



Impact Assessment  
Agency of Canada

Agence d'évaluation  
d'impact du Canada

Pacific and Yukon Region  
757 West Hastings Street  
Suite 210A  
Vancouver BC V6C 3M2

Région du Pacifique et du Yukon  
757 rue Hastings Ouest  
bureau 210A  
Vancouver (C-B) V6C 3M2

June 23, 2020

## ELECTRONIC MAIL

Mae Price  
JFK Law  
1122 Mainland Street, Suite 340  
Vancouver BC V6B 5L1  
EMAIL: mprice@jfkclaw.ca

Dear Mae Price:

### **Subject: Designation Request for the Proposed Castle Project**

Thank you for your letter of June 19, 2020, on behalf of your clients Kainai (Blood Tribe) and Siksika Nation concerning the Castle Project (the Project) proposed by Teck Coal Limited (the proponent).

On behalf of the Impact Assessment Agency of Canada (the Agency), I am pleased to provide you this interim response for your clients to advise of the next steps in responding to your letter where you requested that the Minister of Environment and Climate Change (the Minister) designate the Project under Canada's *Impact Assessment Act* (the Act). To support a transparent consideration of your clients' request, your letter has been posted to the publicly available Canadian Impact Assessment Registry internet site (Reference 80702).

On April 3, 2020, the Agency issued a letter to the proponent stating that the Agency is of the view that the Project is not described in the Physical Activities Regulations. This letter was issued following a review of a draft Initial Project Description (IPD) that was provided by the proponent on January 16, 2020, and additional information provided by the proponent on February 27, 2020.

.../2



As you are aware, under subsection 9(1) of the Act the Minister may, by order, designate a physical activity that is not described in the *Physical Activities Regulations* under the Act. The Minister can do this, if, in the Minister's opinion, the physical activity may cause adverse effects within federal jurisdiction or adverse direct or incidental effects (resulting from federal decisions), or public concerns related to those effects warrant the designation.

To support the Minister in considering your clients' request and providing a reply, the Agency will review information about the Project; any concerns expressed in this designation request, by Indigenous groups or the public; expert advice from federal authorities; and input from provincial ministries and other key stakeholders. We anticipate that the Minister's determination on whether the Project is to be designated, with reasons, will be provided to you for your clients as a formal response to your letter and posted to the Canadian Impact Assessment Registry by August 19, 2020.

If designated, to proceed with the Project the proponent would be required to formally submit an IPD to the Agency, thereby commencing the planning phase of the Act. In that case, the planning phase would include the Agency determining whether a federal impact assessment is required.

Additional information regarding the process for designation requests is available on the Agency's website at [www.canada.ca/en/impact-assessment-agency/services/policy-guidance/designating-project-impact-assessment-act.html](http://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/designating-project-impact-assessment-act.html).

**Important Note:** All records produced, collected or received in relation to the designation request process – unless prohibited under Canada's *Access to Information Act* or *Privacy Act* – are considered public and may be released. If you have provided any comments or documents that contain confidential or sensitive information that you believe should be protected from release to the public, please contact the Agency as soon as possible. The Agency does not accept information marked as confidential without prior contact.

If you have any questions regarding the Project and the contents of this letter, or if you would like to provide additional comments, please contact Fraser Ross, Project Manager with the Agency at 6045625665 or at [IAAC.Castle.AEIC@canada.ca](mailto:IAAC.Castle.AEIC@canada.ca).

In closing, I would also acknowledge that given the evolving circumstances concerning the novel coronavirus (COVID-19) pandemic, these are undoubtedly very challenging times for Kainai (Blood Tribe) and Siksika Nation. It is our hope that the communities are healthy and safe.

Sincerely,

<Original signed by>

Regina Wright  
Regional Director  
Pacific and Yukon

c.c.: David Baines, Teck Coal Limited, (david.baines@teck.com)  
Robin Sidsworth, Teck Coal Limited, (robin.sidsworth@teck.com)  
Councillor Dorothy First Rider, Kainai (Blood Tribe),  
(dfirst rider@bloodtribe.org)  
Mike Oka, Kainai (Blood Tribe), (mike.oka@bloodtribe.org)  
Councillor Armond Duck, Siksika Nation, (armond dc@siksikanation.com)  
Richard Right Hand, Siksika Nation, Consultation Manager,  
(rrh.siksika@gmail.com)  
Clayton Leonard, JFK Law, (cleonard@jfk law.ca)