:</p> <ul style="list-style-type: none"> • Fish species of interest and their habitat through erosion and sedimentation of bare soils may potentially impact traditional fishing due to the potential reduction of populations of fish species of interest. • Potential change to the interconnection throughout the ecosystem due to interaction of ecological features may potentially impact traditional fishing resulting in the potential for the permanent alienation of the Kainai from fishing locations within the Project footprint and their ability to know and teach the Kainai way of living. • Potential for reduction of the quality and accessibility of fish species of interest for traditional/cultural purposes or country foods should insufficient effects monitoring take place that affects the mitigation measures utilized. • The potential for the permanent alienation of the Kainai from fishing locations within the Project footprint resulting in impacts to their ability to know and teach the Kainai way of living. 	

Impact on Rights Interests and Interests	Project Phase(s)	Potential Future Use with Project	Potential Future Use without Project
	Post-Closure	<p>Potential loss of fishing opportunities and the potential impact on fishing due to potential interactions with:</p> <ul style="list-style-type: none"> • Fish species of interest and their habitat through erosion and sedimentation or changes in water levels through the decommissioning of the Main Sediment Pond and due to permanent rail line may potentially impact traditional fishing due to the potential reduction of populations of fish species of interest. • Potential for access within the Project footprint through the use of Branch C Road, which will remain as a permanent access road for future traditional activities such as traditional fishing in the Post-Closure phase. • Potential for reduction of the quality and accessibility of fish species of interest for traditional/cultural purposes or country foods should insufficient effects monitoring take place that affects the mitigation measures utilized. • The potential for the permanent alienation of the Kainai from fishing locations within the Project footprint resulting in impacts to their ability to know and teach the Kainai way of living. 	

27.10.2.1.2 Impact on Use of Lands and Resources for Traditional Purposes: Hunting and Trapping

The Project has the potential to impact on Kainai's hunting and trapping rights and interests through the following:

- 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 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 Kainai from hunting and trapping locations within the Project footprint resulting in impacts to their ability to know and teach the Kainai way of living.

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 hunting and trapping use by the Kainai as well as the temporary impact to the accessibility of areas used to hunt and trap in the Project footprint and the ATRI LSA.

The Project has the potential to impact on Kainai's Treaty 7 rights due to:

- 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 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 Kainai from hunting and trapping locations within the Project footprint resulting in impacts to their ability to know and teach the Kainai way of living.

In terms of specific wildlife VCs, bighorn sheep have an important significance within Kainai's spiritual and ceremonial teachings, songs, ceremonies, medicines, and stories as currently identified in Sections 27.5.4 and 27.6.6, based on preliminary feedback from Kainai (Appendix 27-A, Table 27.A-2) and as identified by IAAC (IAAC, 2020a). Follow-up on impact management measures related to bighorn sheep are identified in Chapter 15 and included in the Indigenous Impact Management Plan (Section 27.9.2).

The impact on the opportunity to hunt and trap for traditional purposes due to the Project are characterized as follows:

- Likelihood: *Low to Moderate*, as while there is potential for this impact to occur, the Kainai have not provided specific information to date regarding their use of the Project footprint for hunting and trapping. While it is acknowledged that the Kainai have the potential to hunt and trap within the ATRI RSA which may potentially be affected by wildlife habitat loss, this will be reclaimed within the ATRI RSA through reclamation and post-closure activities. Pathways of increased risk of mortality that are unlikely to be fully mitigated are collisions with Project-related traffic on access or mine roads, collisions with trains, and increased hunter access after closure.
- Geographic Extent: *Moderate*, as the potential impact to opportunities for hunting and trapping are restricted to the Project footprint and the ATRI LSA. The Kainai have not provided any specific information to date regarding their use of the Project footprint or whether they have an interest in using the area in the future, impacts on rights within areas of the Kainai's preferred or exclusive use are based on preliminary consultation with Kainai (Appendix 27-A, Table 27.A-2) and as identified by IAAC (IAAC, 2020a).
- Frequency, Duration, and Reversibility: *Low to Moderate*, as the potential impact to opportunities for hunting and trapping are restricted to the Project footprint and the ATRI LSA. The Kainai have not provided any specific information to date regarding their use of the Project footprint or whether they have an interest in using the area in the future, impacts on rights within areas of the Kainai's preferred or exclusive use are based on preliminary consultation with.
- Cultural Well-being: *Moderate*, as while there is potential for the Project footprint to be culturally important to the Kainai, they have not provided any information to date regarding the importance of the area with respect to hunting and trapping for traditional purposes. 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 due to the importance of these traditional activities to the Kainai cultural and traditional identity, and the potential importance of the available lands for traditional practices.
- Health: *Low*, as the Project is not likely to pose environmental effects to health, based on the Human Health and Ecological Risk Assessment (HHERA; Chapter 22), which encompasses changes in air quality, the overall Project-related risk to terrestrial and aquatic wildlife health, except for a few localized receptors within the Project footprint. This assessment includes effects to country foods related to ungulate, carnivore, and bird species harvested by Kainai and is assessed as low due to the sensitivity and resilience of the terrestrial wildlife health due to the low exposures/risk that are unlikely to adversely perturb local populations. The low rating also reflects that the Kainai have not provided any specific information to date regarding their use of the Project footprint or whether they have an interest in using the area for hunting and trapping for traditional purposes.
- Cumulative Impacts: *Moderate*, as the Project in combination with other reasonably foreseeable future projects and activities is not anticipated to reduce the ability and opportunity of the Kainai 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., bighorn sheep), including their ecology, habitat availability, and distribution, and occurrence and abundance, are well understood at the scale of the VC regional study areas (e.g., Terrestrial RSA). The moderate rating also reflects that the Kainai have not provided any specific information to date regarding their 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 Kainai 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.

Degree of Severity for Adverse Impacts

The degree in severity of impact on Kainai's rights and interests for the use of lands and resources for hunting and trapping is rated as low to moderate. 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 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 bighorn sheep, as identified in Section 27.7.3.2.2, 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 the Kainai for hunting and trapping have not been identified within the Project footprint through publicly-available information. Information related to the Kainai'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 the Kainai 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 moderate level of impact on the Kainai'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 the Kainai from hunting and trapping locations within the Project footprint, for which there is no current mitigation identified (Appendix 27-A, Table 27.A-1). It is further noted that that this physical alteration and potential change in the opportunity of the Kainai to practice related traditional activities (e.g., hunting and trapping) may also have impacts on intangible cultural heritage. Due to the lack of current information available on their use of the Project footprint for traditional purposes, understanding and characterizing these potential related impacts to their intangible cultural heritage requires further input from the Kainai.

Continued consultation with Kainai, 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 Kainai's rights and interests.

Potential Future Use without the Project of Lands and Resources for Traditional Purposes: Hunting and Trapping

This section describes the potential future use of lands and resources for traditional hunting and trapping in the Project footprint, the ATRI LSA, and the ATRI RSA without the Project in place. This is in consideration of the certain past, present, and reasonably foreseeable future projects and activities within the ATRI RSA that could impact the potential future use of lands and resources for traditional hunting and trapping related to the potential impact on the Kainai's ability to exercise these rights. As previously noted, the Kainai have not provided any information to date regarding their use of lands and resources for traditional hunting and trapping in the Project footprint or whether they have an interest in using the Project footprint in the future. It is acknowledged that the Kainai have the potential to use lands and resources for traditional hunting and trapping in the ATRI LSA given the importance of wildlife VCs such as bighorn sheep within the local study area and the ATRI RSA.

