

Appendix 28-A

Summary of Indigenous Consultation

Table 28-A.1: Summary of the Results of the Piikani Nation Consultation Related to Aboriginal Rights and Interests and Other Matters of Concern

Piikani Nation Rights and Related Interest/VC	Piikani Nation Perspectives on Rights and Interests/VC	Proponent Response	Summary of Proposed Measures to Avoid, Mitigate, or Otherwise Manage Effects	Summary of Assessment of Potential Impacts on Rights and Interests	Status of Issue / Path Forward
Traditional Use	<p>Issue provided in the Draft Effects Assessment Response October 15, 2021</p> <p>Removal of access to lands for traditional purposes and impacts to Indigenous rights and interests.</p> <p>Recommend NWP wait until Piikani Nation’s traditional use information can be incorporated into the draft Effects Assessment before proceeding. In the intervening time, expect that Piikani Nation’s interests and asserted uses be incorporated into the effects assessment.</p>	<p>Potential residual effects including Piikani perspectives within the Project footprint, the ATRI LSA, and ATRI RSA have been considered in the Application/EIS in the following ways:</p> <ul style="list-style-type: none"> The shared perspectives have formed the basis of the potential residual effects assessment with the overall assessment methodology documented in Chapter 5, Section 5.3 and the potential residual effects assessed in Chapter 28, Section 28.7.3.2. The potential residual effects assessment is based on inputs from the Piikani Nation through engagement identified in Section 28.5.2 that outline the Piikani perspectives on the development of the Project. Key issues that remain outstanding and are included in the opportunities for future engagement are the incorporation of Piikani Nation’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. The potential residual effects assessment for the Project utilizes Piikani Nation information where publicly available 	<p>The key mitigation measures to reduce impacts to the Piikani Nation’s rights and interests include:</p> <ul style="list-style-type: none"> NWP is committed to an ongoing dialogue with the Piikani Nation, 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 Piikani Nation. 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 Piikani Nation, 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 Piikani Nation to the land and resources where NWP does business. Incorporate NWP’s understanding of Indigenous interests, values, knowledge, and ways of knowing into NWP decision making where practicable where practicable. To this end, NWP is committed to the Canadian Council for Aboriginal Business’ Progressive Aboriginal Relations program. 	<p>The Project has the potential to impact the Piikani Nation’s rights and interests related to:</p> <ul style="list-style-type: none"> Fishing: <ul style="list-style-type: none"> The potential for reduction in populations of fish species of interest 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 Piikani Nation from fishing locations within the Project footprint resulting in impacts to their ability to know and teach the Piikani way of living. <p>The degree in severity of impact on the Piikani Nation’s rights for the use of lands and resources for fishing and fish opportunities is rated as low to moderate based on the following:</p> <ul style="list-style-type: none"> The potential impacts to fish and fish habitat are predicted to be small in spatial extent. The recommended impact management measures and the Project’s design to reduce impacts to fish and fish habitat VCs and the provision of fish habitat compensation, should allow for fishing opportunities to continue in the Elk Valley (other than the upper sections of West Alexander Creek) including those for traditional purposes. There is potential for the Project to result in the permanent alienation of the Piikani Nation from fishing locations within the Project footprint, for which there is no current mitigation identified. It is further noted that that this physical alteration and potential change in the opportunity of the Piikani Nation to practice related traditional activities (e.g., fishing) may also have impacts on intangible cultural heritage. Due to the lack of current information available on their use of the Project footprint for traditional purposes, understanding and characterizing these potential related impacts to their intangible cultural heritage requires further input from the Piikani Nation. Though baseline data was sufficient to evaluate effects for the fish and fish habitat VCs, there is no current information available indicating that the Piikani Nation use the watercourses within the Project footprint. The Piikani Nation has also not expressed to date an interest in possibly using the Project-impacted watercourse (Alexander Creek) in the future. 	<p>Issues have been considered in the effects assessment and are as documented in Chapters 4 and 28 of the application.</p> <p>NWP is committed to ongoing communication on this issue through future consultation and engagement with the Piikani Nation.</p>

Table 28-A.1: Summary of the Results of the Piikani Nation Consultation Related to Aboriginal Rights and Interests and Other Matters of Concern

Piikani Nation Rights and Related Interest/VC	Piikani Nation Perspectives on Rights and Interests/VC	Proponent Response	Summary of Proposed Measures to Avoid, Mitigate, or Otherwise Manage Effects	Summary of Assessment of Potential Impacts on Rights and Interests	Status of Issue / Path Forward
		<p>to determine the level of significance of effects to the use of lands and resources for traditional activities are based on publicly available Piikani perspectives on development in the Elk Valley as outlined in Section 28.6.6.</p> <ul style="list-style-type: none"> Impact management measures with respect to potential residual effects and where Piikani perspectives were available are addressed in Section 28.9. The Piikani Nation's rights and related interests are also assessed for potential impacts as a result of the residual Project effects and the residual cumulative effects in Section 28.10.2.1 where previous determinations on the degree of severity of adverse impacts were updated based on shared Piikani perspectives. NWP has also indicated in Chapter 28 that it is committed to ongoing communication on cumulative effects through future consultation and engagement with the Piikani Nation. <p>As noted by NWP, limitations of information provided by the Piikani Nation are identified in the setting of the Piikani Nation's rights and interests in Section 28.6.6.</p>	<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 Piikani Nation's rights and interests based on the response to the concerns raised by the Piikani Nation and the identified Indigenous Communities:</p> <ul style="list-style-type: none"> Engaging with the Piikani Nation 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 Piikani Nation 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 Piikani Nation. 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 Piikani Nation 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 Piikani Nation 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 Piikani Nation 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 	<ul style="list-style-type: none"> It should be noted that there is existing potential for fish and fishing opportunity available in the ATRI LSA and RSA with respect to watercourses outside of the Project footprint. Continued consultation with the Piikani Nation, as well as through the development of potential follow-up and monitoring and adaptive management measures regarding fish and fish habitat are expected to improve the confidence rating and the severity assessment of impact on the Piikani Nation's rights and interests. Hunting and Trapping: <ul style="list-style-type: none"> The potential localized changes in accessibility to wildlife associated with riparian vegetation/habitat. The potential for changes to accessibility to aquatic wildlife species of interest (e.g., waterfowl) with the change or loss of aquatic habitats. The potential for changes in wildlife food sources through changes to ecosystems/vegetation communities resulting in changes to wildlife species of interest movements/migrations. The potential stressor on wildlife population 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 Piikani Nation from hunting and trapping locations within the Project footprint resulting in impacts to their ability to know and teach the Piikani way of living. <p>Though residual effects to wildlife VCs may occur as result of the Project, no significant adverse effects are anticipated and the potential impacts included will result in a temporary decline in the wildlife species available for use by the Piikani Nation in hunting and trapping practices as well as the temporary impact to the accessibility of areas used to hunt and trap in the Project footprint and the ATRI LSA. The Project has the potential to impact on Piikani Nation's Treaty 7 rights based on the above.</p> <p>In terms of specific wildlife VCs, bighorn sheep have important significance within the Piikani Nation's spiritual and ceremonial teachings, songs, ceremonies, medicines, and stories as currently identified in Sections 28.5.4 and 28.6.6. Follow-up on impact management measures related to bighorn sheep are identified in Chapter 15 and included in the Indigenous Impact Management Plan (Section 28.9.2).</p> <p>The degree in severity of impact on the Piikani Nation's rights and interests for the use of lands and resources for hunting and trapping is rated as low to moderate based on the following:</p>	

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			<p>lead monitoring programs related to the Project.</p> <ul style="list-style-type: none"> Incorporating feedback from the Piikani Nation in the development of an Access Management and Monitoring Program which would address any concerns raised regarding access to areas that might be temporarily restricted due to safety concerns (e.g., in the Project footprint during construction and operations) by creating alternatives to guarantee access to key land use areas. NWP will establish No Unauthorized Entry (NUE) areas in order to ensure worker and public safety within and near the Project. Supporting the establishment of conservation lands that may be privately held by NWP, an Indigenous Community, or a recognized conservation organization. Supporting Indigenous work related to land and resource use planning objectives in proximity to the Project and following the EAC, NWP will support Indigenous work related to land and resource use planning objectives for consideration during the relevant Project phases. Providing access to requested reports and identify feedback opportunities where applicable including the various mitigation and monitoring plans as well as those related to the Indigenous Impact Management Plan. <p>For each potential impact as previously described and assessed in Section 28.7, the specific mitigation measures identified that relate to the Piikani Nation’s rights and interests are described in the following sections and are also summarized in Table 28.9-1.</p> <p>Key mitigation measures for each Piikani Nation right/interest that may potentially be impacted include:</p> <ul style="list-style-type: none"> Fishing: The mitigation measures identified for the change to use of lands and resources for traditional fishing purposes are as identified in Chapter 12, Section 12.5.3 including the Fish and Fish Habitat Management Plan and the Ecological Restoration Plan. The operational 	<ul style="list-style-type: none"> The potential impacts are likely to be small in spatial extent, reversible in the long term, and with few effects to health and/or country foods. Mitigation and the Project’s design to reduce impacts to wildlife VCs 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 28.7.3.2.2, 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 Piikani Nation for hunting and trapping have not been identified within the Project footprint through publicly available information. Information related to the Piikani Nation’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 Piikani Nation in the Project footprint, coupled with the lack of significant adverse effects to wildlife VCs that are potentially used for hunting and trapping purposes, indicates the level of impact on the Piikani Nation’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 Piikani Nation from hunting and trapping locations within the Project footprint, for which there is no current mitigation identified. It is further noted that that this physical alteration and potential change in the opportunity of the Piikani Nation to practice related traditional activities (e.g., hunting and trapping) may also have impacts on intangible cultural heritage. Due to the lack of current information available on their use of the Project footprint for traditional purposes, understanding and characterizing these potential related impacts to their intangible cultural heritage requires further input from the Piikani Nation. Continued consultation with the Piikani Nation, as well as through the development of potential follow-up and monitoring and adaptive management measures regarding wildlife VCs are expected to improve 	

