

July 5, 2022

Fraser Ross
Project Manager
Impact Assessment Agency of Canada
Pacific and Yukon Region
757 West Hastings Street
Vancouver, BC V6C 3M2

Dear, Mr. Ross :

Re: Michel Coal Project - Request for Extension of Time Limit Pursuant to Section 181 (2.1) of the Federal *Impact Assessment Act*

Thank you for your letter of June 22, 2021, and subsequent emails and phone calls regarding the time limit to submit required information and studies under the *Canadian Environmental Assessment Act, 2012* (“**CEAA 2012**”). North Coal Limited (“**North Coal**”) greatly appreciates the on-going guidance and direction that we have received from the Impact Assessment Agency of Canada (“**Agency**”) on this matter.

Request for a Five-Year Extension of Time Limit

North Coal hereby requests, pursuant to section 181 (2.1) of the *Impact Assessment Act, S.C. 2019, c. 28* (“**2019 Act**”), an extension for the time necessary for North Coal to provide the Agency with all necessary information or studies, as described in the Environmental Impact Statement Guidelines issued for the Project, that the Agency may require under section 23(2) of CEAA 2012, to **August 28, 2027**.

Information to Support Request for Extension of Time Limit

Your June 22nd letter included information that North Coal is required to provide the Agency to support our request for an extension of time limit pursuant to section 181 (2.1) of the 2019 Act. This letter is organized under the following headings to provide the required information:

1. Reasons for the Request
2. Changes to the Environment or the Project
3. List of Engagement Activities
4. Key Environmental Assessment Milestones Since 2015
5. Workplan to Provide Required Information and Studies
6. COVID-19 Considerations
7. Additional Considerations

1. Reasons for the Request

North Coal believes that our request for a time limit extension is reasonable in the circumstances given the following overarching considerations.

A. North Coal's Commitment to Meaningful Engagement with Indigenous Groups

- i. The primary reason that North Coal is requesting a five-year time limit extension is to provide sufficient time to properly identify and address the concerns of the Ktunaxa Nation and other Indigenous groups listed in the Environmental Impact Statement Guidelines for the Michel Coal Project. While North Coal has worked diligently over the past several years to establish respectful relationships with all of the Indigenous Groups, several of them have raised a number of issues and concerns that require significantly more time and effort to address.

In some cases, such as with the Ktunaxa, many of the concerns of the Indigenous groups relate to broader Crown policies and processes; we understand there are ongoing discussions between the Crown and these Indigenous groups about those matters, which are beyond the control of North Coal and are likely to take more than a year to address.

The information gathered through these relationships must respect both the spirit and intent of Indigenous reconciliation and the engagement commitments made by North Coal. These outcomes were not achievable during the past three years despite bona fide efforts on the part of North Coal. Additional time is required to continue engagement activities with the Ktunaxa Nation and other Indigenous groups.

- ii. While the Agency communicated to North Coal in 2019 an intention to add new Indigenous groups to the environmental assessment of the Project, new federal Environmental Impact Statement Guidelines were not formally released until March 2020. The revised guidelines added additional Indigenous consultation requirements that were not included in the original engagement/consultation program developed by North Coal in 2015. The Revised Environmental Impact Statement Guidelines expanded North Coal's consultative obligations by adding five new Indigenous groups. North Coal requires additional time to engage with these Indigenous groups.
- iii. Ktunaxa Nation Council has also expressed a disagreement about direction that the Environmental Assessment Office and the Agency has provided North Coal regarding required consultation with other Indigenous groups participating in the environmental assessment. It has been a challenge for North Coal to follow formal Indigenous consultation requirements established by the Environmental Assessment Office and the Agency, while – at the same time – using best efforts to respectfully acknowledge Ktunaxa Nation Council's different views on the appropriate scope and scale of engagement with other groups. This challenge has resulted in North Coal not being able to fulfil consultation and engagement objectives in time to allow submission of all necessary information to the Agency within current timelines.
- iv. The Agency provided North Coal with feedback between April 2021 and January 2022 by email and in meetings on how federal requirements (including the assessment of

Project effects and impacts on Indigenous groups) should be addressed in the Application/Environmental Impact Statement. The Agency suggested that additional effort would be required by North Coal to meet the requirements of the Environmental Impact Statement Guidelines. North Coal requires additional time to engage with Indigenous groups to update the relevant sections of the Application/Environmental Impact Statement to meet federal requirements.

