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Tent Mountain Mine Redevelopment Project
Impact Assessment Agency of Canada
Canada Place
9700 Jasper Avenue, Suite 1145
Edmonton AB T5J 4C3

Re: Shuswap Band Comments on the Initial Project Description for the Tent Mountain Mine Redevelopment Project

Shuswap Band has reviewed the Initial Project Description (IPD) for the Tent Mountain Mine Redevelopment Project, which was uploaded to the Impact Assessment Agency of Canada (IAAC) registry on November 25, 2021. The existing Tent Mountain Mine Project is an open-pit metallurgical coal mine located in the Crowsnest Pass, straddling the border between British Columbia (B.C.) and Alberta. The proposed Redevelopment Project—put forward by Montem Resources Alberta Operations Ltd. (Montem)—would entail a re-start and expansion of the existing mine. The main components of the proposed Project’s infrastructure include access roads, power, on-site building and facilities, open-pits, water management, and train loadout. The Project is within Shuswap Band’s Caretaker Area of *Secwépemcúlecw* (Secwepemc Traditional Territory) and the Shuswap Band community is concerned the proposed Project will impact their Indigenous rights and title, including land use, cultural and environmental resources, and their authority of *Yecwmenul’ecem* (taking care of the land).

The IPD identifies several effects which the proposed Project may have on the physical environment surrounding the mine, including:

- **Air quality changes:** “Fugitive dust emissions are expected from mining activities such as drilling and blasting, mine equipment, excavation, material handling, wind erosion from stockpiles, and traffic on unpaved roads and wind erosion. Fuel combustion exhausts from mining equipment and trucks will also have air emissions.” (p. 64)
- **Fish and fish habitat:** “The proposed TMM Project may cause changes to fish and fish habitat, as defined in subsection 2(1) of the Fisheries Act.” (p. 64) ... “There are several TMM Project components/activities that could trigger changes to water quality, flow regime, direct fish mortality, direct habitat impacts, changes to fish movement, and Whirling Disease and Aquatic Invasive Species (AIS) will be included in the IA.” (p. 65)

- **Selenium and other contaminants:** in June 2021, the Minister of Environment and Climate Change chose to designate the proposed Tent Mountain Mine Redevelopment Project for review under the Impact Assessment Act, in part due to risks imposed by the proposed Project for the “deposition of selenium and other deleterious substances” (p. 27)
- **Cumulative effects:** “The TMM Project consists of the resumption of coal mining operations in a [regional study area] that has been historically impacted by municipal developments, coal mining, timber harvesting, agriculture, road and railway corridors, and oil and gas exploration activities” (p. 68)
- **Species at risk:** “The TMM Project area and adjacent areas provide habitat to a multitude of wildlife species for breeding, foraging, and roosting” (p. 69). Several of the species observed within the proposed Project area have been designated as species of concern by various bodies, including:
 - Grizzly bear: “Threatened” (AWA¹), “Species of Special Concern” (COSEWIC²)
 - Olive-sided flycatcher (*Contopus cooperi*): “Threatened” (SARA³)
 - Boreal (Western) toad (*Anaxyrus boreas*): “Species of Special Concern” (COSEWIC)
 - 20 additional species of breeding birds observed within the proposed Project area “are considered “Sensitive” to “May be at Risk” in Alberta” (p. 69)
- **Migratory Birds:** “The proposed TMM Project may affect migratory birds as defined by the Migratory Convention Act. Potential TMM Project-related effects on migratory birds are expected to be largely related to direct (e.g., vegetation clearing) and indirect (e.g., noise/sensory disturbance) loss and/or alteration of habitat, and increased mortality risk (e.g., nest destruction, collision with TMM Project infrastructures). Other potential effects on migratory birds resulting from construction, operations, and closure of the TMM Project may include increases in ambient concentrations of criteria air contaminants, or accidental spills of deleterious substances (e.g., wildlife health)” (p. 69)

Shuswap 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, understanding of regional cumulative effects and how the proposed project will further contribute to these effects, as well as related mitigation as detailed studies are completed and more information is received. Significant impacts on Shuswap Band ability to practice *Yecwmenul'ecem* have been experienced as a result of regional development activities, including but not limited to extensive coal mining activities. Broad scale issues associated with species extinctions, loss of biodiversity, and a rapidly shifting climate are of grave concern to Shuswap Band and peoples way of life and being. Areas of specific concern, which build on the identified list of potential project impacts within the IPD, include:

- **Impacts to the Elk River Valley.** The Tent Mountain Mine is located in the Crowsnest Pass, which “situated adjacent to the Elk Valley in British Columbia” (p. 52). The IPD notes that “the B.C.