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			<p>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 Piikani Nation’s fishing rights including those related to their ability to know and teach the Piikani way of living during all Project phases.</p> <ul style="list-style-type: none"> • Hunting and Trapping: The mitigation measures identified for the change to use of lands and resources for traditional hunting and trapping purposes are as identified in Chapter 15 (e.g., ungulates, Chapter 15, Section 15.4.3.3) including the Wildlife Management and Monitoring Plan and the Ecological Restoration Plan. Many of the measures to mitigate impacts to wildlife VCs are part of protocols described in Chapter 33 including the Air Quality and Greenhouse Gas Management Plan (Section 33.4.1.1), the Noise and Vibration Management Plan (Section 33.4.1.7), the Vegetation and Ecosystems Management and Monitoring Plan (Section 33.4.1.11), the Spill Prevention, Control, and Countermeasures Plan (Section 33.4.1.10), the Waste Management Plan (Section 33.4.1.12), and the Traffic Control Plan (Section 33.4.2.4) which includes access management. These are identified in combination with the key mitigations for traditional hunting and trapping activities to reduce the impacts on the Piikani Nation’s hunting and trapping rights including those related to their ability to know and teach the Piikani way of living during all Project phases. • Harvesting and Gathering: The mitigation measures identified for the change to use of 	<p>the confidence rating and the severity of impact on the Piikani Nation’s rights and interests.</p> <ul style="list-style-type: none"> • Harvesting and Gathering: <ul style="list-style-type: none"> ○ The potential for reduction in the quality and accessibility of vegetation species of interest for traditional/cultural purposes or country foods. ○ The potential for the permanent alienation of the Piikani Nation 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 Piikani Nation 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 Piikani Nation’s rights and interests. ○ The potential for the permanent alienation of the Piikani Nation from harvesting and gathering locations within the Project footprint resulting in impacts to their ability to know and teach the Piikani way of living. <p>The degree in severity of impact on the Piikani Nation’s rights and interests for the use of lands and resources for harvesting and gathering is rated as moderate based on the following:</p> <ul style="list-style-type: none"> • The potential impacts are likely to be small in spatial extent, reversible long-term, with few effects to health and/or country foods while there is potential for the Project to result in the permanent alienation of the Piikani Nation from harvesting and gathering locations within the Project footprint for which there is no current mitigation identified. • It is further noted that that this physical alteration and potential change in the opportunity of the Piikani Nation to practice related traditional activities (e.g., harvesting and gathering) may also have impacts on intangible cultural heritage. • Due to the lack of current information available on their use of the Project footprint for traditional purposes, understanding and characterizing these potential related impacts to their intangible cultural heritage requires further input from the Piikani Nation. • Though baseline data was sufficient to evaluate effects for the related Project VCs, there is no current information available indicating that the Piikani Nation 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. 	

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			<p>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 Piikani Nation’s harvesting and gathering rights including those related to their ability to know and teach the Piikani way of living during all Project phases.</p> <ul style="list-style-type: none"> Physical and Cultural Heritage: The mitigation measures identified for the change to physical and cultural heritage, and structures, sites, or things of historical, archaeological, paleontological, or architectural significance are related to reporting on the implementation of management and monitoring plans associated with the identification of appropriate mitigation for pre-contact archaeological sites based on collaboration with the Piikani Nation. An Archaeology Management Plan (Chapter 33, Section 33.4.1.2) was developed for the Project and describes protocols that will be followed where the Project footprint encroaches upon the recorded boundaries of pre-contact archaeological sites (pre-dating A.D. 1846) that are protected under the 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, 	<ul style="list-style-type: none"> 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 the Piikani Nation, as well as through the development of potential follow-up and monitoring and adaptive management measures as necessary is expected to improve the confidence rating and the severity of impact on the Piikani Nation’s rights and interests. Physical and Cultural Heritage: <ul style="list-style-type: none"> The potential loss of pre-contact archaeological artifacts (if present) and tree throws related to physical and cultural heritage. The potential loss/disconnection of historic and present-day travel routes and trail if present within or crossing new roads and infrastructure footprint. The potential changes to or loss of places that may be important for ceremonial or sacred areas through changes in landscape/ecosystems within the Project footprint. The potential for change in access to places that may be important for ceremonial or sacred areas, and the potential loss of pre-contact archaeological artifacts (if present) during Project phases. The Project has the potential to impact on the Piikani Nation’s rights and interests as a result of the potential change due to a significant historic area located near the Project's roads: Grave Lake, Grave Creek, and Grave Prairie. The potential for changes to ceremonial or sacred areas associated with Grave Creek and West Alexander Creek. There is also the potential discovery of pre-contact archaeological resources (if present) in unconsolidated material or during progressive clearing activities. The potential for the permanent alienation of the Piikani Nation from their cultural heritage due to the intangible value associated with a sense of place within the Project footprint. <p>The degree in severity of impact on the Piikani Nation’s rights and interests related to physical and cultural heritage resources and structures, sites, or things of historical, archaeological, paleontological, or architectural significance is rated as moderate to high based on the following:</p> <ul style="list-style-type: none"> The potential impacts are likely to be small in spatial extent, and with no effects to health. These heritage resources may be of interest to the Piikani Nation based on their potential linkage to the Piikani Nation ancestry though none have been identified based on preliminary consultation with the Piikani Nation. Though baseline data was sufficient to evaluate effects for known heritage resources, the lack of regional information on the Piikani Nation’s physical and cultural heritage and structures, sites, or things that are of historical, archaeological, paleontological, or architectural significance increases the degree of severity of adverse impacts. 	

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			<p>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.</p> <ul style="list-style-type: none"> Social, Health, and Economic Conditions: The mitigation measures identified for the change to social, health, and economic conditions are as identified in Chapters 17 (Section 17.5.5) and 18 (Section 18.5.4), including the Health and Safety Management Plan. As noted in Chapter 22, Section 22.5.3, a wide array of design mitigation measures are having been recommended in relation to surface water and air, and considered in the assessment of impact on soil, plant/animal tissue (i.e., food) and sediment quality. As such, mitigation measures applicable to the surface water and air quality VCs are applicable, as well as the following in relation to social and health conditions as described in Chapter 33 including the Air Quality and Greenhouse Gas Management Plan (Section 33.4.1.1), the Noise and Vibration Management Plan (Section 33.4.1.7), the Vegetation and Ecosystems Management and Monitoring Plan (Section 33.4.1.11), the Spill Prevention, Control, and Countermeasures Plan (Section 33.4.1.10), the Waste Management Plan (Section 33.4.1.12), and the Traffic Control Plan (Section 33.4.2.4) which includes access management. These are identified in combination with the key mitigations for the Piikani Nation’s traditional activities to reduce the impacts on the Piikani Nation’s interests including those related to their ability to know and teach the Piikani way of living during all Project phases. 	<ul style="list-style-type: none"> There is potential for the permanent alienation of the Piikani Nation 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 Piikani Nation to practice related traditional activities (e.g., ceremonies in areas of physical and cultural heritage) may also have impacts on intangible cultural heritage. The understanding and characterizing of these potential related impacts to the Piikani Nation’s intangible cultural heritage requires further input from the Piikani Nation. Continued consultation with the Piikani Nation, as well as through the development of potential follow-up and monitoring and adaptive management measures as necessary is expected to improve the confidence rating and the severity of impact on the Piikani Nation’s rights and interests. Social, Health, and Economic Conditions: <ul style="list-style-type: none"> The potential Project nuisance effects to residents due to noise and vibration. The potential change in availability/reliance on country food. The loss of potential access to species for traditional purposes due to loss of sections of West Alexander Creek. The potential for the permanent alienation of the Piikani Nation from traditional use locations within the Project footprint. The potential for public safety risks due to physical hazards. The Project has the potential to impact on the Piikani Nation’s rights and interests due to the potential change in population and demographics. The potential change in community health and well-being. The potential change due to the influx of new employees to the region that could potentially contribute to social impacts, including safety risks. <p>Based on the Human Health and Ecological Risk Assessment (HHERA; Chapter 22), which encompasses changes in surface water and air quality, and was estimated in consideration of use and rights-based Indigenous traditional use lifestyle scenarios, the overall Project-related risk to human health is considered to be low. Though the risk is identified as low, there is potential for residual effects to wildlife and human health, and as such, to the actual or perceived quality of fish and wildlife resources consumed as country foods. As such there is potential for less reliance on country foods because of this perceived impact to their quality.</p> <p>Based on the background information research and the consultation activities with the Piikani Nation to date, there are no anticipated interactions between the Project and the Piikani Nation housing, transportation, or social services and education, and therefore, no unmitigated Project effects on these aspects of health and social, health, and economic conditions are anticipated.</p>	

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				<p>There is also potential for potential modest positive change in the availability of community services, the potential for Indigenous Communities to take part in monitoring activities as outlined in the Indigenous Impact Management Plan (Section 28.9), and the potential economic benefit for Indigenous Community members related to employment and economic investment during the Project phases. The Project is anticipated to result in positive economic outcomes for employment, income, and local and regional economies.</p> <p>The degree in severity of impact on the Piikani Nation’s social, health, and economic conditions is rated as low based on the following:</p> <ul style="list-style-type: none"> • The potential impacts are likely to be small in spatial extent, reversible long-term, and with few effects to health and/or country foods. • It should be noted that through this assessment it has been determined that there is potential for the Project to result in the permanent alienation of the Piikani Nation from locations within the Project footprint. It is further noted that that this physical alteration and potential change in the opportunity of the Piikani Nation 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 Piikani Nation’s intangible cultural heritage requires further input from the Piikani Nation. • Though baseline data was sufficient to evaluate effects for socio-community, economic, and human health VCs, areas currently or potentially used by the Piikani Nation for traditional purposes have not been identified within the Project footprint by the Piikani Nation and the impact on rights assessment is based on the publicly available information. • As such, there is no information indicating that the Piikani Nation currently uses the Project footprint for social, health, and economic conditions. • Continued consultation with the Piikani Nation, as well as through the development of potential follow-up and monitoring and adaptive management measures as necessary is expected to improve the confidence rating and the severity of impact on the Piikani Nation’s rights and interests. 	