- v. North Coal's on-going commitment to collaborate on the environmental assessment with the Ktunaxa Nation and other Indigenous groups has resulted in unavoidable timeline delays. For example, in April 2021, Ktunaxa Nation Council advised North Coal, B.C.'s Environmental Assessment Office and the Agency that Ktunaxa Nation Council were pausing all engagement regarding the Project to deal with internal governance processes. North Coal is prepared to re-engage once Ktunaxa Nation Council indicates a willingness and ability to do so.
- vi. Ktunaxa Nation Council also requested that North Coal withdraw the Application/Environmental Impact Statement from completeness screening by B.C.'s Environmental Assessment Office and the Agency in February of 2021. North Coal wishes to respect this request, while not prejudicing our ability to continue to have the project assessed pursuant to CEAA 2012.
- vii. In August 2021, Ktunaxa Nation Council wrote to the federal and provincial governments requesting a suspension of environmental assessments of new coal projects in the Elk Valley. Ktunaxa Nation Council's concerns, and the processes developed by the provincial and federal governments to respond to these concerns, has resulted in further uncertainty with respect to the timing and nature of consultation that North Coal is able to undertake with the Ktunaxa Nation Council and other Indigenous groups.
- viii. Despite best efforts, events outside North Coal's control, including impacts associated with the COVID-19 pandemic have affected the progress of engagement with the Ktunaxa Nation and other Indigenous groups. Many communities were shut down for months to address COVID outbreaks and the uncertainty regarding transmission of the virus. While some Indigenous groups were able to submit comments and provide feedback to North Coal, participation in the environmental assessment was challenging given other pressing demands placed on technical staff as well as Chief and Council members, and the inability of the parties to meet in person to discuss sensitive, complex topics that are hard to resolve through correspondence, phone calls and online meetings.

B. Additional Time is Required to Meet Evolving Water Quality and Other Assessment Requirements

- i. North Coal has been challenged by proposed changes to regional water quality objectives and evolving regulatory requirements, including proposed changes to the Elk Valley Water Quality Plan, the Lake Koochanusa water quality objectives and, evolving federal selenium standards for coal mines. As a result of these complex multi-party

initiatives, North Coal anticipates that we will be required to update our water quality model several times over the next few years which will directly impact timelines to finalize the Application/Environmental Impact Statement.

- ii. North Coal has established an expert, independent advisory group to provide on-going advice and guidance regarding the environmental assessment and development of the Project, including advising on how best to meet evolving water quality requirements in the Elk Valley. This process has added additional time to the original environmental assessment timeline. North Coal is currently reviewing advice provided by the advisory group.
- iii. Currently, there are over fifty members of the Project's Working Group and possibly more if Alberta-based First Nations join the provincial Technical Advisory Group after transitioning into the new B.C. environmental assessment process. This is a large group, and it is proving difficult to have all of the Working Group members contribute to the environmental assessment in a timely and effective manner. More time is required to allow the Technical Advisory Group to review and provide comments to the Environmental Assessment Office and the Agency on water quality and other technical matters associated with the environmental assessment of the Project.

