



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

Agency File No: 005723

May 27, 2020

ELECTRONIC MAIL

Dear Colleague:

Subject: Designation Request for the Proposed Castle Project

On May 21, 2020, the Minister of Environment and Climate Change received a request under subsection 9(1) of the *Impact Assessment Act* (the Act) to designate the Castle Project (the Project) proposed by Teck Coal Limited. The request was made by the Confederated Salish and Kootenai Tribal Council and the Kootenai Tribe of Idaho. The letter requesting designation and a description of the Project have been posted to the Canadian Impact Assessment Registry internet site, publicly available at Canada.ca/iaac (Reference 80702).

The Proposed Project

The Project would be located near Elkford, in southeastern British Columbia and would expand the existing Fording River Operations metallurgical coal mine. The Project would maintain the existing production capacity of 27 400 tonnes per day, and would increase the area of mine operations by 35.7 percent. The Project as proposed is not described in the *Physical Activities Regulations* under the Act.

Designation Request

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*. 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, including funding), or public concerns related to those effects warrant the designation.

To support the Minister in considering the request, the Impact Assessment Agency of Canada (the Agency) will review:

- information about the Project;
- any concerns expressed by the requester, the public, and Indigenous groups;
- expert advice from federal authorities;
- input from provincial ministries; and
- input from other key stakeholders such as the State of Montana and the United States Environmental Protection Agency.

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If designated, Teck Coal Limited would be required to formally submit an Initial Project Description 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. Should the Project be designated, the Agency will contact you to discuss further steps under the Act.

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.

Seeking Federal Authority Advice

The Agency is requesting that you complete and provide the enclosed form by June 16, 2020. Please provide your submission to the Agency by email using the contact information provided below. All comments received will be posted on the public Registry.

Important Note: All records produced, collected or received in relation to the designation request process – unless prohibited under the *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, please contact me at 604-562-5665 or at IAAC.Castle.AEIC@canada.ca.

In closing, I acknowledge that given the circumstances concerning the novel coronavirus (COVID-19) pandemic, these may be very challenging times for your organization. We appreciate your consideration of our request at this time, and it is our hope that you, your family, and your colleagues are healthy and safe.

Sincerely,

<Original signed by>

Fraser Ross
Project Manager, Pacific and Yukon Region

Enclosure: Federal Authority Advice Record

ENCLOSURE:

**Federal Authority Advice Record: Designation Request under the Impact Assessment Act
Response due by June 16, 2020**

Castle Project- Teck Coal Limited

Department/Agency	
Lead Contact	
Full Address	
Email	
Telephone	
Alternate Departmental Contact	

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1. Has your department or agency considered whether it has an interest in the Project; exercised a power or performed a duty or function under any Act of Parliament in relation to the Project; or taken any course of action (including provision of financial assistance) that would allow the Project to proceed in whole or in part?

Specify as appropriate.

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2. Is it probable that your department or agency may be required to exercise a power or perform a duty or function related to the Project to enable it to proceed?

If yes, specify that power, duty or function and its legislative source.

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3. If your department or agency will exercise a power or perform a duty or function under any Act of Parliament in relation to the Project, will it involve public and Indigenous consultation?

Specify as appropriate.

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4. Is your department or agency in possession of specialist or expert information or knowledge that may be relevant to any potential adverse effects within federal jurisdiction caused by the Project or adverse direct or incidental effects stemming from the Project?

Specify as appropriate.

5. Has your department or agency had previous contact or involvement with the proponent or other parties in relation to the Project?

Provide an overview of the information or advice exchanged.

6. From the perspective of the mandate and area(s) of expertise of your department or agency, does the Project have the potential to cause adverse effects within federal jurisdiction or adverse direct or incidental effects as described in section 2 of the Impact Assessment Act? Could any of those effects be managed through legislative or regulatory mechanisms administered by your department or agency? If a licence, permit, authorization or approval may be issued, could it include conditions in relation to those effects?

Specify as appropriate.

7. Does your department or agency have a program or additional authority that may be relevant and could be considered as a potential solution to concerns expressed about the Project? In particular, the following issues have been raised by the requestor:

- The importance of effectively evaluating cumulative effects of current and future coal mining in the Elk Valley on the Kootenai Watershed;
- elevated concentrations of selenium and nitrate pollution in the Kootenai River watershed due to effluent from BC mines;
- transboundary effects in the U.S. and traditional tribal territory on water quality, fish, wildlife, and traditional cultural uses;
- mortality of the Westslope cutthroat trout in the Upper Fording River;
- Ineffective efforts by BC, Montana, and Teck to improve water quality; and
- lack of sufficient measures and proven technology to mitigate mining contamination.

If yes, please specify the program or authority.

8. Does your department or agency have information about the interests of Indigenous groups in the vicinity of the Project; the exercise of their rights protected by section 35 of the *Constitution Act, 1982*; and/or any consultation and accommodation undertaken, underway, or anticipated to address adverse impacts to the section 35 rights of the Indigenous groups?

If yes, please specify.

9. Taking into account your mandate, does your department or agency have a view as to whether the Project should be designated under the *Impact Assessment Act*?

If yes, please specify.

10. If your department has guidance material that would be helpful to the proponent or the Agency, please include these as attachments or hyperlinks in your response.

Name of departmental / agency responder

Title of responder

Date