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Cumulative Effects Assessment	<p>Issue provided in the Draft Effects Assessment Response October 15, 2021</p> <p>Piikani finds NWP’s cumulative effects assessment problematic in that it is founded on the conclusion that there will be no significant residual effects of the Project.</p> <p>This project is one of many in the Elk River Valley and throughout Piikani Nation’s ancestral territory and further limits the citizens of Piikani Nation ability to practice their rights.</p>	<p>Updates added to Chapter 28 to reflect consultation and on-going engagement.</p> <p>Section 28.5 details our preliminary understanding of the Piikani Nation’s rights and interests and how feedback received from the Piikani Nation was incorporated into the effects assessment process.</p> <p>Where the Piikani Nation 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 Piikani Nation as a follow up to the feedback received. Section 28.7.4 includes updated maps and further details on those projects and activities included in the assessment process.</p> <p>Where information was available on the Piikani Nation’s perspectives, they have been included in Sections 28.6 to 28.10.</p> <p>Key issues that remain outstanding and are included in the opportunities for future engagement are the incorporation of Piikani Nation’s traditional use information collection within the Project footprint and the ATRI LSA that is currently ongoing and should be incorporated into the</p>	<p>In addition to the mitigations outlined in the specific VC chapters, the following mitigation measures are proposed to reduce the potential cumulative impacts on the Piikani Nation’s rights and interests:</p> <ul style="list-style-type: none"> • Best management practices and procedures related to each VC of interest are based on Piikani Nation perspectives shared with respect to the principles of reclamation and restoration including the design of mitigation measures for cumulative effects as outlined in the various specific VC chapters in the Application/EIS. • Restoration and progressive reclamation at various phases of the Project related to cumulative effects in an effort to address the usually slow reclamation progress in the Elk Valley. • As part of the cumulative effects mitigation and the overall impact management measures, NWP will encourage the participation of the Piikani Nation on the applicable Project Advisory, Environmental Stewardship and Reclamation Planning committees. • NWP is also committed to supporting the establishment of more new conservation lands than the loss of existing conservation lands. New lands may be privately held by NWP, an Indigenous Nation, or a recognized conservation organization. • Confirming and implementing the Indigenous Impact Management Plan that outlines mitigation measures to avoid, minimize, reduce, and/or offset potential direct and indirect impacts of the Project on the Piikani Nation’s rights and related interests and utilizes adaptive management approaches for follow-up strategies and monitoring programs. • Consideration of collaborative strategies for addressing the cumulative effects where applicable, with Piikani Nation, the identified Indigenous Communities, other proponents, and regulatory agencies. • Participation in the Elk Valley Cumulative Effects Management Framework as co-led by the KNC and other relevant regional 	<p>Within the ATRI RSA, lands have experienced and are experiencing past disturbances as a result of mining, forestry, agricultural/commercial/residential development, and natural disturbances (e.g., avalanches, forest fires). Based on the results of the relevant VC potential residual cumulative effects assessments and in consideration of potential regional mitigation measures as well as the requirements of Section 5(1)(c) of CEA Act, 2012, potential residual cumulative effects are anticipated to occur as they relate to:</p> <ul style="list-style-type: none"> • The use of lands and resources for traditional purposes (i.e., fishing, hunting and trapping, harvesting and gathering); • Physical and cultural heritage, and structures, sites, or things of historical, archaeological, paleontological, or architectural significance; and • Social, health, and economic conditions. <p>Though potential residual cumulative effects to VC or VC groups that may be of interest to the Piikani Nation are not assessed as significant, a conservative approach to the assessment of residual cumulative effects on the Piikani Nation indicates residual cumulative effects may occur. Residual cumulative effects assessments for potential cumulative effects are presented in Sections 28.7.4.4.1 to 28.7.4.4.5.</p> <p>The Project has the potential to impact the Piikani Nation’s rights and interests related to cumulative effects that may result in cumulative impacts addressed as follows:</p> <ul style="list-style-type: none"> • Fishing: <ul style="list-style-type: none"> ○ While the degree in severity of impact on the Piikani Nation’s rights for the use of lands and resources for fishing and fish opportunities is rated as low to moderate, the cumulative impacts are rated as moderate. ○ The Project in combination with other reasonably foreseeable future projects and activities is not anticipated to result in measurable cumulative residual Project effects that will reduce the ability and opportunity of the Piikani Nation 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 28.7.4.2). ○ 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. ○ Piikani 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”. 	<p>Issue has been considered in the effects assessment and is documented in Chapter 28 of the application.</p> <p>NWP provided a detailed description of the cumulative effects assessment methodology and overview of the projects and activities included in the assessment process that relate to past, present, and the reasonable future developments.</p> <p>NWP is committed to ongoing communication on this issue through future consultation and engagement with the Piikani Nation.</p>

Table 28-A.1: Summary of the Results of the Piikani Nation Consultation Related to Aboriginal Rights and Interests and Other Matters of Concern

Piikani Nation Rights and Related Interest/VC	Piikani Nation Perspectives on Rights and Interests/VC	Proponent Response	Summary of Proposed Measures to Avoid, Mitigate, or Otherwise Manage Effects	Summary of Assessment of Potential Impacts on Rights and Interests	Status of Issue / Path Forward
		<p>assessment processes, and the concerns regarding the overall potential cumulative effects within the Elk Valley due to on-going activities.</p>	<p>cumulative effects initiatives, where appropriate.</p> <ul style="list-style-type: none"> • Supporting possible opportunities to augment VC-specific monitoring programs to include responses to concerns raised by the Piikani Nation utilizing adaptive management approaches for follow-up strategies. • Adopting management practices and measures to meet regional planning objectives, where practicable, over the course of the Project. • Supporting the recognition of Indigenous stewardship and governance in the Elk Valley and respecting Piikani Nation perspectives on their use of lands and resources for traditional purposes. • Continued consultation and engagement with the Piikani Nation over the course of the Project to identify and understand current use of lands and resources for traditional purposes within the ATRI LSA and ATRI RSA. • Opportunity for ceremonies on the land prior to construction of project infrastructure as well as opportunities for harvesting and gathering within the Project footprint prior to construction for Indigenous community members. 	<ul style="list-style-type: none"> ○ The cumulative impact is determined as moderate due to the lack of information available from the Piikani Nation 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 Piikani way of living can continue outside of the Project footprint during all Project phases. • Hunting and Trapping: <ul style="list-style-type: none"> ○ While the degree in severity of impact on the Piikani Nation’s rights and interests for the use of lands and resources for hunting and trapping is rated as low to moderate, the cumulative impacts are rated as moderate. ○ The Project in combination with other reasonably foreseeable future projects and activities is not anticipated to reduce the ability and opportunity of the Piikani Nation 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 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 Piikani Nation 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 Piikani 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. • Harvesting and Gathering: <ul style="list-style-type: none"> ○ The degree in severity of impact on the Piikani Nation’s rights and interests for the use of lands and resources for harvesting and gathering is rated as moderate to reflect the cumulative impacts. ○ The Project, in combination with other reasonably foreseeable future projects and activities, is not anticipated to result in measurable residual Project effects to reduce the ability and opportunity for the Piikani Nation 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 	

Table 28-A.1: Summary of the Results of the Piikani Nation Consultation Related to Aboriginal Rights and Interests and Other Matters of Concern

Piikani Nation Rights and Related Interest/VC	Piikani Nation Perspectives on Rights and Interests/VC	Proponent Response	Summary of Proposed Measures to Avoid, Mitigate, or Otherwise Manage Effects	Summary of Assessment of Potential Impacts on Rights and Interests	Status of Issue / Path Forward
				<p>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.</p> <ul style="list-style-type: none"> ○ The cumulative impact is also determined as moderate due to the lack of information available from the Piikani Nation 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 Piikani way of living can continue outside of the Project footprint during all Project phases. <ul style="list-style-type: none"> • Physical and Cultural Heritage: <ul style="list-style-type: none"> ○ While the degree in severity of impact on the Piikani Nation's rights and interests related to physical and cultural heritage resources and structures, sites, or things of historical, archaeological, paleontological, or architectural significance is rated as moderate to high, the cumulative impacts are rated as moderate. ○ 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, 	

Table 28-A.1: Summary of the Results of the Piikani Nation Consultation Related to Aboriginal Rights and Interests and Other Matters of Concern