C. Potential Impacts to the Regional Economy and B.C.'s Resource Sector

- i. New requirements for consensus-seeking activities (and opportunities for Indigenous groups to provide notice of their consent or lack of consent at certain points in the environmental assessment process) has resulted in the investment community requiring increasing assurances that an appropriate level of support has been achieved from Indigenous groups prior to advancing a project. In this context, and consistent with its commitment to meaningful Indigenous engagement and reconciliation, North Coal is not planning to advance the Project without the support of the Ktunaxa Nation, and Ktunaxa have clearly indicated they need more time to address internal matters and broader Crown policies and initiatives.
- ii. If North Coal is required to initiate a new assessment under the 2019 Act, investors may withdraw financial support and the Project may have to be terminated prior to the completion of the environmental assessment. This would deny the region of potential substantive economic and community benefits associated with the proposed mine and send a negative signal to B.C.'s natural resource sector. Any perceived benefits of requiring a new federal impact assessment would likely be overshadowed by the potential adverse effects of such a decision. Requiring the Project to start anew under the 2019 Act will delay the ability of the Project to generate benefits to the regional economy.

D. Transition to the 2019 Act is Not Necessary to Address Federal Mandates

- i. North Coal is of the view that the environmental assessment of the Project has progressed to such a state under CEAA 2012 that transitioning the assessment to the 2019 Act is not required to address federal issues and interests.

- ii. Transitioning to the federal 2019 Act may result in duplication (unintended or otherwise) of regulatory efforts and process steps as well consultation fatigue by Indigenous groups, interested parties, the public and regulators.
- iii. North Coal understands that the provincial assessment of Project will be required to transition to the new review process established under B.C.'s *Environmental Assessment Act, 2018* (the "2018 Act"). The Environmental Assessment Office has advised North Coal that there will be no need to initiate a new assessment under the 2018 Act. Rather, through regulatory tools and process steps available in the 2018 Act (e.g., in the process planning and application development phases), North Coal will be able to incorporate additional information and analysis (as needed) to meet requirements of the 2018 Act without having to start a new assessment.
- iv. While B.C.'s Environmental Assessment Office has not issued a formal order to guide the transition, North Coal anticipates that, as set out in section 25(1) of the Act, the following matters would likely be scoped into the provincial environmental assessment:
 - positive and negative direct and indirect effects of the Project, including environmental, economic, social, cultural and health effects and adverse cumulative effects;
 - risks and uncertainties associated with those effects, including the results of any interaction between effects;
 - risks of malfunctions or accidents;
 - disproportionate effects on distinct human populations, including populations identified by gender;
 - effects on biophysical factors that support ecosystem function;
 - effects on current and future generations;
 - consistency with any land-use plan of the government or an Indigenous nation if the plan is relevant to the assessment;
 - greenhouse gas emissions, including the potential effects on the province being able to meet its targets under the *Greenhouse Gas Reduction Targets Act*;
 - alternative means of carrying out the Project that are technically and economically feasible, including through the use of the best available technologies, and the potential effects, risks and uncertainties of those alternatives; and,
 - potential changes to the Project that may be caused by the environment.

Some of these matters are not included in the current Application Information Requirements issued by the Environmental Assessment Office and would, therefore, require North Coal to undertake new analysis. North Coal is confident that any required additional analysis could be completed within the five-year timeline extension request that we are seeking from the Agency.

- v. If there are any perceived impact assessment gaps between CEAA 2012 and the 2019 Act, North Coal suggests that the Agency could use features of the CEAA 2012 assessment regime, in addition to collaboration with the provincial Environmental

Assessment Office (“EAO”), to require additional information, engagement, or analysis deemed necessary to address such gaps.

- vi. North Coal believes that the Agency, in collaboration with the EAO, has the necessary tools, experience, and expertise to work within the framework of CEAA 2012 to address federal interests in the environmental assessment of the Project in a satisfactory and appropriate manner.

2. *Changes to the Environment or the Project*

The following events have affected North Coal’s ability to meet the current timelines:

- i. Issuance of the Montana Department of Environmental Quality criteria for Lake Koocanusa has added a level of uncertainty regarding the establishment of acceptable water protection measures on the BC portion of Lake Koocanusa.
- ii. Ongoing industry consultation regarding the proposed Coal Mining Effluent Regulations has affected the ability of the project to choose technology for active water treatment in a timely manner.
- iii. The pause in efforts of multi-stakeholder groups such as the Elk Valley Cumulative Effects Management Framework brought on by the cessation of dialogue between members and the Ktunaxa Nation Council

3. *List of Engagement Activities*

The following summarizes key engagement activities with Indigenous groups and the public linked to the development of required information and studies.

