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File No. 1187-025/1229-010

**VIA EMAIL**

July 31, 2020

**Janet Shaw**  
Impact Assessment Agency of Canada  
Pacific and Yukon Region  
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Dear Ms. Shaw,

**Re: Designation of Castle Mountain Project under s. 9(1) of the IAA**

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We write on behalf of Kainai (Blood Tribe) and the Siksika Nation in respect of Teck Resources Limited's ("Teck") application for expansion of its Fording River Operations ("FRO") at Castle Mountain (the "Castle Project" or the "Project").

In June, we requested that the Minister designate the Castle Project for an impact assessment under section 9(1) of the *Impact Assessment Act* and are awaiting the Minister's decision by 19 August 2020. In light of the Minister's recent decision to designate the Vista Coal Mine Phase II Expansion Project ("Vista Expansion"), we want to reiterate our clients' request. Teck's Castle Project, which is also a mine expansion, raises many of the same concerns as the Vista Expansion, including project splitting, which misrepresents potential impacts and undermines meaningful consultation. We want to ensure the Impact Assessment Agency of Canada applies these same considerations to the Castle Mountain Expansion, as it did to the Vista Expansion, to ensure a rigorous and transparent decision-making process.

Teck's FRO is already the biggest mine in BC. If left undesignated, the proposed Castle Project would be the second expansion of the FRO to occur in five years without a federal impact assessment. The adjacent Swift Expansion of the FRO was originally required to have a federal environmental assessment because of concerns about destruction of fish habitat under the *Fisheries Act*. Less than three months later, however, the new *Canadian Environmental Assessment Act 2012* came into force, replacing the former Act and eliminating the requirement for a federal environmental assessment of the project. Therefore, when the

Swift Expansion project received approval in 2015, the mining operations area was increased without a federal assessment.

Allowing Teck to proceed with two separate expansions that would have certainly triggered a federal assessment if proposed together undermines the purposes of impact assessments and weakens public confidence in assessment processes. Teck's phased approach to expanding the FRO gives the impression that Teck is engaging in project splitting, and that the Projects are being intentionally phased to avoid a federal assessment. It is for this very reason that the Minister designated the Vista Expansion, and we request that the same prudent measures be taken with regards to the Castle Project.

Additionally, like the Vista Expansion, increased mining activities at FRO may cause adverse effects on multiple areas of federal jurisdiction, including fish and fish habitat, migratory birds, and environmentally sensitive lands. Many of these impacts will cross both provincial and international borders and may not be mitigated through project design or the application of standard mitigation measures. In addition, this Project has the potential to significantly impact Kainai and Siksika's rights, particularly given the extent to which Kainai and Siksika's traditional territories have already been disturbed or taken up. Any remaining areas that support the exercise of the Nations' rights must be protected, and development of those areas carefully considered.

Finally, like the Vista Expansion, the Castle Project may have significant cumulative effects to areas under federal jurisdiction, listed above. In addition to the ongoing mining activities at FRO, other projects planned in the vicinity of the Castle Project include potential development of new mines at Atrum's Isolation South Lease, Cabin Ridge's MSL and Montem's Tent Mountain Mine, as well as North Coal's Michel Coal Project, NWP's Crown Mountain Mine, and Riversdale Resource Limited's Grassy Mountain Coal Mine. This is in addition to the already existing projects including Teck's Line Creek Mine, Greenhills Mine, Elkview Mine, and Coal Mountain Mine. The cumulative impacts of this activity have the potential to significantly and adversely impact the ecological integrity of this region and Kainai and Siksika's ability to sustain their culture and rights now and in the future. The combination of cumulative effects from existing and potential projects and the potential international effects of these mining activities requires assessment by the federal government.

Our clients' concerns about project splitting and adverse direct and cumulative effects on multiple areas of federal jurisdiction such as fish habitat, migratory birds, and Aboriginal rights echo the public concerns voiced about the Vista Expansion. The similarities between the recently designated Vista Expansion and the Castle Project prompt us to reiterate the need for the Project to be designated.

Thank you for your attention to this matter.

Yours Truly,

**JFK Law Corporation**

<Original signed by>

**Mae Price**

MAP/hs

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