Piikani Nation Rights and Related Interest/VC	Piikani Nation Perspectives on Rights and Interests/VC	Proponent Response	Summary of Proposed Measures to Avoid, Mitigate, or Otherwise Manage Effects	Summary of Assessment of Potential Impacts on Rights and Interests	Status of Issue / Path Forward
				<p>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.</p> <ul style="list-style-type: none"> ○ The cumulative impact is determined as moderate due to the lack of information available from the Piikani Nation 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 Piikani way of living can continue outside of the Project footprint during all Project phases. <ul style="list-style-type: none"> ● Social, Health, and Economic Conditions: <ul style="list-style-type: none"> ○ The degree in severity of impact on the Piikani Nation’s social, health, and economic conditions is rated as low to reflect the cumulative impacts. ○ The assessment of residual cumulative effects of the Project in combination with those of past, present, and reasonably foreseeable future projects and activities on wildlife and human health concluded no significant adverse cumulative effects on terrestrial, aquatic, and human health. ○ Additionally, no adverse residual effects on social, health, and economic conditions were predicted, therefore no cumulative effect to social, health, and economic conditions are expected to occur. ○ The residual cumulative effects on social, health, and economic conditions arising from the Project in combination with other past, present, and reasonably foreseeable future projects and activities during all phases are also considered not significant. ○ The cumulative impact is determined as low due to the lack of information available from the Piikani Nation 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 Piikani way of living can continue outside of the Project footprint during all Project phases. <p>Continued consultation with the Piikani Nation, as well as through the development of potential follow-up and monitoring and adaptive management measures as necessary is expected to improve the confidence rating and the severity of impact on the Piikani Nation’s rights and interests.</p>	

Table 28-A.2: Comments Received from Piikani Nation on the Draft Effects Assessment and Recommendations Addressed

Date Received	Comment No.	EIS Section No.	EIS Section Title	Indigenous Community Comment on EIS Section	Changes to EIS Section as Recommended by Indigenous Community	Comments/Updates Related to Comments in EIS - Chapter 28	NWP's Response to Comment / Disposition to Issue
Oct-15-2021	1	23.8.3.2	Pre-Application Engagement	<p>Section 5.1 of the IAAC EIS Guidelines requires that NWP records all interactions with Aboriginal groups, including a record of issues raised by each Aboriginal group.</p> <p>In Section 23.8.3.2 of the draft chapter NWP provides a summary of consultation and engagement activities that have taken place to date. Piikani Nation notes that while there is an explanation of what activities have taken place, the key issues raised by Piikani Nation in those activities has not been included.</p>	<p>The following content should be added to this section to reflect the key issues that Piikani Nation has raised during consultation and engagement activities:</p> <ul style="list-style-type: none"> The maps depicting the boundaries of Piikani Nation's ancestral territories are to be considered a snapshot in time of what is an evolving understanding of the landscapes our ancestors occupied. Maps are an inherently colonial construct that seek to delineate areas that 'belong' to one group or another. This concept of distinct and separate territories with legal boundaries is one that has been imposed on Piikani Nation by government authorities. Both in the past and presently, Piikani Nation shares the land with many First Nations throughout the northern plains and into the Rocky Mountains. Throughout various Project—related engagement and correspondence, Piikani Nation has disputed the Crown's characterization of the level of potential impacts of the Project on its rights and interests and its resulting placement on the low end of the consultation spectrum. Piikani has raised concerns that this determination by the federal and provincial Crowns has negatively impacted the level of capacity support - or in the case of the British Columbia Environmental Assessment Office (BCEAO) the lack thereof — for Piikani to meaningfully participate in the project's Environmental Assessment and to conduct a comprehensive investigation of its current and historical land use in areas of the Elk River Valley impacted by the Project. Furthermore, Piikani has raised concerns that the Crown's misunderstanding may limit future opportunities for Piikani to reassert connection with its ancestral territories in the Rocky Mountains via activities such as meaningful participation in environmental monitoring and stewardship activities. Throughout the early engagement period, Piikani Nation has raised the importance of carrying out a comprehensive TKLU study specific to the Project to appropriately identify the Nation's current and historic use of the 	<p>Update added to Section 28.5.2 Project Development and Pre-Application Engagement:</p> <p>On January 27, 2021, NWP provided a draft version of the initial sections of this Application/EIS section for their review and comment. The remaining section, complete with the effects assessments, was provided to the Piikani Nation on August 30, 2021. Feedback on the draft sections were provided by the Piikani Nation on October 15, 2021. NWP responded to the Piikani Nation feedback via correspondence on October 15, 2021. Through Piikani Nation's review of the draft version of this Application and/EIS section, it is highlighted that the maps depicting the boundaries of Piikani Nation's ancestral territories are to be considered a snapshot in time of what is an evolving understanding of the landscapes the ancestors occupied. As per Piikani Nation, maps are an inherently colonial construct that seek to delineate areas that 'belong' to one group or another. As noted by Piikani Nation, this concept of distinct and separate territories with legal boundaries is one that has been imposed on Piikani Nation by government authorities. Both in the past and presently, Piikani Nation shares the land with many First Nations throughout the northern plains and into the Rocky Mountains. A follow-up meeting was undertaken on January 5, 2022 with Piikani Nation to discuss the feedback provided, its incorporation into the draft Application/EIS, and the next steps in the assessment processes.</p> <p>Summarized results of the Indigenous Consultation related to Aboriginal interests and/or other matters of concern to Piikani Nation are available in Appendix 28-A, Table 28.A-1. As noted above, the comments received from Piikani Nation on the draft effects assessment and NWP's responses where applicable are recorded in Appendix 28-A, Table 28.A-2.</p> <p>Overarching themes presented in the feedback received from Piikani Nation include concerns that Piikani Nation's traditional use information collection within the Project footprint and the ATRI LSA is currently ongoing and should be incorporated into the assessment including information on locations and time of use. The Piikani Nation have also requested that NWP commit to discussions regarding identifying mitigation and accommodation measures related to Valued Components, the inclusion of Piikani Nation's Biocultural Monitoring Program during the Project's lifecycle</p>	<p>NWP notes that additional details on engagement discussions and consultation with Piikani Nation are provided in Chapter 4: Consultation and Engagement of this Application/EIS.</p>

Date Received	Comment No.	EIS Section No.	EIS Section Title	Indigenous Community Comment on EIS Section	Changes to EIS Section as Recommended by Indigenous Community	Comments/Updates Related to Comments in EIS - Chapter 28	NWP's Response to Comment / Disposition to Issue
					<p>area in order to assess potential impacts to its rights and interests.</p>	<p>operations and integrating the results of Piikani Nation's Traditional Knowledge and Land Use study into Project planning and mitigation.</p> <p>Piikani Nation noted that there is still the potential that the Project will result in permanent alienation from locations in the Project footprint, which should be considered as a residual effect that cannot be mitigated. Piikani Nation noted that the cumulative effects assessment for the Project needs to be further refined as it is one of many in the Elk River Valley and throughout Piikani Nation's ancestral territory and further limits the citizens of Piikani Nation ability to practice their rights.</p> <p>Piikani Nation's views expressed on the effectiveness of the mitigation or accommodation measures where applicable are also further outlined in Appendix 28-A, Table 28.A-2. Piikani Nation also noted that when taken into context with other projects in the Elk River Valley, including mining, forestry, farming, and other development (both current and historic), the Project further erodes the availability of natural areas in which hunting, fishing and gathering can take place. Piikani Nation noted that statements made in the Application/EIS require the outstanding results of Piikani Nation's TKLU study to be regarded as conclusive.</p> <p>It is noted that currently no changes were made to Project design and implementation directly as a result of on-going consultation with the Piikani Nation. The other matters of concern raised by Piikani Nation not captured in the feedback provided in Appendix 28-A, Table 28.A-2 are addressed in Appendix 28-A, Table 28.A-1 where noted and included in Sections 28.6, 28.7, 28.8, 28.9, and 28.10.</p> <p>Throughout various Project-related engagement and correspondence, Piikani Nation has disputed the Crown's characterization of the level of potential impacts of the Project on its rights and interests and its resulting placement on the low end of the consultation spectrum. In comments added in their review of the draft version of this Application/EIS, Piikani Nation has raised concerns that this determination by the federal and provincial Crowns has negatively impacted the level of capacity support – or in the case of the British Columbia Environmental Assessment Office (B.C.EAO) the lack thereof (as stated by Piikani Nation) — for Piikani to meaningfully participate in the project's Environmental Assessment and to conduct a</p>	

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						<p>comprehensive investigation of its current and historical land use in areas of the Elk River Valley impacted by the Project. Furthermore, Piikani has raised concerns that the Crown's misunderstanding (as stated by Piikani Nation) of their characterization of the level of potential impacts may limit future opportunities for Piikani to reassert connection with its ancestral territories in the Rocky Mountains via activities such as meaningful participation in environmental monitoring and stewardship activities.</p> <p>Throughout the early engagement period, Piikani Nation has raised the importance of carrying out a comprehensive Traditional Knowledge and Land Use (TKLU) study specific to the Project to appropriately identify the Nation's current and historic use of the area in order to assess potential impacts to its rights and interests. In response, NWP has committed to providing support where applicable (including capacity support) as Piikani Nation is in the process of completing a Traditional Knowledge Land Use study (no timeline included) related to the Project and the results of this TKLU study will be integrated into the process where applicable and possible.</p> <p>Key issues that remain outstanding and are included in the opportunities for future engagement are the incorporation of Piikani Nation'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 Piikani Nation, NWP continues to work with Piikani Nation to address key issues that have been raised and regards consultation as an iterative process that adapts in order to identify applicable mitigative measures.</p>	
	2	23.8.3.3	Future Engagement	<p>Piikani Nation has developed a Biocultural Monitoring Program which provides data and information related to the impact of the cumulative effects of development within Piikani Nation's ancestral territories.</p> <p>Piikani Nation vigorously disputes the Impact Assessment Agency of Canada (IAAC) and British Columbia Environmental Assessment Office's (BCEAO) characterization of the level of potential impacts of the Project on its rights and interests and its resulting</p>	<p>Should the project be successful in receiving an EAP, NWP will commit to dialogue with Piikani Nation for the purpose of:</p> <ul style="list-style-type: none"> Identifying mitigation and accommodation measures to prevent/offset impacts to valued components as identified by Piikani Nation, Ongoing dialogue related to the inclusion of Piikani Nation's Biocultural Monitoring Program during the project's lifecycle operations. 	<p>Section 28.9 Indigenous Impact Management Plan detailing specific mitigations has been included. Update added to Section 28.5.3 Future Engagement:</p> <p>NWP is committed to an ongoing dialogue with the Piikani Nation, including a commitment to the following:</p> <ul style="list-style-type: none"> Entering into an agreement to formalize consultation protocols between NWP and Piikani Nation; Supporting site visits from representatives of the Piikani Nation; 	<p>NWP notes that engagement discussions and consultation with Piikani Nation are ongoing and information provided will be reviewed and considered.</p> <p>As the determination of level of impacts is a consideration addressed by IAAC, Piikani Nation may wish to enter into further dialogue on the matter with the Agency.</p>