Indigenous Engagement

- Engagement with Indigenous groups prior to the release of the Revised Environmental Impact Statement Guidelines in March 2020 was focused primarily with the Ktunaxa Nation Council and Shuswap Indian Band. However, North Coal also undertook consultation activities with Stoney Nakoda, Piikani Nation, and Kainai First Nation during this period.
- Each Nation has been provided capacity funding to support their engagement in the environmental assessment process.
- North Coal has asked Indigenous groups for feedback or to lead the development of key documents and information associated with the environmental assessment, including:
 - Initial Project Description;
 - Revised Project Description;
 - Archaeology Impact Assessment;
 - Valued Components document;
 - GIS disturbance layers;
 - Ktunaxa Nation Council took the lead in preparing a draft version of the potential effects on the Ktunaxa Nation;

- Indigenous Groups (excluding the Ktunaxa Nation) contributed to Nation specific chapters of the of the Application/EIS including, Community Profiles, historical and current use assessments.

- i. As an indicator of the level of effort and commitment that North Coal has put into engagement activities with Indigenous groups, there was a total of over 200 contact events¹ between April 2020 and December 2020.

- ii. It was challenging to undertake consultation activities in 2021 due to concerns associated with COVID-19. However, onsite visits took place with representatives from Ktunaxa Nation Council, Piikani Nation, Kainai First Nation, Siksika Nation, and Metis Nation of BC. Despite the effects of the pandemic on Indigenous communities, there were over 180 contact events in 2021.

- iii. North Coal is planning to continue working with the Ktunaxa Nation to develop a process to co-develop the Ktunaxa impacts assessment section of the Application/EIS.

- iv. Throughout the remainder of the environmental assessment, North Coal will continue working with Indigenous groups to co-develop additional mitigation/accommodation measures to reduce adverse effects of the Project, to identify potential employment and other community benefits, and to develop supporting management plans required by the Environmental Assessment Office and the Agency.

- v. Several key themes have emerged through North Coal’s engagement with Indigenous groups since the start of the environmental assessment. The following table summarizes the key areas of concern identified by Indigenous groups and how North Coal has initially responded to the concerns.

- vi. The Application/EIS will provide greater detail about issues and concerns raised by Indigenous groups. The table below is intended to provide a snapshot of the major themes that have been expressed by Indigenous groups to date.

¹ For the purposes of this table “contact events” means either face-to-face meetings, phone calls, video calls, e-mails, letters, or site visits.

Key Areas of Concern	Response by North Coal ²
Water: Concern that all living things depend on water.	<ul style="list-style-type: none"> • North Coal will participate in regional multi-stakeholder programs designed to safeguard water quality, quantity, and function, and will make monitoring data available to all Indigenous groups on an annual basis at a minimum. • North Coal's approach to water management is focused on source control taking advantage of naturally occurring processes. This approach focuses on minimizing the mine footprint, the use of clean water diversions to prevent water from running onto the mine site, placing as much mine rock back into the pits as possible, and building ex-pit mine rock storage facilities from the bottom-up which will control water and air flow through the storage facilities leading to reduced selenium and nitrate discharges. • North Coal will also employ Active Water Treatment during the initial years of operations while the other components of the mine are developed.
Economic: Concerns related to economic rights and mineral resources, subsistence and commercial activities including contracting, and economic disparity	<ul style="list-style-type: none"> • North Coal will co-develop reclamation objectives with the Ktunaxa and other Indigenous groups so that the land can continue to support long-term food security objectives. • North Coal will work with the Ktunaxa Nation to identify appropriate actions that meaningfully recognize individual Bands rights, including economic components.
Social: Concern regarding determinants of health including housing and community wellness as well as confidence in wild foods	<ul style="list-style-type: none"> • With leadership and direction from the Ktunaxa Nation, North Coal will develop culturally appropriate means to monitor and communicate the relative health and safety of consuming wild foods, medicines, and waters from the region. • North Coal will work with Indigenous groups, municipalities, and relevant provincial regulatory agencies to ensure that enhancements to social programs consider the constituents of the Elk Valley. • North Coal will work with Ktunaxa Nation to identify appropriate actions that increase support for Ktunaxa citizens and families living and working in the Elk Valley, including housing and connections to social, cultural, and health supports. • North Coal will work with the Ktunaxa Nation to identify appropriate actions to support a positive and culturally informed workplace culture and will monitor and report on economic and social effects related to increased participation of Ktunaxa youth and citizens in the workplace. • Housing is an important issue to Indigenous groups and many other stakeholders. North Coal is working with communities and other groups to develop strategies to increase the supply of affordable housing in the region.
Employment and Education: Concern about employment and education	<ul style="list-style-type: none"> • North Coal will work with the Ktunaxa Nation to identify appropriate actions to maximize Ktunaxa employment and training opportunities, including opportunities for Ktunaxa youth. • North Coal is working with regional educational institutes with the hope of expanding existing apprenticeships programs such as the College of the Rockies Mining Apprenticeship Program or to develop new programs that will