Past and ongoing projects and activities located in the ATRI LSA and RSA may likely be impacting the real or perceived quality and quantity of country foods available in relation to hunting and trapping for the Kainai in preferred locations to exercise the Kainai's rights and interests. As noted in Section 27.7.4.2 and in Chapter 15, with respect to the reasonably foreseeable future projects and activities in the ATRI RSA and based on the historical baseline of cumulative effects, past and current development activity in the ATRI LSA and RSA includes for example other mines, forestry activity (including logging in the Elk Valley), housing development, transportation facilities (roads), and recreation activities. It is anticipated that these activities will continue in the future without the Project and will continue to have influence on lands and resources for traditional hunting and trapping in the ATRI LSA.

There is a potential for cumulative impacts due to the spatial distribution of historical disturbance as a result of mining in the Elk Valley which has followed economic coal resources to form a long north-south band of potential mining-related disturbance. In the ATRI LSA, this north-south running band is interrupted by a few relatively undisturbed east-west corridors that provide "gaps" in the mining region for the movement of animals. This general trend of north-south oriented mining and potentially related disturbance along valley bottoms and some ridges potentially limits the east-west connectivity between alpine ranges. Without the Project footprint, other impairments to wildlife movement from highway and transportation corridors, as well as other disturbance is likely to create and maintain important barriers to animal movement, and potentially influence use of ancestral east-west trails. Past disturbance has also potentially affected the quantity and quality of certain ecosystems available for the practice of the Kainai's rights and interests in the Elk Valley. Within the ATRI RSA, these ecosystems are also important for maintaining biodiversity across the landscape, a critically important cultural value. This also emphasizes the cumulative effect of past developments on the practice of rights and interests. Table 27.10-3 presents a summary of the potential impacts of the Project on the Kainai's rights and interests related to hunting and trapping in comparison to a future scenario without the Project.

Table 27.10-3: Summary of Impact on the Kainai’s Hunting and Trapping Rights and related Interests based on Potential Future Use with and without the Project

Impact on Rights and Interests	Project Phase(s)	Potential Future Use with Project	Potential Future Use without Project
Potential Impacts on Hunting and Trapping Rights	Construction and Pre-Production	<p>Potential for decreased hunting and trapping opportunities and impact on rights due to potential interactions with:</p> <ul style="list-style-type: none"> • Wildlife species of interest through transportation of materials and personnel to site (e.g., vehicle collisions and increased traffic) and potential direct mortality from vehicle strikes may potentially impact traditional hunting and trapping due to potential localized changes in accessibility to wildlife. • 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) may potentially impact traditional hunting and trapping. • Potential change in landscape and terrestrial ecosystem types resulting in the change of wildlife food sources and movements may potentially impact traditional hunting and trapping. • 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 may potentially impact traditional hunting and trapping. • Potential loss of wildlife habitat within road and infrastructure footprint and potential change in localized wildlife species of interest movement/accessibility may potentially impact traditional hunting and trapping. • Potential stressor on wildlife population with increased access roads potentially attracting hunters and increased road densities may potentially impact traditional hunting and trapping. 	<p>Potential impact on rights Potential impact on rights without the Project:</p> <ul style="list-style-type: none"> • The Kainai have not to date provided information regarding their possible hunting and trapping activities within the Project footprint. Nevertheless, there is potential for the use of lands and resources for traditional hunting and trapping in the ATRI LSA given the importance of wildlife VCs such as bighorn sheep within the ATRI LSA and RSA. • Past and current development activity in the ATRI LSA and RSA has resulted in forming a long north-south band of potential mining-related disturbance which is interrupted by a few relatively undisturbed east-west corridors that provide “gaps” in the mining region for the movement of animals. This includes for example other mines, forestry activity, housing development, transportation facilities (roads), and recreation activities. It is anticipated that these activities will continue in the future without the Project and continue to have influence on traditional hunting and trapping activities.

Impact on Rights and Interests	Project Phase(s)	Potential Future Use with Project	Potential Future Use without Project
		<ul style="list-style-type: none"> The potential for the permanent alienation of the Kainai from hunting and trapping locations within the Project footprint resulting in impacts to their ability to know and teach the Kainai way of living. 	<ul style="list-style-type: none"> These past and ongoing projects and activities located in the ATRI LSA and RSA may likely be impacting real or perceived quality and quantity of country foods available in relation to hunting and trapping for the Kainai in preferred locations. These past and ongoing activities may be impacting the ability of the Kainai to exercise their rights related to hunting and trapping in the ATRI LSA and RSA. Related to the local study area changes described above, the Elk River Valley has also seen substantial residential development that has potentially affected the quantity and quality of certain ecosystems available for the practice of the Kainai rights and interests in the region that are anticipated to continue without the Project.
	Operations	<p>Potential for decreased hunting and trapping opportunities and impact on rights due to potential interactions with:</p> <ul style="list-style-type: none"> The release of nitrogen compounds and other contaminants from storage areas and wash facilities that may potentially affect wildlife species of interest may potentially impact traditional hunting and trapping. Potential change of wildlife species of interest food sources and movements as a result of changes in vegetation communities and terrestrial ecosystems (i.e., degradation of wildlife habitat, dust deposition) or sensory disturbances may potentially impact traditional hunting and trapping. Changes in wildlife species of interest movements/accessibility to these wildlife species due to the presence of the mine may potentially impact traditional hunting and trapping. Potential for changes to accessibility to aquatic wildlife species of interest (e.g., waterfowl) with the change or loss of aquatic habitats may potentially impact traditional hunting and trapping. Sensory disturbances to wildlife species of interest due to detonation of explosives and other mine activities may potentially impact traditional hunting and trapping. Potential for changes in wildlife food sources through changes to ecosystems/vegetation communities resulting in changes to wildlife species of interest movements/migrations may potentially impact traditional hunting and trapping. The potential for the permanent alienation of the Kainai from hunting and trapping locations within the Project 	

Impact on Rights and Interests	Project Phase(s)	Potential Future Use with Project	Potential Future Use without Project
		<p>footprint resulting in impacts to their ability to know and teach the Kainai way of living.</p>	
	Reclamation and Closure	<p>Potential for decreased hunting and trapping opportunities and impact on rights due to potential interactions with:</p> <ul style="list-style-type: none"> • Potential sensory disturbance to wildlife species of interest (i.e., noise and vibration) may potentially impact traditional hunting and trapping. • Potential for reestablishment of wildlife habitat and food sources in the development footprint for species of interest through reestablishment of habitat/vegetation communities. • Potential for the reestablishment of traditional hunting activities. • Potential for reduction of the quality and accessibility of wildlife species of interest for traditional/cultural purposes or country foods should insufficient effects monitoring take place that affects the mitigation measures utilized. • The potential for the permanent alienation of the Kainai from hunting and trapping locations within the Project footprint resulting in impacts to their ability to know and teach the Kainai way of living. 	
	Post-Closure	<p>Potential for decreased hunting and trapping opportunities and impact on rights due to potential interactions with:</p> <ul style="list-style-type: none"> • Potential for changes in water levels resulting in potential impacts to riparian vegetation communities and wildlife habitats of interest may potentially impact traditional hunting and trapping. • Potential for changes to accessibility to aquatic wildlife VC species of interest (e.g., waterfowl) with the change or loss of aquatic habitat may potentially impact traditional hunting and trapping. • Potential for access within the Project footprint through the use of Branch C Road, which will remain as a permanent 	

Impact on Rights and Interests	Project Phase(s)	Potential Future Use with Project	Potential Future Use without Project
		<p>access road for future traditional activities such as hunting and trapping in the Post-Closure phase.</p> <ul style="list-style-type: none"> • Potential for collisions with wildlife and disruption to wildlife movements resulting in changes to accessibility to wildlife species of interest may potentially impact traditional hunting and trapping. • Potential stressor on wildlife population with increased access roads potentially attracting hunters and increased road densities may potentially impact traditional hunting and trapping. • Potential for reduction of the quality and accessibility of wildlife species of interest for traditional/cultural purposes or country foods should insufficient effects monitoring take place that affects the mitigation measures utilized. • The potential for the permanent alienation of the Kainai from hunting and trapping locations within the Project footprint resulting in impacts to their ability to know and teach the Kainai way of living. 	