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				placement on the low end of the consultation spectrum. As a result of the Crown's current understanding, Piikani is being denied access to adequate funding which is resulting in an inability to do a proper investigation of its current and historical land use in areas of the Elk River Valley impacted by the Project. Furthermore, the Crown's misunderstanding may limit future opportunities for Piikani to reassert connection with its ancestral territories via activities such as meaningful participation in environmental monitoring and stewardship activities.	<ul style="list-style-type: none"> Fully integrate the results of Piikani Nation's Traditional Knowledge and Land Use study into Project planning and mitigation. 	<ul style="list-style-type: none"> Discussions related to the inclusion of Piikani Nation's Biocultural Monitoring Program during the Project's lifecycle operations; Integration of the results of Piikani Nation's Traditional Knowledge and 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 Piikani Nation rights and interests. 	
	3	23.8.4.5	Traditional Territory and Asserted Rights and Interests	NWP notes that this section summarizes preliminary information available to NWP at the time of writing this draft. Piikani Nation is in the process of completing a TKLU study related to this project and the results of this study will be integrated into this section before it is considered finalized.	<p>The map provided below this table illustrates the known extent of Piikani's ancestral territories and should replace the map (Figure 28.3-1) currently displayed on page 6, Chapter 23.</p> <p>The following information should be included in Section 28.3.4.5:</p> <ul style="list-style-type: none"> Piikani Nation vigorously disputes the Impact Assessment Agency of Canada (IAAC) and British Columbia Environmental Assessment Office's (BCEAO) characterization of the level of potential impacts of the Project on its rights and interests and its resulting placement on the low end of the consultation spectrum. As a result of the Crown's current misunderstanding, Piikani has indicated that the lack of access to adequate funding has resulted in an inability to do a proper investigation of its current and historical land use in areas of the Elk River Valley impacted by the Project. Furthermore, the Crown's misunderstanding may have the effect of limiting future opportunities for Piikani to reassert a connection with its ancestral territories in the Rocky Mountains via activities such as meaningful participation in environmental monitoring and stewardship activities. Traditional territories are not equivalent to modern Nation State boundaries. Modern concepts of borders/boundaries are inadequate for expressing ideas central to First Nations' notions of land tenure. The reality is that First Nation boundaries don't always function the same as the simplified maps imply when it comes to Indigenous history and there is a lot more movement, 	<p>Update added to Section 28.5.4 Preliminary Understanding of Rights and Interests:</p> <p>Piikani Nation vigorously disputes the Impact Assessment Agency of Canada and British Columbia Environmental Assessment Office's (B.C. EAO) characterization of the level of potential impacts of the Project on its rights and interests and its resulting placement on the low end of the consultation spectrum. As a result of the Crown's current misunderstanding (as stated by Piikani Nation), Piikani has indicated that the lack of access to adequate funding has resulted in an inability to undertake a proper investigation of its current and historical land use in areas of the Elk River Valley impacted by the Project. Furthermore, as stated by Piikani Nation, the Crown's misunderstanding may have the effect of limiting future opportunities for Piikani to reassert a connection with its ancestral territories in the Rocky Mountains via activities such as meaningful participation in environmental monitoring and stewardship activities. NWP is committed to creating and sustaining constructive dialogue and relationships with the Piikani Nation and where practicable in response to the above, NWP has committed to providing support where applicable (including capacity support).</p> <p>Update added to Section 28.6.5 Community, Reserve, and Traditional Territory:</p> <p>As stated by Piikani Nation in their comments on the draft versions of this Application/EIS, traditional territories are not equivalent to modern Nation State boundaries). Modern concepts of borders/boundaries are inadequate for expressing ideas central to First Nations' notions of land tenure. First Nation boundaries don't always function the same as the simplified maps</p>	NWP notes that additional details on engagement discussions and consultation with Piikani Nation are provided in Chapter 4: Consultation and Engagement of this Application/EIS.

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					<p>overlap and complexity than maps are able to convey.</p> <ul style="list-style-type: none"> Piikani Nation's seasonal round, which refers to the pattern of movement from one resource gathering area to another in a cycle that was followed each year, posits that Piikani Nation citizens camped in the western plains during the summer months to hunt bison and during the winter months they camped within the Rocky Mountains to hunt other big game. This is corroborated by Piikani Elders who frequently note their long tenure in their current homelands on the northwest plains and traditional land use in the area bounded on the east by the Crowsnest Pass and on the west by the Rocky Mountain Trench (the Kootenay Rockies region). This includes areas potentially impacted by the Project. 	<p>imply when it comes to Indigenous history and there is a lot more movement, overlap, and complexity than maps are able to convey.</p> <p>Piikani Nation's seasonal round, which refers to the pattern of movement from one resource gathering area to another in a cycle that was followed each year, posits that Piikani Nation citizens camped in the western plains during the summer months to hunt bison and during the winter months they camped within the Rocky Mountains to hunt other big game. This is corroborated by Piikani Elders who frequently note their long tenure in their current homelands on the northwest plains and traditional land use in the area bounded on the east by the Crowsnest Pass and on the west by the Rocky Mountain Trench (the Kootenay Rockies region). This includes areas potentially impacted by the Project.</p>	
	4	23.8.4.5	Traditional Territory and Asserted Rights and Interests		<p>The description of Piikani's ancestral territories on pages 6 and 7 of Chapter 23 should be updated to more accurately reflect that the western flank of Piikani's territory is the Rocky Mountain Trench (Kootenay River Valley):</p> <ul style="list-style-type: none"> Piikani Elders speak of the importance of the Elk River Valley and its regular use as a connector between the Rocky Mountain Trench and Crowsnest Pass. The reserve and pass system actively prevented Piikani Nation's access to areas of its ancestral territories, including areas west of Crowsnest Pass towards the Rocky Mountain Trench. Prior to confederation, these areas were regularly accessed by citizens of Piikani Nation to gather resources, engage in spiritual and cultural activities, to conduct trade with neighbors like the Ktunaxa and to access ancestral territories to the south of the current United States-Canada border. Given the longstanding tenure of both the Ktunaxa and Piikani in their lands, interviews conducted with Piikani elders thus far have yielded ample examples of kinship ties and cultural exchange between the two Nations — all of which was severed by the imposition of the reserve and pass system. 	<p>Update added to Section 28.6.5 Community, Reserve, and Traditional Territory:</p> <p>The Rocky Mountain Trench (Kootenay River Valley) extending into British Columbia are known by Piikani Nation knowledge keepers as being the western flank of the Piikani Nation's traditional territories, thus indicating that the Project is within their traditional territory. Piikani Elders speak of the importance of the Elk River Valley and its regular use as a connector between the Rocky Mountain Trench and Crowsnest Pass. As discussed in Section 28.3, the western boundary of Piikani Nation traditional territory is being assessed within a broader historical context for travel and traditional land and resource use. The Piikani Nation has noted that the Kootenay Rockies region of British Columbia (i.e., including the Project footprint) is an integral part of the ancestral territory of Piikani Nation, and continues to be an important area of use in present day.</p> <p>As stated by Piikani Nation, the reserve and pass system actively prevented Piikani Nation's access to areas of its ancestral territories, including areas west of Crowsnest Pass towards the Rocky Mountain Trench. Prior to Confederation, these areas were regularly accessed by citizens of Piikani Nation to gather resources, engage in spiritual and cultural activities, to conduct trade with neighbors like the Ktunaxa, and to access ancestral territories to the south of the current United States-Canada border. Given the longstanding tenure of both the Ktunaxa and Piikani in their lands, interviews</p>	N/A