² These sample responses are intended to highlight some of the key responses developed by North Coal regarding concerns raised by Indigenous groups. A complete list of concerns (and responses to concerns) will be set out in Application/Environmental Impact Statement.

	<p>allow our community to access education and training suitable for employment in the construction and mining industry.</p> <ul style="list-style-type: none"> • North Coal will work with Indigenous groups to develop a procurement strategy that provides meaningful opportunities for Indigenous peoples and Indigenous-led businesses to supply goods and services to the Project. North Coal will also develop a dedicated Indigenous Peoples hiring policy.
<p>Lands and Resources: Concern regarding the use of lands and resources. This includes all living things (including bison, furbearers, fish), valuing cultural ecosystems, and a commitment to stewardship</p>	<ul style="list-style-type: none"> • North Coal will establish a Biodiversity and Wildlife Habitat Management Plan, Invasive Plant Management Plan, and Reclamation and Closure Plan with the goal of conserving biodiversity and providing provisions for long-term effectiveness monitoring. • North Coal will establish ecologically and culturally functional offsets to mitigate residual effects of the Project on lands and waters with the goal of achieving no net loss of habitat. • North Coal will provide, on an annual basis, operational data, including data related to production, mine rock management and water use. • North Coal will confirm restoration planning and end-of-mine objectives for the Project are consistent with Ktunaxa Nation perspectives on reclamation. • North Coal will work with the Ktunaxa Nation, other Indigenous groups and appropriate regulatory agencies to develop a Fish Habitat Offsetting Plan with the objective of developing ecologically and culturally functional offsets. • North Coal has incorporated Ktunaxa Traditional Knowledge into the North Coal Progressive Reclamation and Closure Plan based upon feedback from Ktunaxa elders, knowledge holders and land-users. The plan includes a preliminary list of targeted species for planting.

Public Engagement

- i. Public engagement efforts throughout 2020 and 2021 included bi-annual presentations to the municipal councils of Sparwood, Elkford, and Fernie, quarterly newsletters, and presentations to interest groups. There were 41 public contacts in 2020 and 49 public contacts in 2021.
- ii. Several key themes have emerged through North Coal’s public engagement program. The following table summarizes the key areas of concern identified by the public how North Coal has responded to the concerns. The Application/EIS and the Public Consultation Report will provide greater detail about issues and concerns raised by the public. It is anticipated that many of the concerns raised by Indigenous groups will also be identified by the public.
- iii. The table below is intended to provide a snapshot of the major themes that have been expressed by the public to date. There is some overlap between concerns raised by Indigenous groups and those expressed by the public.