27.10.2.1.3 Impact on Use of Lands and Resources for Traditional Purposes: Harvesting and Gathering

The Project has the potential to impact Kainai's harvesting and gathering rights and interests through the following:

- 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 Kainai 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 Kainai 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 Kainai's rights and interests.
- The potential for the permanent alienation of the Kainai from harvesting and gathering locations within the Project footprint resulting in impacts to their ability to know and teach the Kainai way of living.

The impact on the opportunity to harvest and gather for traditional purposes due to the Project are characterized as follows:

- Likelihood: *Low to Moderate*, as while there is potential for this impact to occur, the Kainai have not provided specific information to date regarding their use of the Project footprint or whether they have an interest in using the area in the future. It is acknowledged that the Kainai have the potential to use the Project footprint that support harvesting and gathering activities that relate to the exercise of their rights and interests. While 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; site reclamation activities will likely reclaim impacted vegetation communities.
- Geographic Extent: *Moderate*, as the potential impact to opportunities for harvesting and gathering are restricted to the Project footprint and will be reclaimed during Reclamation and Closure phases of the Project. The Kainai have not provided any specific information to date regarding their use of the Project footprint or whether they have an interest in using the area in the future, the impact on rights and interests related to traditional harvesting and gathering is anticipated to be low based on preliminary consultation with Kainai (Appendix 27-A, Table 27.A-2) and as identified by IAAC (IAAC, 2020a).
- Frequency, Duration, and Reversibility: *Moderate to High*, while the impact to the Project footprint will be long-term to permanent, the Kainai's accessibility to opportunities for harvesting and gathering in vegetated areas of importance within the Project footprint are likely to be impacted mainly during the Construction and Operations phases, and ecological restoration activities will reclaim impacted vegetation communities. It is noted that 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, and as the Kainai have not provided specific information to date regarding their use of the Project footprint or whether they have an interest in using the area in the future, the level of potential for impact is rated as moderate.

- Cultural Well-being: *Moderate*, as while there is potential for the Project footprint to be culturally important to the Kainai, information to date regarding the importance of the Project footprint as it relates to harvesting and gathering for traditional purposes is based on preliminary consultation with the Kainai (Appendix 27-A, Table 27.A-1) and no traditional land use information specific to culturally important plants and species in the Project footprint has been provided by the Kainai. The level of impact on cultural well-being is rated as moderate as 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 balanced with the anticipated potential impact on culturally important plants and species as a result of the Project.
- Health: *Low*, as the Project is not likely to pose environmental effects to health, including potential effects to country foods used for harvesting and gathering by the Kainai in the Project footprint due to the mitigation measures identified (Ecological Restoration Plan) and the continued monitoring to help improve adaptive management measures. The low rating also reflects that the Kainai have not provided any specific information to date regarding their use of the Project footprint or whether they have an interest in using the area in the future.
- Cumulative Impacts: *Moderate*, as 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 the Kainai 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 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 Kainai 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 Kainai way of living can continue outside of the Project footprint during all Project phases.

Degree of Severity for Adverse Impacts

The degree in severity of impact on Kainai's rights and interests for the use of lands and resources for harvesting and gathering is rated as moderate as 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 the Kainai from harvesting and gathering locations within the Project footprint for which there is no current mitigation identified (Appendix 27-A, Table 27.A-1). It is further noted that that this physical alteration and potential change in the opportunity of the Kainai to practice related traditional activities (e.g., harvesting and gathering) may also have impacts on intangible cultural heritage. Due to the lack of current information available on their use of the Project footprint for traditional purposes, understanding and characterizing these potential related impacts to their intangible cultural heritage requires further input from the Kainai.

Though baseline data was sufficient to evaluate effects for the Project VCs, there is no current information available indicating that the Kainai 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 Kainai, 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 Kainai's rights and interests.

Potential Future Use without the Project of Lands and Resources for Traditional Purposes: Harvesting and Gathering

This section describes the potential future use of lands and resources for harvesting and gathering for traditional purposes in the Project footprint, the ATRI LSA, and the ATRI RSA without the Project in place. This is in consideration of the certain past, present, and reasonably foreseeable future projects and activities within the ATRI RSA that could impact the potential future use of sites for harvesting and gathering for traditional purposes as it relates to the potential impact on the Kainai's ability to exercise these rights. As previously noted, the Kainai have not provided any information to date regarding their use of lands and resources for harvesting and gathering for traditional purposes in the Project footprint or whether they have an interest in using sites within the Project footprint in the future. It is acknowledged that the Kainai have the potential to use the ATRI LSA given the importance of culturally important plants and species that the community rely on for foods, medicines, and spiritual uses within the ATRI LSA and RSA.

Past and ongoing projects and activities located in the ATRI LSA and RSA may likely be impacting the real or perceived quality and quantity of country foods available for harvesting and gathering in preferred locations to exercise the Kainai's rights and interests. As noted in Section 27.3.6.3 and in Chapters 13 and 14, with respect to the reasonably foreseeable future projects and activities in the ATRI RSA and based on the historical baseline of cumulative effects, past and current development activity in the ATRI LSA and RSA includes for example other mines, forestry activity (including logging in the Elk Valley), housing development, transportation facilities (roads), and recreation activities. It is anticipated that these activities will continue in the future without the Project and will continue to have influence on lands and resources for traditional harvesting and gathering in the ATRI LSA.

There is a potential for cumulative impacts due to the spatial distribution of historical disturbance as a result of mining in the Elk Valley which has followed economic coal resources to form a long north-south band of potential mining-related disturbance. In places, including the ATRI LSA, this north-south running band is interrupted by a few relatively undisturbed east-west corridors that provide "gaps" in the mining region for the movement of land users. This general trend of north-south oriented mining and potentially related disturbance along valley bottoms and some ridges potentially limits the east-west connectivity between alpine ranges. Without the Project footprint, past disturbance has affected the quantity and quality of certain ecosystems available for the practice of the Kainai rights and interests in the Elk Valley. Within the ATRI RSA, these ecosystems are also important for maintaining biodiversity across the landscape, a critically important cultural value. Mature and old growth forests potentially being impacted within the Elk Valley have the potential to affect rights and interests. This also emphasizes the cumulative

effect of past developments on the practice of rights and interests. Table 27.10-4 presents a summary of the potential impacts of the Project on the Kainai's rights and interests related to harvesting and gathering in comparison to a future scenario without the Project.

