

The Honorable Jonathan Wilkinson  
Minister of Environment and Climate Change Canada  
200 Sacré-Coeur Boulevard  
Gatineau, Quebec  
K1A 0H3

November 3, 2020

*Sent via email*

Re: IAAC Castle Project Initial Project Description Comment Period

Dear Hon. Minister Wilkinson,  
*cc: Fraser Ross, Project Manager, Castle Project, Impact Assessment Agency of Canada*

Thank you very much for the notification regarding the acceptance of the Initial Project Description from Teck Coal Ltd.

We write to you today, from United States' (U.S.) communities downstream of British Columbia (B.C.), to urge you to appoint a review panel for the Castle Project impact assessment. This project requires the highest level of review given that it proposes to be the largest mine in Canada and would be developed within a U.S.-Canada transboundary watershed that is already polluted due to Teck Coal's existing Elk Valley mines. Ultimately, we respectfully urge you to consider that mines in B.C. threaten downstream U.S. and Tribal waters in Alaska, Washington, Idaho and Montana, and we have a vested interest in how Canada not only reviews the Castle project, but B.C.'s large-scale development projects near our shared watersheds.

To date, B.C.'s environmental review of these mines in transboundary rivers has fallen far short of transparent, open and scientifically rigorous environmental assessment. It is critical that the Castle project review is an open process, driven by independent scientific evidence, that will allay concerns from the public, First Nations in Canada and the U.S., and U.S. government entities about the assessment process.

We, along with many others, are deeply concerned about the failures of past provincial environmental assessments and the subsequent growing water pollution problem flowing over the U.S. border. A joint provincial-federal review panel assessment can address this complex issue with the help of experts and scientists from both sides of the border. The open and transparent review panel process is the best chance to rebuild a neighborly relationship across the border from B.C. to Montana and Idaho that has been strained by B.C.'s repeated mine permit approvals without sufficient mitigation in place to protect the environment and communities downstream.

In addition to the request for a review panel, we would like to highlight the following developments that have taken place since our initial request (that the Castle project undergo a federal review under the Impact Assessment Act of Canada):

1. Teck Coal Ltd. has failed to meet the conditions set forth in B.C. Ministerial Order M113, specifically, to *stabilize and reverse* increasing trends in water contaminant concentrations, yet B.C. is considering three new mines, in addition to the Castle Project.
  1. We also note with concern that the B.C. Water Quality Guideline (BCWQG) for Protection of Aquatic Life is 2.0 ug/L, and that data for selenium levels in the Fording River have seasonally exceeded 200 ug/L, with negligent regulatory response.
  2. Selenium levels in both the Elk and Fording Rivers have exceeded the provincial guideline for protection of aquatic life for as long as records have been kept.

- c. The mitigation technologies implemented to date in the Elk Valley have failed to stabilize and reverse contaminant trends. Setbacks include fish kills downstream of the Line Creek Active Wastewater Treatment Facility, and performance errors that increased bioavailability of selenium, rather than decreasing it.
2. Following five years of data collection in Lake Koocanusa, the U.S. Geological Survey have developed a peer-reviewed, defensible report and model based on data that demonstrate the following:
  - a. The Lake Koocanusa ecosystem, including fish, is already impacted by selenium contamination. Degradation is on-going and pollutant loads into the lake are increasing.
  - b. Data collected to date demonstrate that due to the unstable, hydrodynamic characteristics of the lake, certain fish species and other aquatic life are more vulnerable to selenium bioaccumulation, and three species of fish already exceed healthy levels of selenium in fish tissue.
3. The State of Montana is proceeding with rule-making for adoption of a site-specific criteria for Lake Koocanusa that is conservative and protective of all species of fish in Lake Koocanusa.
  - a. At 0.8 ug/L, the recommended selenium criteria for Montana is 1.2 ug/L below the current B.C. provincial guideline of 2.0 ug/L, which is also the limit as stated in Teck Coal's permit.
4. The State of Idaho, in consultation with the U.S. Environmental Protection Agency, has listed the Kootenai River as impaired due to selenium contamination of water quality and fish.
  - a. Data collected by the U.S. EPA, the USGS, and the Kootenai Tribe of Idaho demonstrate that Kootenai River fish exceed EPA fish tissue thresholds for selenium.

Finally, we note that in their comment letter dated 10/27/2020, the Idaho Department of Environmental Quality stated that selenium impacts from the Elk Valley mines are resulting in exceedance of Idaho Water Quality standards, and that as such, they do not support any new permitting until current selenium concentrations are reduced.

Thank you for your time and consideration to address these concerns. We maintain that a review panel would provide a transparent and independent process to address past problems and restore public confidence about Canada's ability to manage impacts within the Elk Valley and beyond.

We very much look forward to hearing from you.

Sincerely,

Jill Weitz  
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Juneau, Alaska

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Idaho Conservation League  
Sand Point, Idaho

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