Key Areas of Concern	Responses by North Coal ³
Water management - selenium management, wastewater management, and groundwater protection	<ul style="list-style-type: none"> North Coal is proposing the use of saturated rock fills and low oxygen management methods to reduce the release of selenium by creating a low oxygen environment in the mine pit.
Forestry and wildlife corridors	<ul style="list-style-type: none"> North Coal will provide opportunities for the public to participate how the private lands under their control should be managed, including issues related to forestry practices and wildlife corridors.
Non-commercial land use – maintaining public access	<ul style="list-style-type: none"> North Coal will maintain access to the private land that it manages for hunters where safety would not be compromised; however, access may need to be modified as mining progresses. Plans for gates, zoning, foot access, and reducing access areas are being considered by North Coal.
Employment	<ul style="list-style-type: none"> North Coal has a supplier portal on its website for companies interested in working with the Michel Coal Project to register. North Coal is also working with regional educational institutes with the hope of expanding existing apprenticeships programs such as the College of the Rockies Mining Apprenticeship Program or to develop new programs that will allow our community to access education and training suitable for employment in the construction and mining industry. North Coal will develop a procurement strategy that will provide meaningful opportunities for members of the local community to supply goods and services to the Project.

4. Key Environmental Assessment Milestones Since 2015

The following identifies key environmental assessment milestones since 2015.

Date	Environmental Assessment Milestones
October 1, 2015	Agency Summary of Project Description
October 23, 2015	Environmental Assessment Office Issues Section 10 Order
January 15, 2016	Agency Issues Final Environmental Impact Statement Guidelines
August 22, 2018	Environmental Assessment Office and Agency Accepts Revised Project Description
December 7, 2018	Environmental Assessment Office Section Issues Section 11 Order
September 2019	Environmental Assessment Office Approves Valued Components
September 4, 2019	Letter from Environmental Assessment Office regarding the passing of the new Environmental Assessment Act.
March 3, 2020	Environmental Assessment Office – Removes Tent Mountain from Project Description

³ These sample responses are intended to highlight some of the key responses developed by North Coal regarding concerns raised by the public to date. A complete list of concerns (and responses to concerns) will be set out in the Application/Environmental Impact Statement.

March 16, 2020	Agency Issues Revised Environmental Impact Statement Guidelines
September 30, 2020	Environmental Assessment Office Accepts Application information Requirements
October 30, 2020	Environmental Assessment Office Issues Section 13 Order to add Kainai, Piikani Nation, Siksika Nation, and Stoney Nakoda Nation to Schedule C
February 2021	Expected submission of the Application/Environmental Impact Statement which was pulled at the request of the Ktunaxa Nation Council
April 2021	Ktunaxa Nation Council advises North Coal that they are taking a pause to address internal governance issues

5. Workplan to Provide Required Information and Studies

- i. It is difficult to propose a specific workplan to provide the required information and studies until North Coal has an opportunity to seek support of the Project by the Ktunaxa Nation and to co-develop a process to complete the Ktunaxa Nation impacts assessment section of the Application/EIS. North Coal views these as priority activities that must be completed before a detailed or meaningful workplan for the remainder of the environmental assessment can be developed. While these priority outcomes could take significant time to achieve, North Coal is confident that required information and studies can be provided within the five-year timeline which is the subject of this extension request.
- ii. North Coal plans the following activities prior to finalizing the Application/Environmental Impact Statement:
 - integrate Indigenous knowledge into the Application/Environmental Impact Statement;
 - continue working with Indigenous groups to co-develop mitigation measures to reduce adverse effects of the Project;
 - develop supporting management plans that will likely be required by the Environmental Assessment Office and/or the Agency;
 - refine cumulative effects assessment based with updates to regional information;
 - integrate updated water quality guidelines and objectives; and,
 - incorporate new information and analysis that will be required for the forthcoming transition into the new provincial environmental assessment process.
- iii. Notwithstanding the difficulties in setting out a detailed workplan, the table below provides an overview of some key activities anticipated to take place up to the year 2030.