27.10.2.1.4 Impact on Physical and Cultural Heritage and Change to a Structure, Site, or Item that is of Historical, Archaeological, Paleontological, or Architectural Significance

The Project has the potential to impact on Kainai's physical and cultural heritage through the following:

- 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 Kainai'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.
- The potential discovery of pre-contact archaeological resources (if present) in unconsolidated material or during progressive clearing activities.
- The potential for the permanent alienation of the Kainai from their cultural heritage due to the intangible value associated with a sense of place within the Project footprint.

The potential impact on physical and cultural heritage and a structure, site, or item that is of historical, archaeological, paleontological, or architectural significance due to the Project footprint are characterized as follows:

- Likelihood: *Moderate*, as there are 15 pre-contact archaeological sites anticipated to be directly impacted by the Project and none are known to contain ancestral or historical burial site. These heritage resources may be of interest to the Kainai based on their potential linkage to Kainai ancestry though none have been identified based on preliminary consultation with Kainai (Appendix 27-A, Table 27.A-2) and as identified by IAAC (IAAC, 2020a).
- Geographic Extent: *Low*, as only heritage resources that exist within the Project footprint will be directly impacted.
- Frequency, Duration, and Reversibility: *High*, as the direct loss of heritage resources related to physical and cultural heritage that may exist within the Project footprint that might be relevant to the Kainai and are retrieved from the Project footprint cannot be returned/reburied within the Project footprint in the same geographical context. Change of an archaeological site is irreversible, their potential linkage to Kainai ancestry have not been currently identified based on preliminary consultation with Kainai (Appendix 27-A, Table 27.A-2) and as identified by IAAC (IAAC, 2020a).

Table 27.10-4: Summary of Impact on the Kainai’s Harvesting and Gathering Rights and related Interests based on Potential Future Use with and without the Project

Impact on Rights and Interests	Project Phase(s)	Potential Future Use with Project	Potential Future Use without Project
Potential Impacts on Harvesting and Gathering Rights	Construction and Pre-Production	<p>Potential impact on the opportunity for harvesting and gathering activities and impact on rights due to potential interactions with:</p> <ul style="list-style-type: none"> • Potential for introduction of invasive species around development areas reducing the quality of vegetation communities/terrestrial ecosystems/habitats for vegetation species of interest and resulting in change in terrestrial ecosystems. • Potential changes to vegetation that may potentially impact the ability to harvest and gather for traditional purposes. • Potential change in landscape and terrestrial ecosystem types resulting in the change of wildlife food sources and movements. • Potential loss of riparian habitat may potentially impact the ability to harvest and gather for traditional purposes. • Potential loss of vegetation species of interest within road and infrastructure footprint may potentially impact the ability to harvest and gather for traditional purposes. • Potential loss of grassland habitat, and therefore, potential loss of species of interest within footprint of Rail Loadout and as a result of the workshop/mine dry footprint may potentially impact the ability to harvest and gather for traditional purposes. • The potential for the permanent alienation of the Kainai from harvesting and gathering locations within the Project footprint resulting in impacts to 	<p>Potential impact on rights without the Project:</p> <ul style="list-style-type: none"> • The Kainai have not to date provided information regarding possible sites related to their potential harvesting and gathering activities within the Project footprint. Nevertheless, there is potential for the Kainai to use the ATRI LSA given the importance of culturally important plants and species that the community rely on for foods, medicines, and spiritual uses within the ATRI LSA and RSA. • Past and current development activity in the ATRI LSA and RSA has resulted in forming a long north-south band of potential mining-related disturbance which is interrupted by a few relatively undisturbed east-west corridors that provide “gaps” in the mining region for the movement of land users. This includes for example other mines, forestry activity, housing development, transportation facilities (roads), and recreation activities. Mature and old growth forests potentially being impacted within the Elk Valley have the potential to affect rights and interests. It is anticipated that these activities will continue in the future without the Project and continue to have influence on site for traditional harvesting and gathering.

Impact on Rights and Interests	Project Phase(s)	Potential Future Use with Project	Potential Future Use without Project
		<p>their ability to know and teach the Kainai way of living.</p>	<ul style="list-style-type: none"> • These past and ongoing projects and activities located in the ATRI LSA and RSA may likely be impacting real or perceived quality and quantity of country foods available for harvesting and gathering in preferred locations. These past and ongoing activities may be impacting the ability of the Kainai to exercise their rights related to harvesting and gathering in the LSA and RSA. • Related to the local study area changes described above, the Elk River Valley has also seen substantial residential development that has potentially affected the quantity and quality of certain ecosystems available for the practice of the Kainai rights and interests in the region that are anticipated to continue without the Project.
	Operations	<p>Potential impact on the opportunity for harvesting and gathering activities and impact on rights due to potential interactions with:</p> <ul style="list-style-type: none"> • Terrestrial ecosystems and vegetation through the release of nitrogen compounds and other contaminants from storage areas and wash facilities may potentially impact the ability to harvest and gather for traditional purposes. • 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 traditionally/culturally important vegetation communities may potentially impact the ability to harvest and gather for traditional purposes. • Potential interaction with vegetation health through particulate matter and dust deposition may potentially impact the ability to harvest and gather for traditional purposes. • The potential for the permanent alienation of the Kainai from harvesting and gathering locations within the Project footprint resulting in impacts to their ability to know and teach the Kainai way of living. 	
	Reclamation and Closure	<p>Potential impact on the opportunity for harvesting and gathering activities and impact on rights due to potential interactions with:</p> <ul style="list-style-type: none"> • Potential for introduction of invasive species around development areas reducing the quality of vegetation communities/terrestrial 	

Impact on Rights and Interests	Project Phase(s)	Potential Future Use with Project	Potential Future Use without Project
		<p>ecosystems/habitats for species of interest may potentially impact the ability to harvest and gather for traditional purposes.</p> <ul style="list-style-type: none"> • Potential for reclamation of ecosystems and related species of interest and areas used for harvesting and gathering may potentially impact the ability to harvest and gather for traditional purposes. • Potential for reestablishment of plant harvesting activities. • Potential for reduction of the quality and accessibility of vegetation species of interest for traditional/cultural purposes or country foods should insufficient effects monitoring take place that affects the mitigation measures utilized. • The potential for the permanent alienation of the Kainai from harvesting and gathering locations within the Project footprint resulting in impacts to their ability to know and teach the Kainai way of living. 	
	Post-Closure	<p>Potential impact on the opportunity for harvesting and gathering activities and impact on rights due to potential interactions with:</p> <ul style="list-style-type: none"> • Potential for changes in water levels resulting in potential impacts to riparian vegetation communities and wildlife habitats of interest may potentially impact the ability to harvest and gather for traditional purposes. • Potential for access within the Project footprint through the use of Branch C Road, which will remain as a permanent access road for future traditional activities such as harvesting and gathering in the Post-Closure phase. • Potential for the introduction of weeds and invasive vegetation species in disturbed areas around the rail 	

Impact on Rights and Interests	Project Phase(s)	Potential Future Use with Project	Potential Future Use without Project
		<p>line resulting in a change of localized vegetation communities/loss of species of interest may potentially impact the ability to harvest and gather for traditional purposes.</p> <ul style="list-style-type: none"> • Potential for reduction of the quality and accessibility of vegetation species of interest for traditional/cultural purposes or country foods should insufficient effects monitoring take place that affects the mitigation measures utilized. • The potential for the permanent alienation of the Kainai from harvesting and gathering locations within the Project footprint resulting in impacts to their ability to know and teach the Kainai way of living. 	