¹ Alberta Wilderness Association

² Committee on the Status of Endangered Wildlife in Canada

³ *Species at Risk Act*

portion of the TMM Project drains from Tent Creek into Michel Creek,” which subsequently “flows into the Elk River” (p. 53). The Elk River Valley is an area of cultural heritage significance for Shuswap Band and is utilized by Band members—past and present—for fishing, hunting, gathering, and other constitutionally protected traditional activities. Shuswap Band is concerned about potential impacts from the redevelopment of the Tent Mountain Mine on the Elk River Valley, including impacts to water quality, hydrology, forests, fish and wildlife, and critical habitats. BY way of this response, Shuswap Band requires that any such potential impacts be assessed in detail and through a cumulative effects lens in forthcoming environmental studies conducted in relation to the proposed Project.

- **Protection and restoration of the Westslope Cutthroat Trout.** The IPD notes that, below the natural waterfall shortly after the confluence of East Crowsnest and Crowsnest Creek, there is fish and fish habitat supporting Westslope Cutthroat Trout, which is a federally and provincially listed species. Furthermore, the IPD notes that “the federal government recently deemed the areas immediately downstream of Crowsnest Lake as critical habitat for [Westslope Cutthroat Trout]” (p. 56). Shuswap Band is concerned about the protection of this species within the Band’s Area of Caretaker Responsibility; Shuswap Band’s Indigenous knowledge should be consulted and incorporated into decisions around conservation and protection, and community environmental specialists and monitors engaged throughout the process. Further impacts to Westslope Cutthroat Trout or their habitats are not acceptable to Shuswap Band given the current situation and existential risks these species face in the Elk River Valley.
- **Impacts to Culturally Significant Species.** A number of species of cultural significance to Shuswap Band have been identified through wildlife surveys in the proposed Project area, including elk, mule deer, badger, lynx, wolf, wolverine and, as previously mentioned, Westslope Cutthroat Trout (IPD, p. 55). Furthermore, the proposed Project area is located within ranges for mountain goat (*Oreamnos americanus*) bighorn sheep (*Ovis canadensis*), and grizzly bear (*Ursus arctos*). 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. Shuswap Band has observed a notable decline in species populations of the years, which can in part, be attributed to the extensive impacts on habitat availability and suitability these species have faced as a result of wide scale mining activities in the East Kootenay Region. Shuswap Indian Band should be further consulted in the development of the wildlife impact assessments and management plans, which need to include adequate mitigation and long-term mining, for this project in order to effectively and demonstrably mitigate these concerns.
- **Cumulative Impacts.** While the majority of the Tent Mountain Mine Redevelopment Project activities will take place on previously disturbed lands used for past mining activities, the IPD notes that “the TMM Project will require an expansion to the operations of approximately 150 ha of new disturbance” (p. 26). Shuswap Band is concerned about the cumulative impacts of existing and future mining activities will have on the ecological features and integrity in the Crowsnest Pass, and in turn the community’s ability to continue, access, and revive land use activities and resource management practices in their Caretaker Area. A comprehensive cumulative effects assessment of the project is required to adequately assess the past, present, and future impacts of the proposed Project in the context of all mining, and other land development, activities in the East Kootenay Region and Elk Valley. Its important to understand that impacts on fish, wildlife,

water, and other culturally valued resources in the Elk Valley extend beyond an artificial line on a map, be it the project footprint or watershed boundary.

- **Standards and expectations for reclamation and remediation.** It is essential that, should authorization be issued to restart operations at the Tent Mountain Mine, that a comprehensive conservation and reclamation plan be developed that meaningfully incorporates Indigenous Knowledge, Indigenous land management priorities, and concerns. Such a plan should ensure that disturbed areas are returned to a pre-disturbance state as quickly as possible, and that certain compensation measures be applied in the interim to ensure a net zero impact on the surround ecosystem and many species it contains. Shuswap Band must be consulted regarding applicable baseline environmental conditions and acceptable end uses of the reclaimed mine area. This is especially critical in light of the fact that the initial assessments conducted and approvals issued for the mine operations in the 1970s were not based upon adequate engagement with Indigenous peoples. Moreover, it is unlike that these projects conducted detailed environmental assessments and applied critical mitigations as currently required under provincial and federal regulations.

The IPD has noted that, due to the timing of the onset of mining activities in the proposed Project area, prior environmental impact assessments did not adequately engage Indigenous peoples, and the approvals subsequently issued did not sufficiently take into account Indigenous knowledge, Indigenous land management priorities and concerns, or impacts on Indigenous peoples. In view of this, it is extremely important that Montem continue to engage with Shuswap Band regarding its proposed Tent Mountain Mine Redevelopment Project.

Shuswap Band looks forward to continuing the consultation effort with Montem and the IAAC for this project in order to have our Indigenous rights and interests addressed, including identifying suitable mitigation measures for our concerns.

Kukwststésemc,

<Original signed by>

Chief Barbara Cote

Shuswap Band