Date Received	Comment No.	EIS Section No.	EIS Section Title	Indigenous Community Comment on EIS Section	Changes to EIS Section as Recommended by Indigenous Community	Comments/Updates Related to Comments in EIS - Chapter 28	NWP's Response to Comment / Disposition to Issue
						conducted with Piikani elders thus far have yielded ample examples of kinship ties and cultural exchange between the two Nations — all of which was severed by the imposition of the reserve and pass system.	
	5	23.8.4.7	Historic and Current Use of Lands and Resources for Traditional Purposes	<p>Piikani Nation notes that work to complete a TK/TLRU Study specific to the project is still ongoing, and this should be noted in the draft chapter to characterize the information included as preliminary.</p>	<p>NWP notes that this section summarizes preliminary information available to NWP at the time of writing this draft. Piikani Nation is in the process of completing a TK/TLRU study related to this project and the results of this study will be integrated into this section before it is considered finalized. In addition to interviews with Piikani Elders, Piikani is accessing archival and archeological resources to further investigate Piikani's historical use and occupation of the Elk River Valley.</p> <p>Below are some examples of evidence gathered thus far which should be integrated into Section 28.3.4.7:</p> <ul style="list-style-type: none"> A statement included in Teck Coal's Line Creek and Dry Creek Project (2011) and credited to the Ktunaxa Nation Interests assessment (p.35-11) says: It is reported that there were important camping and settlement locations at Grave Prairie, Round Prairie, near Elkford as well as elsewhere along the Elk River. A network of trails extended up the Elk Valley and are reported to have passed through the Project (Line Creek and Dry Creek) area extending to Tornado Pass to the west as well as passes to the north. These passes were also used by groups east of the Rockies visiting Ktunaxa territory, with the Elk River Valley being an important location for trade and interaction between Ktunaxa, Stoney Nakoda and Piikani of the Blackfoot Confederacy". Blackfoot and Ktunaxa elders have indicated that Whiteswan Lake (approximately 40 kms west of Elkford) was an important trading area where Blackfoot and Ktunaxa trade occurred. Piikani accessed Whiteswan Lake from the east by the aptly named Blackfoot Creek. The archeological record supports Elder testimony in that it can be confirmed that the region from the Crowsnest Pass to the Rocky Mountain Trench was used extensively by both Blackfoot (Piikani) and Ktunaxa people prior to confederation. There are a number of archeological 'phases' in southeastern British Columbia and southwestern Alberta and adjacent regions of the United States. It is well established that 	<p>Whiteswan Lake added to Section 28.6.6.5.1 Access and Travel Routes – Historic Use.</p> <p>Update added to Section 28.6.6 Piikani Nation's Rights and Interests: Historic and Current Use of Lands and Resources for Traditional Purposes:</p> <p>Traditional practices and key cultural values of Piikani Nation in both historic and current times are described below. It should be noted that this section summarizes information available to NWP at the time. As Piikani Nation is currently in the process of completing a Traditional Knowledge Land Use study related to the Project, the results of this TKLU study will be integrated into the process where applicable and possible. In addition to interviews with Piikani Elders, Piikani Nation is accessing archival and archeological resources to further investigate Piikani's historical use and occupation of the Elk River Valley (PNC, 2021).</p> <p>Update added to Section 28.6.6.5.1 Access and Travel Routes – Historic Use:</p> <p>Blackfoot and Ktunaxa elders have indicated that Whiteswan Lake (approximately 40 km west of Elkford) was an important trading area where Blackfoot and Ktunaxa trade occurred. Piikani accessed Whiteswan Lake from the east by the Blackfoot Creek. The network of trails throughout the Elk River Valley were used frequently by Piikani to access areas west of the Crowsnest Pass for resource gathering, spiritual practices, trade, and cultural exchange with neighbors (PNC, 2021).</p>	N/A

Date Received	Comment No.	EIS Section No.	EIS Section Title	Indigenous Community Comment on EIS Section	Changes to EIS Section as Recommended by Indigenous Community	Comments/Updates Related to Comments in EIS - Chapter 28	NWP's Response to Comment / Disposition to Issue
					<p>the "Old Women's Phase" starts at about 1200 to 1400 years ago and runs to the post contact period that starts about 250 years ago. There is a firm association of the cultural material of the Old Women's Phase" and ethnic Blackfoot peoples. While the Phase is not well defined or explicitly named in British Columbia, projectile points found in the East Kootenays are indistinguishable from Old Women's types found throughout Blackfoot territory on the northwest plains. These projectile points were originally known as "plains—side notched" and "prairie—side notched". Furthermore, the distribution of a high—quality stone known as Top of the World chert that was commonly used for the production of stone tools is widely distributed throughout southeast British Columbia, southwest Alberta and into Montana. This stone comes from a location in what is now Top of the World Provincial Park located approximately 37 kms northwest of Sparwood and its spatial distribution is meaningful in drawing conclusions of the presence of Blackfoot people in the East Kootenays and therefore the Project area.</p>		
	6	23.8.4.7	Historic and Current Use of Lands and Resources for Traditional Purposes		<p>Below are some examples of evidence gathered thus far which should be integrated into Section 28.3.4.7:</p> <ul style="list-style-type: none"> There are few excavated archeological sites in the Sparwood and Elkford area, but there are a number of significant Old Women's sites to the south and west of the Project area. These include a series of well documented sites now submerged in the Lake Kookanusa reservoir on both sides of the Montana and British Columbia border. These sites yield projectile points that are essentially the same as projectiles from southern Alberta and first identified at the traditional Piikani buffalo jump known as the 'Old Women's Buffalo Jump'. These sites also have a small but significant sample of high-quality stone tool material commonly referred to as Knife River flint which is quarried in North Dakota and well represented in archeological sites throughout Blackfoot territory. There are 7 sites located approximately 20 kms west of Sparwood on the Bull River, generally proximal to its confluence with Sulphur Creek. This significant site illustrates an example of culturally and historically 	<p>Update added to Section 28.6.6.6 Piikani Nation's Rights and Interests: Historic and Current Use of Lands and Resources for Traditional Purposes – Physical and Cultural Heritage:</p> <p>The archeological record supports Elder testimony in that it can be confirmed that the region from the Crowsnest Pass to the Rocky Mountain Trench was used extensively by both Blackfoot (Piikani) and Ktunaxa people prior to Confederation. There are a number of archeological 'phases' in southeastern British Columbia and southwestern Alberta and adjacent regions of the United States. It is well established that the "Old Women's Phase" starts at about 1200 to 1400 years ago and runs to the post-contact period that starts about 250 years ago. There is a firm association of the cultural material of the Old Women's Phase" and ethnic Blackfoot peoples. While the Phase is not well defined or explicitly named in British Columbia, projectile points found in the East Kootenays are indistinguishable from Old Women's types found throughout Blackfoot territory on the northwest plains. These projectile points were originally known as "plains—side notched" and "prairie—side notched". Furthermore, the distribution of a high—quality stone known as Top of the World chert that was commonly used for the production of</p>	N/A

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					<p>significant archeological sites that mirror a site location strategy that is commonly used on the Plains. A number of lines of evidence indicate the site dates to the late Old Women's phase and all sites are shallowly buried and at about the same depth. It is inferred that these sites may represent a single large occupation where multiple small groups of people, possibly representing both Blackfoot and Ktunaxa camped in proximity to one another and perhaps, to conduct trade. The lithic material from these sites is overwhelmingly Top of the World Chert which is commonly found in Alberta in large quantities at the traditional Piikani Old Women's Buffalo Jump site and Head Smashed in Buffalo Jump.</p>	<p>stone tools is widely distributed throughout southeast British Columbia, southwest Alberta, and into Montana. This stone comes from a location in what is now Top of the World Provincial Park located approximately 37 km northwest of Sparwood, and its spatial distribution is meaningful in drawing conclusions of the presence of Blackfoot people in the East Kootenays and therefore the Project area (PNC, 2021).</p> <p>There are few excavated archeological sites in the Sparwood and Elkford area, but there are a number of significant Old Women's sites to the south and west of the Project area. These include a series of well documented sites now submerged in the Lake Koochanusa reservoir on both sides of the Montana and British Columbia border. These sites yield projectile points that are essentially the same as the projectiles from southern Alberta, and first identified at the traditional Piikani buffalo jump known as the 'Old Women's Buffalo Jump'. These sites also have a small but significant sample of high-quality stone tool material commonly referred to as Knife River flint which is quarried in North Dakota and well represented in archeological sites throughout Blackfoot territory (PNC, 2021).</p> <p>There are seven sites located approximately 20 km west of Sparwood on the Bull River, generally proximal to its confluence with Sulphur Creek. This significant site illustrates an example of culturally and historically significant archeological sites that mirror a site location strategy that is commonly used on the Plains. A number of lines of evidence indicate the site dates to the late Old Women's phase and all sites are shallowly buried and at about the same depth. It is inferred that these sites may represent a single large occupation where multiple small groups of people, possibly representing both Blackfoot and Ktunaxa, camped in proximity to one another, and perhaps to conduct trade. The lithic material from these sites is overwhelmingly Top of the World chert which is commonly found in Alberta in large quantities at the traditional Piikani Old Women's Buffalo Jump site and Head Smashed in Buffalo Jump (PNC, 2021).</p>	

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	7	23.8.4.7	Historic and Current Use of Lands and Resources for Traditional Purposes	<p>Section 6 of the IAAC EIS Guidelines set out the information is to be included to present baseline conditions with sufficient details to facilitate the analysis of the effects of the Project. With respect to baseline information related to Aboriginal Peoples, Section 6.1.9 requires the following:</p> <ul style="list-style-type: none"> • places where fish, wildlife, birds, plants, or other natural resources are harvested; • frequency, duration, or timing of traditional practices; and • cultural values associated with the area affected by the Project and the traditional uses identified. <p>Piikani Nation notes that when characterizing various aspects of Piikani Nation's Historic and Current Use of Lands and Resources for Traditional Purposes (e.g., hunting and trapping, harvesting and gather) specific information about the locations and timing of use are not included, making it impossible to assess their interactions with the Project.</p>	<p>The draft chapter should be updated to provide an avenue for inclusion of information from Piikani about the locations and timing of historic and current uses lands and resources once they are provided via a TKLU study in order to facilitate a more accurate assessment of the Project's impacts on Piikani Nation's rights and interests.</p>	<p>Updated Sections 28.7.3.1 Project Components and Interactions and 28.10 Assessment of Potential Impacts on Piikani Nation's Rights and Interests</p>	<p>NWP notes that engagement discussions and consultation with Piikani Nation are ongoing and information provided will be reviewed and considered.</p>
	8	23.8.4.7	Historic and Current Use of Lands and Resources for Traditional Purposes	<p>Piikani understands that information from the TKLU will be incorporated into this section.</p>	<p>The following sections should be updated with the following information:</p> <ul style="list-style-type: none"> • Fishing (28.3.4.7.1) — Within Piikani Nation there is a 'Fish Eater Clan' who traditionally fished water bodies throughout Piikani's ancestral territories — including lands between the Crowsnest Pass and Rocky Mountain Trench. • Hunting and Trapping (28.3.4.7.2) - Piikani Nation's seasonal round, which refers to the pattern of movement from one resource gathering area to another in a cycle that was followed each year, posits that Piikani Nation citizens camped in the western plains during the summer months to hunt bison and during the winter months they camped in the Rocky Mountains to hunt big game such as Elk, Moose, Sheep, and Deer. • Harvesting and Gathering Plants and Medicines (28.3.4.7.3) — Piikani historically accessed the Elk Valley and Kootenay Rockies Region to gather other important resources including paints (ochre), stone tool making materials (Top of the World chert and obsidian). • Ceremonial/Sacred Areas (28.3.4.7.4) —The Rocky Mountains (mistakis) are integral to 	<p>Update added to Section 28.6.6.6.1 Piikani Nation's Rights and Interests: Historic and Current Use of Lands and Resources for Traditional Purposes - Fishing:</p> <p>Within Piikani Nation there is a 'Fish Eater Clan' who traditionally fished water bodies throughout Piikani's ancestral territories — including lands between the Crowsnest Pass and Rocky Mountain Trench (PNC, 2021).</p> <p>Update added to Section 28.6.6.6.2 Piikani Nation's Rights and Interests: Historic and Current Use of Lands and Resources for Traditional Purposes – Hunting and Trapping:</p> <p>Piikani Nation's seasonal round, which refers to the pattern of movement from one resource gathering area to another in a cycle that was followed each year, posits that Piikani Nation citizens camped in the western plains during the summer months to hunt bison, and during the winter months they camped in the Rocky Mountains to hunt big game such as elk, moose, sheep, and deer (PNC, 2021).</p>	<p>N/A</p>