- Cultural Well-being: *High*, heritage resources of interest related to physical and cultural heritage are considered to be very important cultural resources to the Kainai that link Kainai citizens to their ancestors and cultural identities and have a low resilience to change as alterations to areas or sites of interest and significance may not adapt to effects that alter their presence or existence. Their potential linkage to Kainai ancestry have not been currently identified based on preliminary consultation with Kainai (Appendix 27-A, Table 27.A-2) and as identified by IAAC (IAAC, 2020a).
- Health: *Low*, as the Project is not likely to pose environmental effects to health as a result of the physical and cultural heritage and a structure, site, or item that is of historical, archaeological, paleontological, or architectural significance. The low rating also reflects that the MNA Region 3 has not provided any specific information to date regarding their use of the Project footprint or whether they have an interest in using the area in the future.
- Cumulative Impacts: *Moderate*, as 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 are currently unknown outside of the Project footprint and Archaeological LSA. 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 not anticipated to be significant. The cumulative impact is determined as moderate due to the lack of information available from the Kainai regarding their opportunity to conduct traditional activities within the Project footprint at this time. It is expected that their ability to know and teach the Kainai way of living can continue outside of the Project footprint during all Project phases.

Degree of Severity for Adverse Impacts

The degree in severity of impact on Kainai'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 as 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 Kainai based on their potential linkage to Kainai ancestry though none have been identified based on preliminary consultation with Kainai (Appendix 27-A, Table 27.A-2) and as identified by IAAC (IAAC, 2020a). Though baseline data was sufficient to evaluate effects for known heritage resources, the lack of regional information on the Kainai'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 Kainai 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 Kainai 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 Kainai's intangible cultural heritage requires further input from the Kainai. Continued consultation with Kainai, 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 Kainai's rights and interests.

Potential Future Use without the Project of Physical and Cultural Heritage and Impact to a Structure, Site, or Item that is of Historical, Archaeological, Paleontological, or Architectural Significance

This section describes the potential future use of physical and cultural heritage and structures, sites, or things that are of historical, archaeological, paleontological, or architectural significance in the Project footprint, the ATRI LSA, and the ATRI RSA without the Project in place. This is in consideration of the certain past, present, and reasonably foreseeable future projects and activities within the ATRI RSA that could impact the potential future use of physical and cultural heritage and structures, sites, or things that are of historical, archaeological, paleontological, or architectural significance as it relates to the potential impact on the Kainai's ability to exercise their rights and interests. As previously noted, the Kainai have not provided any information to date regarding physical and cultural heritage and structures, sites, or things that are of historical, archaeological, paleontological, or architectural significance in the ATRI LSA or whether they have an interest in using ATRI LSA for physical and cultural heritage and structures, sites, or things that are of historical, archaeological, paleontological, or architectural significance in the future (IAAC, 2020a; Appendix 27-A, Table 27.A-1). It is noted that there is potential for impact on physical and cultural heritage due to past disturbance which has potentially removed areas of particular cultural value, including trails, habitation areas, and harvesting areas within the ATRI RSA, and culturally and spiritually important sites elsewhere in the Elk Valley.

As noted in Section 27.7.4.2 and in Chapter 16, with respect to the reasonably foreseeable future projects and activities in the ATRI RSA and based on the historical baseline of cumulative effects, past and current development activity in the ATRI LSA and RSA includes for example other mines, forestry activity (including logging in the Elk Valley), housing development, transportation facilities (roads), and recreation activities. It is anticipated that these activities will continue in the future without the Project and will continue to potentially impact physical and cultural heritage and structures, sites, or things that are of historical, archaeological, paleontological, or architectural significance in the ATRI LSA.

There is a potential for cumulative impacts due to the spatial distribution of historical disturbance as a result of mining in the Elk Valley which has followed economic coal resources to form a long north-south band of potential mining-related disturbance. In the ATRI LSA, this north-south running band is interrupted by a few relatively undisturbed east-west corridors that provide "gaps" in the mining region for the movement of land users. This general trend of north-south oriented mining and potentially related disturbance along valley bottoms and some ridges potentially limits the east-west connectivity between alpine ranges.

Without the Project footprint, the cumulative effect of past developments on the practice of rights and interests has influenced the Kainai's use of ancestral east-west trails. The Elk River Valley has seen substantial residential development which may potentially impact physical and cultural heritage and structures, sites, or things that are of historical, archaeological, paleontological, or architectural significance that are anticipated to continue without the Project. Past disturbance has also potentially affected the real or perceived change in accessibility to physical and cultural heritage and structures, sites, or things that are of historical, archaeological, paleontological, or architectural significance for the Kainai and will likely continue to impact the Kainai's rights and interests without the Project in place. Table 27.10-5 presents a summary of the potential impacts of the Project on the Kainai's rights and interests related to physical and cultural heritage in comparison to a future scenario without the Project.

27.10.2.1.5 Impact on Social, Health, and Economic Conditions

The Project has the potential to impact on Kainai's social, health, and economic conditions related to:

- 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 Kainai from traditional use locations within the Project footprint resulting in impacts to their ability to know and teach the Kainai way of living.
- The potential for public safety risks due to physical hazards.
- The Project has the potential to impact on Kainai'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.

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 scenarios¹⁴, 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.

Based on the background information research and the consultation activities with Kainai to date, there are no anticipated interactions between the Project and Kainai housing, transportation, or social services and education, and therefore, no unmitigated Project effects on these aspects of social, health, and economic conditions are anticipated.

¹⁴ Indigenous communities represent the maximally exposed receptor, largely because of their increased presence on and use of traditional land, as well as increased consumption of country foods, as compared to non-Indigenous persons; as such, risk estimates calculated for Indigenous receptors are sufficiently conservative to infer maximal potential risk to non-Indigenous peoples also frequenting the HHERA LSA. Moreover, the rights-based use receptor lifestyle is inherently more engaged with land use and therefore offers the more conservative Indigenous risk scenario.

Table 27.10-5: Summary of Impact on the Kainai's Physical and Cultural Heritage Rights and related Interests based on Potential Future Use with and without the Project

Impact on Rights and Interests	Project Phase(s)	Potential Future Use with Project	Potential Future Use without Project
<p>Potential Impacts on Rights related to Physical and Cultural Heritage and Change to any Structure, Site, or Thing that is of Historical, Archaeological, Paleontological, or Architectural Significance</p>	<p>Construction and Pre-Production</p>	<p>Potential impact on physical and cultural rights due to potential interactions with:</p> <ul style="list-style-type: none"> • Potential loss of pre-contact archaeological artifacts (if present) and tree throws during Project activities including quarrying. • Potential loss/disconnection of historic and present-day travel routes and trails including those potentially present within or crossing new roads and infrastructure footprint. • Potential loss of ceremonial or sacred areas within the Project footprint (including road and infrastructure construction footprint). • Potential loss of archaeological artifacts (if present) within road and infrastructure construction footprint, during construction of building foundations. • Potential change due to a significant historic area located near the project's roads: Grave Prairie Cultural Landscape, Grave Lake, and Grave Creek. • The potential for the permanent alienation of the Kainai from their cultural heritage due to the intangible value associated with a sense of place within the Project footprint. 	<p>Potential impact on rights without the Project:</p> <ul style="list-style-type: none"> • The Kainai have not to date provided information regarding physical and cultural heritage and structures, sites, or things that are of historical, archaeological, paleontological, or architectural significance other than the Grave Prairie Cultural Landscape in the Project footprint. Nevertheless, there is potential for physical and cultural heritage and structures, sites, or things that are of historical, archaeological, paleontological, or architectural significance in the ATRI LSA and RSA. • Past and current development activity has resulted in the removal areas of particular cultural value, including trails, habitation areas, and harvesting areas within the ATRI RSA, and culturally and spiritually important sites elsewhere in the Elk Valley. This includes for example other mines, forestry activity, housing development, transportation facilities (roads), and recreation activities. It is anticipated that these activities will continue in the future without the Project and will continue to potentially impact physical and cultural heritage and structures, sites, or things that are of historical, archaeological, paleontological, or architectural significance in the ATRI LSA.