Activity	Timeline
Agreement with Ktunaxa Nation and/or Bands - No other work will be progressed until this relationship has been re-established	6 to 12 months
Indigenous field studies as required	Summer/Fall 2023
Reporting of findings by Indigenous groups	Fall/Winter 2023
Integration of Indigenous information into Effects Assessment	2023
Updating current Application/Environmental Impact Statement biophysical chapters with most recent regional data	2023
Updating current EA Socio-Economic chapters to reflect most recent Stat-Can data	2023
Data gathering and integration of EAO 2019 Act requirements	2023
Preparation of Concordance Tables	2023
Submission of Concordance Tables to IAAC and EAO	2023
Submission of EIS to IAAC for Screening	2024
Address comments from Screening	2024
Submission of EA into Technical review process	2024
Ongoing consensus seeking work with potentially impacted indigenous groups and communities.	Throughout technical review period
Response to Information Request Round 1	2025
Response to Information Request Round 2	2026
Response to Information Request Round 3	2027
Conclusion of consensus seeking activities	2027
EAO/IAA Decision making	2027

6. COVID-19 Considerations

The COVID-19 pandemic impacted and continues to effect advancement of the environmental assessment, including:

- i. Planned consultation and information gathering activities with Indigenous groups were impacted by COVID-19 as communities were unable or unwilling to engage due to pressing priorities and concerns associated with COVID-19. For example, in February 2021, Stoney Nakoda declared a local state of emergency, and in July 2021, Kainai advised that the community was no longer open for in-person meetings.
- ii. The ongoing public health crisis has also impacted North Coal's ability to conduct field work such as water monitoring, traffic impact assessments and to undertake engagement and information gathering activities with the public.

7. Additional Considerations

North Coal is asking the Agency to consider the following additional considerations prior to making a decision regarding our request for a time limit extension:

- i. North Coal has established an expert, independent advisory group to provide on-going advice and guidance regarding the environmental assessment and development of the Project. This process has added additional time to the original environmental assessment timeline. North Coal is currently reviewing advice provided by the advisory group.
- ii. The recent Grassy Mountain federal environmental assessment decision (and related court decisions) provided new information relevant to the environmental assessment of the Project. North Coal requires additional time to analyze and incorporate this new information.

Required Studies and Collection of Information to be Completed During the Extension of Time Limit

North Coal is requesting a five-year time limit extension pursuant to section 181 (2.1) of 2019 Act to August 28, 2027, to provide additional time for the following activities to be completed under CEEA 2012:

1. North Coal to submit the Application/Environmental Impact Statement to the Agency for a conformity review.
2. The Agency to provide North Coal with comments resulting from the conformity review of the Environmental Impact Statement.
3. North Coal to submit the final Environmental Impact Statement after addressing comments received from the Agency during the conformity review.
4. The Agency to lead a public comment period on the summary of the Environmental Impact Statement.
5. The Agency to engage Indigenous groups on the Environmental Impact Statement.
6. North Coal to respond to information requests arising from the Agency's technical review, including engagement with Indigenous groups and the public.
7. While North Coal is committed to completing the above-noted activities within the requested five-year extension time limit for which they have lead responsibility, it is important to note that some of the activities would be led, or would require participation, by the Agency (e.g., providing conformity review comments, leading the technical review of the Application/Environmental Impact Statement and undertaking consultation activities with Indigenous groups, the public and technical reviewers) and therefore not

all activities within the Application/Environmental Impact Statement process are within the control of North Coal.

Conclusion

Based upon the reasons and information set out in this letter, we urge the Agency to approve our request for a 5-year time limit extension made pursuant to section 181 (2.1) of the *Impact Assessment Act*. North Coal is committed to meet all the conditions of a time limit extension if our request is approved. We are also respectfully requesting an opportunity to respond to any issues or concerns that the Agency may have regarding this time limit extension request before a final decision is made.

North Coal would be pleased to meet with the Agency to discuss this request. If you have any questions about this letter, please do not hesitate to contact me by phone at 250-430-7775, or by email at barling@northcoal.ca

Bill Arling

<Original signed by>

c.c.: Lucy Harrison, Impact Assessment Agency of Canada
Heather Noble, British Columbia Environmental Assessment Office
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Tobacco Plains Indian Band
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Piikani Nation
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