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					<p>Blackfoot people, culture, spirituality, and survival. Since long before the Confederation of Canada, the mistakis served as spiritual sites, sources of Sacred Bundles, and home for plants and animals that are significant to Piikani Nation for food, medicinal, and ceremonial purposes. It is important to note that all Blackfoot creation stories originate in the mistakis.</p> <ul style="list-style-type: none"> • Access and Travel Routes (28.3.4.7.5) - Blackfoot and Ktunaxa elders have indicated that Whiteswan Lake (approximately 40 kms west of Elkford) was an important trading area where Blackfoot and Ktunaxa trade occurred. Piikani accessed Whiteswan Lake from the east by the aptly named Blackfoot Creek. The network of trails throughout the Elk River Valley were used frequently by Piikani to access areas west of the Crowsnest pass for resource gathering, spiritual practices, trade and cultural exchange with neighbors. 	<p>Update added to Section 28.6.6.3 Piikani Nation's Rights and Interests: Historic and Current Use of Lands and Resources for Traditional Purposes – Harvesting and Gathering:</p> <p>Piikani historically accessed the Elk Valley and Kootenay Rockies Region to gather other important resources including paints (ochre), stone tool making materials (Top of the World chert and obsidian) (PNC, 2021).</p> <p>Update added to Section 28.6.6.4 Piikani Nation's Rights and Interests: Historic and Current Use of Lands and Resources for Traditional Purposes – Ceremonial/Sacred Areas:</p> <p>The Rocky Mountains (mistakis) are integral to Blackfoot people, culture, spirituality, and survival. Since long before the Confederation of Canada, the mistakis served as spiritual sites, sources of Sacred Bundles, and home for plants and animals that are significant to Piikani Nation for food, medicinal, and ceremonial purposes. It is important to note that all Blackfoot creation stories originate in the mistakis (PNC, 2021).</p> <p>Update added to Section 28.6.6.5 Piikani Nation's Rights and Interests: Historic and Current Use of Lands and Resources for Traditional Purposes – Access and Travel Routes:</p> <p>Blackfoot and Ktunaxa elders have indicated that Whiteswan Lake (approximately 40 km west of Elkford) was an important trading area where Blackfoot and Ktunaxa trade occurred. Piikani accessed Whiteswan Lake from the east by the Blackfoot Creek. The network of trails throughout the Elk River Valley were used frequently by Piikani to access areas west of the Crowsnest Pass for resource gathering, spiritual practices, trade, and cultural exchange with neighbors (PNC, 2021).</p>	
	9	23.8.6.1	Thresholds for Determining the Significance of Residual Effects	<p>In Section 23.8.6.1 NWP sets out the thresholds used to determine the significance of effects to Piikani Nation's rights and interest related to the Project. In this section, significant residual effects are characterized throughout as "permanent loss that cannot be mitigated".</p> <p>Piikani Nation does not agree with this definition of criteria for significance. For example, impacts that are short or medium</p>	<p>The first bullet point in Section 28.3.6.1 should read:</p> <p>Potential change to current 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 or in certain circumstances identified by Piikani as a short or medium term loss of access or ability to conduct</p>	<p>Thresholds used to determine the significance of residual effects to Piikani Nation's rights and interests related to the Project included in Section 28.7.1:</p> <ul style="list-style-type: none"> • 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, or in certain circumstances as identified by Piikani specifically (PNC, 2021) as a short or medium term 	N/A

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				in duration may be experienced as highly significant as they may interrupt activities vital to the continuance of culture and well-being, or happen at a critical time such as the end of an elder's lifetime.	traditional land and resource use that would have long-term implications on culture and well-being.	loss of access or ability to conduct traditional land and resource use that would have long-term implications on culture and well-being.	
	10	23.8.6.3	Potential Project Effects	As Piikani Nation has yet to undertake a comprehensive TKLU within the Project area and has since confederation been at times prevented from accessing its ancestral territories between the provincial! And the Rocky Mountain Trench, the Table presented in 23.8.6.3.1 should be considered incomplete and only a preliminary understanding of the full extent of the potential impacts of the Project on Piikani Nation's rights and interest.	28.3.6.3.1 Project Interactions should read: The interactions outlined in the table below are intended to identify the pathway between the VC and Piikani Nation rights and interests as currently understood within the Project area. All components and Project activities were assessed for potential pathways for interactions between the Project and Piikani Nation rights and interests as currently understood. For ease of reading, the components and activities with similar potential pathways of interactions with Piikani Nation rights and interests as currently understood were grouped together within the following Table 28.3-2 to Table 233-5 . Each separate table below reflects the potential interactions between Piikani Nation rights and interests as currently understood for each separate Project Phase (i.e., Construction and Pre-Production, Operations, Reclamation and Closure, and Post Closure). The potential unmitigated environmental effects are discussed in Section 28.3.6.3 , and mitigation for the potential effects are discussed below in Section 28.3.6.4 . Upon reception of Piikani Nation's Traditional Knowledge and Land Use Study, information in the table will be updated accordingly to reflect a more adequate and current understanding of the Project's potential interactions with Piikani Nation's rights and interests.	<p>Update added to Section 28.7.3.1 Project Components and Interactions:</p> <p>The interactions outlined in the table below are intended to identify the pathway between the VC and Piikani Nation rights and interests as currently understood. All components and Project activities were assessed for potential pathways for interactions between the Project and Piikani Nation that have the potential to impact their rights and interests as currently understood. This assessment of effects to the Piikani Nation is primarily based on the review of publicly available information and consultation and engagement activities as the Kanai have not yet provided Project-specific TK/TLU. For ease of reading, the components and activities with similar potential pathways of interactions with Piikani Nation were grouped together within the following Table 28.7-1 to Table 28.7-4. Each separate table below reflects the potential interactions between Piikani Nation 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).</p> <p>With respect to the Piikani Nation's seasonal round, the Project components and activities were assessed based on publicly available information and feedback received from the Piikani Nation (Section 28.5) 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 28.6.6, none have been currently identified by the Piikani Nation.</p> <p>The potential residual environmental effects that may exist after the proposed mitigations measures have been implemented are discussed in Section 28.3.2.2. Upon reception of Piikani Nation's Traditional Knowledge/Traditional Land and Resource Use study, information may be further refined where applicable and possible to reflect the understanding of the Project's potential interactions with Piikani Nation and where applicable, the timing of traditional activities and practices that coincide with the specific Project phases (PNC, 2021; Appendix 28-A, Table 28.A-2).</p>	N/A