Impact on Rights and Interests	Project Phase(s)	Potential Future Use with Project	Potential Future Use without Project
	Operations	<p>Potential impact on physical and cultural rights due to potential interactions with:</p> <ul style="list-style-type: none"> • Potential discovery of pre-contact archaeological resources (if present) in unconsolidated material or during progressive clearing activities. • Potential loss or change of ceremonial/sacred areas associated with West Alexander Creek, Grave Creek or downstream habitats. • Potential for change in access to places that may be important for ceremonial or sacred areas. • Potential changes to or loss of places that may be important for ceremonial or sacred areas through changes in landscape/ecosystems should reclamation activities not be effective. • The potential for the permanent alienation of the Kainai from their cultural heritage due to the intangible value associated with a sense of place within the Project footprint. 	<ul style="list-style-type: none"> • These past and ongoing projects and activities located in the ATRI LSA and RSA may likely be impacting the real or perceived change in accessibility to physical and cultural heritage and structures, sites, or things that are of historical, archaeological, paleontological, or architectural significance for the Kainai and will likely continue to impact the Kainai's rights and interests without the Project in place. These past and ongoing activities may be impacting the ability of the Kainai to exercise their rights related to physical and cultural heritage and structures, sites, or things that are of historical, archaeological, paleontological, or architectural significance in the ATRI LSA and RSA. • Related to the local study area changes described above, the Elk River Valley has also seen substantial residential development which may potentially impact physical and cultural heritage and structures, sites, or things that are of historical, archaeological, paleontological, or architectural significance that are anticipated to continue without the Project.

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 27.9), 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.

The impact on the social, health, and economic conditions due to the Project are characterized as follows:

- Likelihood: *Low*, as the predicted residual effects to wildlife and human health and the potential change in country foods is only associated with the Project footprint or close to the haul road, areas which will be reclaimed during Reclamation and Closure and as the Kainai have not provided specific information to date regarding their use of the Project footprint for country food or activities affected by Project nuisance effects other than those related to the Grave Prairie Cultural Landscape (Appendix 27-A, Table 27.A-2; IAAC, 2020a).
- Geographic Extent: *Low*, as the potential impact on social, health, and economic conditions are limited to the Project footprint (e.g., on or adjacent to the haul road) and the ATRI LSA. The level of use by Kainai, in particular of the Project footprint for traditional purposes is anticipated to be low based on preliminary feedback from Kainai (Appendix 27-A, Table 27.A-2) and as identified by IAAC (IAAC, 2020a).
- Frequency, Duration, and Reversibility: *Low*, as the potential for impacts to social and health for Kainai includes the potential risk to country foods which is plausible during the all the phases of Project. The proposed Project and associated activities are considered to present a low risk to wildlife and human health.
- Cultural Well-being: *Low*, as the potential for impacts to social and health for the Kainai includes the potential risk to country foods which while possible during all the phases of Project; the proposed Project and associated activities are considered to present a low risk to wildlife and human health. The low rating also reflects that the Kainai have not provided specific information to date regarding their use of the Project footprint for country food or activities affected by Project nuisance effects based on preliminary feedback from Kainai (Appendix 27-A, Table 27.A-2).
- Health: *Low*, as the Project is not likely to pose environmental effects to health, including effects to country foods related to aquatic and terrestrial ecosystems and vegetation communities potentially accessed and used for traditional purposes by the Kainai. The HHERA undertaken (Chapter 22) for the Project determined that no significant residual effect is associated with the Project using various exposure and food-chain models that utilized Indigenous receptors. The low rating also reflects that the Kainai have not provided specific information to date regarding their use of the Project footprint for country food or activities affected by Project nuisance effects other than those related to the Grave Prairie Cultural Landscape based on preliminary feedback from the Kainai (Appendix 27-A, Table 27.A-2).
- Cumulative Impacts: *Low*, as 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 and economic conditions were predicted, therefore no cumulative impact 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 Kainai 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 Kainai way of living can continue outside of the Project footprint during all Project phases.

Degree of Severity for Adverse Impacts

The degree in severity of impact on Kainai's social, health, and economic conditions is rated as low as potential impacts are likely to be small in spatial extent, reversible long-term, and with few effects to health and/or country foods. The currently identified low level of use by Kainai within the Project footprint and ATRI RSA indicates the low level of impact on the change in lands and resources for traditional purposes and related health and socio-economic conditions. 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 Kainai from locations within the Project footprint (Appendix 27-A, Table 27.A-2). It is further noted that that this physical alteration and potential change in the opportunity of the Kainai to practice related traditional activities (e.g., consumption of country food) may also have impacts on intangible cultural heritage. The understanding and characterizing of these potential related impacts to Kainai's intangible cultural heritage requires further input from the Kainai.

Though baseline data was sufficient to evaluate effects for socio-community, economic, and human health VCs, areas currently or potentially used by Kainai for traditional purposes have not been identified within the ATRI LSA by the Kainai and the impact on rights assessment is based on the publicly available information. As such, there is no information indicating that the Kainai currently uses the Project footprint and the ATRI LSA for traditional purposes. Continued consultation with Kainai, 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 Kainai's rights and interests.

Potential Future Use without the Project of Social, Health, and Economic Conditions

This section describes the potential future social, health, and economic conditions in the Project footprint, the ATRI LSA, and the ATRI RSA without the Project in place. This is in consideration of the certain past, present, and reasonably foreseeable future projects and activities within the ATRI RSA that could impact the anticipated future social, health, and economic conditions as they relate to the potential impact on the Kainai's ability to exercise their rights. As previously noted, the Kainai have not provided any information to date regarding their social, health, and economic conditions in the Project footprint. It is acknowledged that the Kainai have the potential to use the ATRI LSA with respect to social, health, and economic conditions that support their rights and interests. It is noted that there are considered to be ongoing impacts to the real or perceived quality and quantity of country foods available for harvesting in preferred locations and the potential human health risks associated with consumption.

As outlined in Section 27.6.6, food insecurity has been increasing in recent years and in the coming years, the reasonably foreseeable future projects and activities in the Elk Valley and climate change, as well as other factors will likely influence food security in terms of potentially affecting traditional food systems, risking further serious consequences for livelihoods and health. The impact of food insecurity on health extends beyond diet and nutrition. In addition to income growth, housing tenure is an economic risk factor

for food insecurity and is linked with other factors such as population growth, urbanization, industrialization, land use shifts, water scarcity, and trends in global energy supply and food trade. As noted in Section 27.7.4.2 and in Chapter 22, with respect to the reasonably foreseeable future projects and activities in the ATRI RSA and based on the historical baseline of cumulative effects, past and current development activity in the ATRI LSA and RSA includes for example other mines, forestry activity (including logging in the Elk Valley), housing development, transportation facilities (roads), and recreation activities. It is anticipated that these activities will continue in the future without the Project and will continue to potentially impact social, health, and economic conditions in the ATRI LSA.

