



Shuswap Indian Band
RR#2, 3A-492 Arrow Road
Invermere BC
VOA 1K2
250.341.3678

November 5, 2020

Fraser Ross, Project Manager
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Via Email: iaac.castle.aeic@canada.ca

Re: Shuswap Indian Band comments on the Teck Castle Project's Initial Project Description

Shuswap Indian Band has reviewed the Teck Resources Limited's (Teck) Castle Project's Initial Project Description (IPD), which was uploaded to the Impact Assessment Agency of Canada (IAAC) registry on October 14, 2020. The Castle Project is located in the Elk Valley and is proposed to adjoin the current Fording River Operations (FRO) coal processing plant. The Project is within Shuswap Indian Band's Caretaker Area of Secwépemcúlecw (Secwepemc Traditional Territory) and the community is concerned the proposed project will impact their Indigenous rights and title, including land use and their authority of Yecwmenul'ecem (taking care of the land). In adherence to Bill 41, the Province commits to upholding the rights of Indigenous Peoples, as described under UNDRIP and DRIPA. Above all, the declaration of UNDRIP acknowledges Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their land or territories and other resources (Article 32)

The IPD summarized a list of key issues identified during engagement efforts to date, summarized as:

- "Potential impacts to water quality that could cause impacts to aquatic biophysical resources (e.g., westslope cutthroat trout and other aquatic species) and human health;
- Impacts to species at risk, including westslope cutthroat trout, bighorn sheep, high elevation grasslands and whitebark pine;
- Cumulative effects on water quality, air quality, soil, terrestrial wildlife and ecosystems and the transmission of Indigenous knowledge and cultural practices;
- Impacts to traditional and current land use practices for ceremonial, cultural, medicinal, harvesting and subsistence purposes, including those involving plants and vegetation, wildlife and wildlife;
- Habitat, fish and fish habitat, and specific sites of archaeological and ceremonial importance; and
- Direct and cumulative effects to areas of federal jurisdiction, including transboundary environments" (Pp. 4).

Shuswap Indian Band requires in depth consultation on its Indigenous ecological knowledge pertaining to the species and features that would be impacted by the proposed project, including ongoing incorporation of concerns and related mitigation as more information is received. Areas of specific concern, which build on the identified list within the IPD include:

- Protection and restoration of the westslope cutthroat trout. The IPD notes that the water quality management plan is described in the EVWQP Implementation Plan (Teck 2014) and the Adjustment Plan (Teck 2019). Shuswap Indian Band is concerned that efforts to date to protect this species have not been



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satisfactory and must be significantly improved and accompanied by fisheries restoration initiatives. Shuswap Indian Band's knowledge should be consulted and incorporated into this effort, and community environmental monitors engaged throughout the process.

- Shuswap Indian Band is significantly concerned about the cumulative impacts further mining activities will have on the ecological features in the Elk Valley, and in turn the community's ability to continue, access, and revive land use activities in their Caretaker Area.
- The types of waste that will be generated by the proposed project include waste rock, raw coal tailings, hazardous and non-hazardous wastes, sewage, and contaminated soil in the event of spills or leaks (Section 7). Shuswap Indian Band is concerned that efforts to date in waste management have not been sufficient, and responses to contamination from spills and leaks needs to be improved. There must be legacy accountability in the event of Teck selling the operations, or in the time of closure and reclamation.
- The proposed project may impact the habitat and health of wildlife species of interest to Shuswap Indian Band, including hare, marten, elk, mule deer, moose, bighorn sheep, grizzly and black bear, and as previously mentioned, westslope cutthroat trout (Pp. 14). Any impacts to the well-being of these species would impact Shuswap Indian Band's cultural land use in addition to being a concern under the role of Yecwmenul'ecem and keeping the ecological balance intact. Disruptions to the air quality, noise, and landscape all run the risk of impacting these species.

Further, the IPD notes "Sixty wildlife species of conservation concern (listed as red- or blue- by the province) were identified as having the potential to occur within the Project footprint, including several species of conservation concern in BC" (Pp. 13). Figure 6 shows ungulate winter range, old growth forest, and BC CDC ecological communities at risk are within the project footprint, with wetland on the periphery. Shuswap Indian Band should be further consulted in the development of the wildlife management plan for this project to effectively mitigate these concerns.

Section 5 *Project Location* notes that the project lies within the territory of the Ktunaxa Nation, and that lands associated with Shuswap Indian Band and other interested groups are located 90 – 130 km from the project (Pp. 5). Further, Section 10 *Social Environment* describes the cultural connections of the Elk Valley to the Ktunaxa Nation; however, Shuswap Indian Band is not acknowledged in this respect. Shuswap Indian Band's traditional territory, referred to as its Caretaker Area, includes the Elk Valley and extends to the eastern foothills of the Rocky Mountains in Alberta. Teck has been provided cultural heritage information on Shuswap Indian Band, and has further heard of Shuswap Indian Band's Indigenous rights and interests through a number of meetings; however, the IPD currently demonstrates a lack of acknowledgement or understanding of Shuswap Indian Bands rights and title in the Elk Valley and project area. Under UNDRIP, Indigenous peoples have the right to the recognition, observance and enforcement of agreements (Article 37) and the current lack of recognition ignores:

- Historical and oral documentation as referenced in past engagement efforts with Teck;
- The Province's commitments to upholding the Qwelminite Secwepemc's Government-to-Government work towards collaboration of which Shuswap Indian Band is a signatory and authority for the Columbia Basin Campfire; and
- Written acknowledgement of Shuswap Indian Band's presence and rights in the region from neighbouring groups, including statements on the EAO (Castle Mountain Project) and under the historical treaty (1895) with the Stoney Nakoda and Columbia Lake Band (Aq'am and Akisqinuk).



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The project description must be revised to acknowledge Shuswap Indian Band's overlapping Traditional Territory in the Project area.

In depth consultation is required between Shuswap Indian Band and Teck with regards to this project. Shuswap Indian Band is currently in discussion with Teck to identify a bilateral agreement and consultation plan; however, this has yet to be confirmed. Shuswap Indian Band looks forward to continuing the consultation effort with Teck and the IAAC for this project in order to have our Indigenous rights and interests addressed, including identifying suitable mitigation measures for our concerns.

Kukwstsétsemc,
<Original signed by>

Chief Barbara Cote
Shuswap Indian Band

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