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	11	23.8.6.3.2	Potential Unmitigated Effects on the Historic and Current Use of Lands and Resources for Traditional Purposes;	<p>Section 6.3.5 of the EIS Guidelines set out the list of VCs related to Aboriginal peoples the proponent is to assess the potential effects on, based on the predicted changes to the environment. Included in this list is "the regional value of traditional use of the project area, and the anticipated effects to traditional practice of the Aboriginal group, including alienation of lands from traditional use."</p> <p>Piikani Nation notes that throughout this draft chapter this VC is not appropriately considered, resulting in an inaccurate assessment of potential effects, and incorrect conclusions about the residual effects of the project. In Section 23.7.6.3.2 various offsetting measures and site remediation are cited as eliminating any residual effects, but there is still the potential that the Project will result in permanent alienation from locations in the Project footprint, which should in fact be considered as residual effects that cannot be mitigated.</p>	<p>Section 28.3.6.3.2 should be revised to consider the anticipated effects of alienation of lands from traditional use.</p>	<p>Section 28.6.6 Piikani Nation's Rights and Interests: Historic and Current Use of Land and Resources for Traditional Purposes describes the baseline conditions for the Piikani Nation's exercise of their Aboriginal and Treaty rights and interests as identified by IAAC (IAAC, 2020a) with regard to the Project. This section includes information regarding the Piikani Nation's Aboriginal and Treaty rights and interests based on feedback from the Piikani, publicly available information, and consultation and engagement activities summarized in Section 28.5 relating to the historic and current use of lands and resources for traditional purposes by the Piikani such as fishing, hunting and trapping, harvesting and gathering, ceremonial and sacred sites, access and travel routes, as well as physical and cultural heritage. Valued Components assessed specifically for Piikani Nation are based on the information sources noted above. NWP is committed to continued consultation with the Piikani Nation to understand Project-related effects as new information is provided.</p> <p>Sections 28.7.3.1 Project Components and Interactions, 28.7.3.2 Characterization of Potential Residual Effects of the Changes to the Environment on the Piikani, and 28.10.2.1 Characterization of Severity of Adverse Impacts on the Piikani Nation's Rights and Interests outline how the potential effects on Piikani were determined including the potential for impacts related to the alienation of lands from traditional use. Due to the preliminary nature of the understanding of the Piikani's rights and interests, it is expected that the Crown consultation process will confirm the contents of the assessment on impact on Piikani Nation's rights and interests described in these sections.</p>	NWP to review with regulators on consideration of anticipated effects of alienation of lands from traditional use.
	12	23.8.6.5.2	Characterization of Residual Effects	As Piikani Nation has at times been prevented by official government policy from accessing its ancestral territories between the Crowsnest Pass and the Rocky Mountain Trench, there is a significant gap in the availability of information readily available to Piikani concerning its rights and interests in the Project area. It is therefore premature for the proponent to assume positions on the "Determination of Significance" and "Likelihood and Confidence" portions of Section 23.8.6.5.2 as it relates to potential Project impacts on the rights and interests of Piikani Nation.	<p>Determination of Significance portions of Section 28.3.6.5.2 should include the caveat that "At the time of the submission of this draft chapter, Piikani Nation has yet to conduct and submit a comprehensive Traditional Knowledge and Land Use Study in the Project area. Therefore, the following information reflects the proponent's current determination of significance which may be amended based on reception of further information from Piikani Nation".</p> <p>The Likelihood and Confidence portions of Section 28.3.6.5.2 should include the caveat that "At the time of the submission of this draft chapter, Piikani Nation has yet to conduct and submit a comprehensive Traditional Knowledge and Land Use</p>	<p>Update added to Section 28.7.3.2 Characterization of Potential Residual Effects of the Changes to the Environment on Piikani Nation:</p> <p>At the time of the submission of this chapter, the Piikani Nation 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 significance, the understanding of which may be further refined through continued consultation with the Piikani Nation. Additionally, the confidence of the residual effects to the current use of lands and resources by the Piikani Nation is considered to be low to moderate where applicable, reflecting the</p>	NWP notes that engagement discussions and consultation with Piikani Nation are ongoing and information provided will be reviewed and considered.

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					Study in the Project area. Therefore, the proponent's confidence of the residual effects to the current use of lands and resources by Piikani for Fishing / Hunting and Trapping / 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/Change to Social and Health Conditions is considered to be low to moderate until such a time as new information is provided via reception of Piikani Nation's Traditional Knowledge and Consultation Study and ongoing consultation with Piikani Nation".	current information that is available through ongoing consultation with the Piikani Nation.	
	13	23.8.7	Cumulative Effects	Piikani finds NWP's cumulative effects assessment problematic in that it is founded on the conclusion that there will be no significant residual effects of the Project. This project is one of many in the Elk River Valley and throughout Piikani Nation's ancestral territory and further limits the citizens of Piikani Nation ability to practice their rights. Furthermore the IAAC and BCEAO's determination that the depth of duty to consult owed to Piikani Nation is at the low end prejudices the ability for Piikani to conduct adequate investigations into its historical and current land use and occupancy in an area it has been alienated from as a result of historic government policy decisions. Piikani would appreciate access to Section 23.3.2.7. of the EIS related to Ktunaxa Nation.	NWP should include language in Section 28.3.7.4 that acknowledges that the impacts of cumulative effects throughout Piikani Nation's territory has resulted in increased land use pressures in areas within Piikani's ancestral territories that until recently, it has been prevented from accessing due to historic government policy decisions - like the Elk River Valley. With this understanding, the Project may represent additional cumulative effects that may present future limitations on Piikani Nation's ability to access areas within its ancestral territories and proximal to its reserve lands in order to practice Aboriginal and Treaty Rights.	Update added to Section 28.7.4 Cumulative Effects Assessment of the Changes to the Environment on Piikani Nation: As such, much of the related work in this chapter is speculative and should be considered preliminary, and as noted earlier, a conservative approach has been taken to account for this. It is noted that the impacts of cumulative effects throughout Piikani Nation's territory has resulted in increased land use pressures in areas within Piikani's ancestral territories that until recently, it has been prevented from accessing due to historic government policy decisions – such as the Elk River Valley. With this understanding, the Project may represent additional cumulative effects that may present future limitations on Piikani Nation's ability to access areas within its ancestral territories and proximal to its reserve lands in order to practice Aboriginal and Treaty Rights.	NWP to provide EA chapters for review to Piikani Nation during the review phase. NWP correspondence to Piikani regarding “past and present projects and activities” inclusion into baseline conditions determination including rationale as to the focus of the cumulative effects assessment on reasonably foreseeable future projects and activities.
	14	23.8.8	Impacts on Rights and Interests	Piikani is concerned that the proponent uses definitive statements like “it is anticipated that activities related to the exercise of Aboriginal and Treaty rights and interests will be able to continue by members of Indigenous Communities”. When taken into context with other projects in the Elk River Valley, including mining, forestry, farming, and other development (both current and historic), the Project further erodes the availability of natural areas in which hunting, fishing and gathering can take place. This statement should be modified to be less conclusive given outstanding results of Piikani Nation's TKLU study.	NWP should modify language in Section 28.3.7.4 to read: <ul style="list-style-type: none"> It is anticipated that traditional land and resource use activities should be able to continue, except where prohibited for safety purposes (e.g., on the mine site during construction and operations) and surrounding areas including access and egress points. It is also anticipated that activities related to the exercise of Aboriginal and Treaty rights and interests should be able to continue by members of Indigenous Communities. Based on current information available to the proponent, it is anticipated that the contribution of the Project's residual effects is unlikely to cause a change in the cumulative effects that could affect the viability or sustainability of traditional use by Aboriginal people of lands and resources within the ATRI 	Update added to Section 28.8 Overview of the Changes to the Environment on Piikani Nation and their Perspectives: Mitigation measures discussed in the assessment and related VC assessment chapters and listed in Section 28.9 will reduce or eliminate effects on the Piikani Nation in order to exercise their rights and interests and reduce or eliminate effects on conditions that may prohibit or deter the exercise of the Piikani Nation's rights and interests in the Project footprint, the ATRI LSA, and the ATRI RSA. While the Piikani Nation 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	NWP notes that engagement discussions and consultation with Piikani Nation are ongoing and information provided will be reviewed and considered.

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					<p>RSA. While it is predicted at this time that there will not be any significant residual effects from the Project to affect Aboriginal or Treaty rights or interests, this assumption will be subject to an on-going program of environmental and socio-economic monitoring undertaken in collaboration with impacted Indigenous Nations and the co-development of offsets and/or mitigation measures as necessary.</p>	<p>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 Piikani Nation may provide additional information about the potential effects of the Project on their rights and interests during the assessment processes.</p> <p>As identified in Section 28.5.2 and based on the comments received from the Piikani Nation on the draft effects assessment in Appendix 28-A, Table 28.A-2, Piikani Nation noted that there is still the potential that the Project will result in permanent alienation from locations in the Project footprint, which should be considered as a residual effect that cannot be mitigated. The Piikani Nation stated that any of the characterization of residual effects should note that:</p> <p><i>“As Piikani Nation has at times been prevented by official government policy from accessing its ancestral territories between the Crownsnest Pass and the Rocky Mountain Trench, there is a significant gap in the availability of information readily available to Piikani concerning its rights and interests in the Project area (PNC, 2021; Appendix 28-A, Table 28.A-2).”</i></p> <p>The Piikani Nation have noted that any consideration of cumulative effects must consider that:</p> <p><i>“This project is one of many in the Elk River Valley and throughout Piikani Nation’s ancestral territory and further limits the citizens of Piikani Nation ability to practice their rights. When taken into context with other projects in the Elk River Valley, including mining, forestry, farming, and other development (both current and historic), the Project further erodes the availability of natural areas in which hunting, fishing, and gathering can take place (PNC, 2021; Appendix 28-A, Table 28.A-2).”</i></p> <p>The Piikani Nation recommended that NWP approach the assessment of cumulative effects of the Project to consider additional cumulative effects that may present future limitations on Piikani Nation’s ability to access</p>	

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						<p>areas within its ancestral territories and proximal to its reserve lands in order to practice its Aboriginal and Treaty Rights as noted in Section 28.5.2 (Appendix 28-A, Table 28.A-2). As identified throughout the Application/EIS, it is again noted that engagement is ongoing, and the Piikani Nation may provide additional information about the potential effects of the Project on the Piikani Nation's rights and interests related to the assessment on potential Project effects. 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 Piikani Nation's exercise of their rights and interests, for the foreseeable future. As details on cumulative effects to the Piikani Nation in the ATRI RSA are restricted to secondary sources of information, further information from the Piikani Nation, including Project-specific TK/TLU when provided might lead to a better understanding of these potential Project-related effects to the Piikani Nation.</p>	
	15		Accommodation and compensation	Section 3.5 of the BC AIR states that NWP is required to characterize the need for and scope of any proposed compensation or offsets.	As per Section 3.5 of the BC AIR and subject to the results of a Strength of Claim assessment currently being pursued by Piikani Nation in the Kootenay Rocky Region of British Columbia, the proponent acknowledges that some form of compensation or offsets may need to be negotiated should the project be approved.	Updated Section 28.9 Indigenous Impact Management Plan to include specific impact management measures.	<p>NWP notes that engagement discussions and consultation with Piikani Nation are ongoing and information provided will be reviewed and considered.</p> <p>Further consultation on the accommodation of any proposed compensation or offsets is ongoing.</p>