There is a potential for cumulative impacts due to the spatial distribution of historical disturbance as a result of mining in the Elk Valley which has followed economic coal resources to form a long north-south band of mining-related disturbance. In the ATRI LSA, this north-south running band is interrupted by a few relatively undisturbed east-west corridors that provide “gaps” in the mining region for the movement of land users. This general trend of north-south oriented mining and potential related disturbance along valley bottoms and some ridges potentially limits the east-west connectivity between alpine ranges.

The Project can be generally expected to result in positive economic outcomes as included in Section 27.7.3.2.8 for employment, income, the regional and local economies, and government finances within the ATRI RSA (Chapter 17). The economic conditions without the Project are expected to be impacted as anticipated positive economic outcomes will diminish due to the lack of availability of economic opportunities related to the Project.

Without the Project, future potential use may likely be negatively impacted due to the lack of the residual positive economic effects of the Project. Without the Project, impacts on the Kainai’s rights and interests related to social and health conditions will continue as a result of activities within the Elk Valley and those outside of the Elk Valley that have the potential to impact food systems. These past and ongoing activities may be impacting the ability of the Kainai to exercise their rights related to the social, health, and economic conditions of their Traditional Territory and will likely continue to impact the Kainai’s rights and interests without the Project. This also emphasizes the potential cumulative effect of past developments on the practice of rights and interests related to social, health, and economic conditions. Table 27.10-6 presents a summary of the potential impacts of the Project on the Kainai’s rights and interests related to social, health, and economic conditions in comparison to a future scenario without the Project.

27.10.2.2 Summary of the Assessment on the Impacts to the Kainai’s Rights and Interests

Impact on the Kainai’s rights and related interests may occur where potential changes to the environment as a result of the potential residual effects and residual cumulative effects have the potential to impact the exercise of rights and interests related to traditional activities such as fishing, hunting and trapping, harvesting and gathering, or on physical activities associated with traditional use such as travel and navigation, ceremonial and sacred sites, and physical and cultural heritage areas and any structure, site, or thing that is of historical, archaeological, paleontological, or architectural significance, and social, health, and economic conditions. It is expected that the Kainai’s ability to know and teach their way of living can continue outside of the Project footprint during all Project phases.

Table 27.10-6: Summary of Impact on the Kainai's Rights and related Interests based on Potential Future Use with and without the Project on Social, Health, and Economic Conditions

Impact on Rights and Interests	Project Phase(s)	Potential Future Use with Project	Potential Future Use without Project
Potential Impact on Interests related to Social, Health, and Economic Conditions	Construction and Pre-Production	<p>Potential impact on social, health, and economic conditions and related interests due to potential interactions with:</p> <ul style="list-style-type: none"> • 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. • The potential for the permanent alienation of the Kainai from traditional use locations within the Project footprint resulting in impacts to their ability to know and teach the Kainai way of living. 	<p>Potential impact on rights due to potential interactions with:</p> <ul style="list-style-type: none"> • The Kainai have not to date provided information regarding social, health, and economic conditions within the Project footprint. Nevertheless, there is potential for the use of the ATRI LSA and RSA the Kainai members with respect to social, health, and economic conditions that support their rights and interests. • Past and current development activity in the ATRI LSA and RSA has resulted in potential impacts to food security and the social determinants of health related to country food consumption. This includes for example other mines, forestry activity, housing development, transportation facilities (roads), and recreation activities. It is anticipated that these activities will continue in the future without the Project and continue to have influence on food security concerns as well as human health risk factors related to income growth, housing tenure, population growth, urbanization, industrialization, land use shifts, water scarcity, and trends in global energy supply and food trade. • These past and ongoing projects and activities located in the ATRI LSA and RSA may likely be impacting real or perceived quality and quantity of country foods available for harvesting in preferred locations and the potential human health risks associated with consumption.
	Operations	<p>Potential impact on social, health, and economic conditions and related interests due to potential interactions with:</p> <ul style="list-style-type: none"> • Potential modest economic benefit for the Kainai members that could be hired for the mine, CHPP operations administration, and coal haul. • Potential change in population and demographic. • 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 employees to the region that could potentially contribute to social impacts, including safety risks. 	

Impact on Rights and Interests	Project Phase(s)	Potential Future Use with Project	Potential Future Use without Project
		<ul style="list-style-type: none"> • Potential Project nuisance effects residents due to noise and vibration. • Potential change in availability/reliance on country food. • Loss of potential access to fish and resources in West Alexander Creek. • The potential for the permanent alienation of the Kainai from traditional use locations within the Project footprint resulting in impacts to their ability to know and teach the Kainai way of living. 	<ul style="list-style-type: none"> • The economic conditions without the Project are expected to be impacted as anticipated positive economic outcomes for employment, income, and local and regional economies will diminish due to the lack of availability of economic opportunities related to the Project. • Without the Project, future anticipated use may likely be negatively impacted due to the lack of the residual positive economic effects of the Project. • Without the Project, impacts on the Kainai's rights and interests related to social and health conditions will continue as a result of activities within the Elk Valley and those outside of the Elk Valley that have the potential to impact food systems. • These past and ongoing activities may be impacting the ability of the Kainai to exercise their rights related to the social, health, and economic conditions of their Traditional Territory and will likely continue to impact the Kainai's rights and interests without the Project.
	Reclamation and Closure	<p>Potential impact on social, health, and economic conditions and related interests due to potential interactions with:</p> <ul style="list-style-type: none"> • Potential for the Kainai to take part in progressive reclamation opportunities and in monitoring activities, in particular: aquatic effects monitoring. • Potential change in community well-being. • Potential change in availability/reliance on country food. • The potential for the permanent alienation of the Kainai from traditional use locations within the Project footprint resulting in impacts to their ability to know and teach the Kainai way of living. 	

As summarized in Section 27.8, an assessment of the Project effects that correspond with the Kainai's traditional land and resource use was undertaken. Considering the results of this assessment, as described in Section 27.10, an assessment was undertaken of the potential for Project related impacts on the Kainai's rights and interests including their ability to exercise their rights. This assessment of potential impacts on rights and interests also considered that the Kainai have not to date identified that the Project footprint is actively used for the exercise of their rights and/or of specific cultural interest. As such, the severity of impacts to the Kainai's rights and interest has been identified to be generally in the range of low to moderate. The impact on Kainai rights and interests are summarized in Table 27.10-7. 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 Kainai from locations within the Project footprint (Appendix 27-A, Table 27.A-2). It is further noted that that this physical alteration and potential change in the opportunity of the Kainai to practice related traditional activities may also have impacts on intangible cultural heritage. These impacts to intangible cultural heritage may include those related to traditional activities such as fishing for various species of trout and Mountain Whitefish, the hunting of bighorn sheep and the trapping of species of interest to the Kainai, the harvesting of lodgepole and white bark pine and the gathering of culturally significant plant and vegetation species, access to areas of traditional activities, and the ceremonies and rituals tied to a sense of place within the Project footprint. The understanding and characterizing of these potential related impacts to Kainai's intangible cultural heritage requires further input from the Kainai.

Mitigation measures outlined further in the Indigenous Impact Management Plan (Section 27.9) have been proposed to reduce or eliminate impacts on the Kainai's rights and interests which were developed in response to the concerns raised by the Kainai and the identified Indigenous Communities. The effectiveness of these measures has not been confirmed by the Kainai to date. While it is not known whether lands in the vicinity of the Project are actively used for traditional purposes by the Kainai, it is anticipated that traditional land and resource use activities will be able to continue undeterred, except where restricted for safety purposes (e.g., in the Project footprint during Construction and Operation phases). It is also anticipated that activities related to the exercise of the Kainai's rights and interests will be able to continue by members of the Kainai in the ATRI LSA and RSA. As identified throughout the Application/EIS, engagement with the Kainai is ongoing, and the Kainai may provide additional information about the potential effects of the Project on the Kainai and their impact on the Kainai's rights and interests which could influence the results of the assessment presented here.

As the Kainai have not provided any information to date regarding their use of the Project footprint, the ATRI LSA, and the ATRI RSA for traditional purposes, additional residual Project effects, and effects from other reasonably foreseeable developments and changes in the environment, are not identified. Based on existing information, and uncertainties related to mitigation, while no significant adverse cumulative effects were determined, impacts on the Kainai's rights and interests have the potential to occur for the foreseeable future due to ongoing activities in the Elk Valley. It is noted that there is potential for impacts to the Kainai's rights and interests to be further articulated through continued engagement with the Kainai. On-going programs of environmental and socio-economic monitoring undertaken in collaboration with the Kainai and the co-development of offsets and/or mitigation measures to address where applicable the concerns noted above have been further identified through the Indigenous Impact Management Plan (Section 27.9) and Chapter 33.

Table 27.10-7: Summary of the Impacts on the Kainai's Aboriginal and Treaty Rights and Interests

Impact on Right and Interests	Project Phase(s)	Summary of Impact on Rights and Interests Characterization	Degree of Severity for Adverse Impacts (High, Moderate, Low)
Potential Impact on Fishing Rights	<ul style="list-style-type: none"> • Construction and Pre-Production • Operations • Reclamation and Closure • Post-Closure 	Likelihood: Low to Moderate Geographic Extent: Low Frequency, Duration, and Reversibility: Low to Moderate Cultural Well-being: Moderate Health: Low Cumulative Impacts: Moderate	Low to Moderate
Potential Impact on Hunting and Trapping Rights	<ul style="list-style-type: none"> • Construction and Pre-Production • Operations • Reclamation and Closure • Post-Closure 	Likelihood: Low to Moderate Geographic Extent: Moderate Frequency, Duration, and Reversibility: Low to Moderate Cultural Well-being: Moderate Health: Low Cumulative Impacts: Moderate	Low to Moderate
Potential Impact on Harvesting and Gathering Rights	<ul style="list-style-type: none"> • Construction and Pre-Production • Operations • Reclamation and Closure • Post-Closure 	Likelihood: Low to Moderate Geographic Extent: Moderate Frequency, Duration, and Reversibility: Moderate to High Cultural Well-being: Moderate Health: Low Cumulative Impacts: Moderate	Moderate
Potential Impact on Rights related to Physical and Cultural Heritage and Change to any Structure, Site, or Thing that is of Historical, Archaeological, Paleontological, or Architectural Significance	<ul style="list-style-type: none"> • Construction and Pre-Production • Operations 	Likelihood: Moderate Geographic Extent: Low Frequency, Duration, and Reversibility: High Cultural Well-being: High Health: Low Cumulative Impacts: Moderate	Moderate to High

Impact on Right and Interests	Project Phase(s)	Summary of Impact on Rights and Interests Characterization	Degree of Severity for Adverse Impacts (High, Moderate, Low)
Potential Impact on Interests related to Social, Health, and Economic Conditions	<ul style="list-style-type: none"> • Construction and Pre-Production • Operations • Reclamation and Closure 	Likelihood: Low Geographic Extent: Low Frequency, Duration, and Reversibility: Low Cultural Well-being: Low Health: Low Cumulative Impacts: Low	Low

27.11 Follow-up Strategy

The purpose of the follow-up strategy is to verify the accuracy of the effects assessment and to determine the effectiveness of mitigation measures including those identified in the Indigenous Impact Management Plan. Follow-up strategies related to the Kainai's rights and interests are proposed where the effects assessment determines that uncertainty exists in the predictions of effects or in the effectiveness of mitigation proposed. Follow-up programs are relevant due to the uncertainty in the prediction of effects on changes to use of lands and resources for traditional purposes by the Kainai. In terms of the interaction of the Kainai rights and interests to the selected receptor and intermediate VCs, follow-up programs will also serve to improve the level of confidence in the predictions of Project-related effects on various VCs (i.e., monitoring plans for wildlife VCs such as ungulates and carnivores) in this assessment process.

As noted in Section 27.9 and based on the assessment of potential impacts on the rights and interests of the Kainai, the change in use of lands and resources for traditional activities such as fishing, hunting and trapping, harvesting and gathering, or on activities associated with traditional use such as travel and navigation, ceremonial and sacred sites, and on physical and cultural heritage areas will require follow-up monitoring. Follow-up monitoring will also enable response to new and developing issues of concern during the Project implementation hence ensuring that Project-related activities comply with and adhere to EAC conditions and include provisions for community-based monitoring where applicable. The proposed approach for managing the corrective actions that may potentially be required will involve monitoring compliance with regulations, managing worksites, executing specific environmental and social works and seeking solutions to emerging environmental problems.

Communication of the results of the follow-up strategies and/or monitoring programs to the Kainai is an essential component will be undertaken through the Indigenous Engagement and Reporting Plan (Chapter 33, Section 33.4.3). Not only does this maintain communication with all parties and keep them informed of the Project activities and their associated environmental effects, but it also offers the opportunity to incorporate input from the Kainai into the design of the Indigenous Impact Management Plan and related monitoring programs and any consequential adaptive management, where applicable. NWP is available to explore the possibilities of having monitoring programs incorporate traditional knowledge or similar study methodologies as they can contribute to achieving defined monitoring program objectives.

Using an adaptive management plan, the follow-up strategies and the monitoring programs will be periodically evaluated for effectiveness and the appropriateness of their elements, and the parameters being measured and reported. This evaluation will be done in consultation with the appropriate regulatory agencies and the results of these strategies and programs will be analyzed. If any elements of the follow-up strategies and the monitoring programs warrant adjustment to meet the aim and intent, then in consultation with regulatory agencies, the strategies and the programs may be adjusted.

It is anticipated that as a condition of the approval of the Project, the results of the follow-up strategies, and the monitoring programs or measures being conducted must be reported to the appropriate regulatory agencies, both federal and provincial. All data and information gathered as part of each management plan, follow-up strategy and/or monitoring program will be documented using the protocols established for each parameter. These protocols were established during the collection of the baseline

information and the manner in which they were recorded at that time will be used during the adaptive management plans, follow-up strategies and/or monitoring programs to allow for a proper comparison of the results. Reporting will continue so long as there are follow-up and monitoring activities in place. Once these activities have verified the environmental effects predictions and/or the effectiveness of the mitigation measures, and compliance with required mitigation, the follow-up strategies and the monitoring programs will cease, and reporting will no longer be required. Monitoring for compliance with regulatory permits will continue for as long as is required by the responsible permitting authority.

27.12 References

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