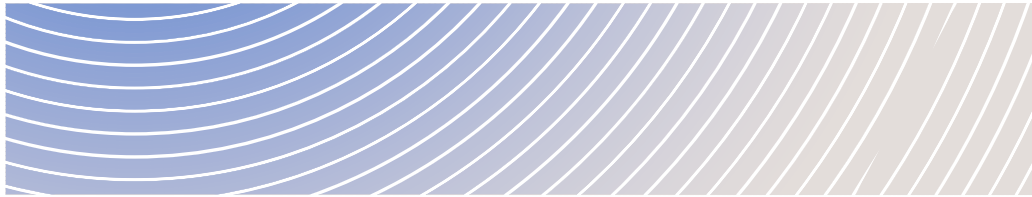


# Analysis Report



WHETHER TO DESIGNATE THE **RECORD RIDGE MINE PROJECT** IN BRITISH COLUMBIA PURSUANT TO THE *IMPACT ASSESSMENT ACT*

February 2026



© His Majesty the King in Right of Canada, as represented by the Minister of the Environment, Climate Change and Nature, 2026

This publication may be reproduced for personal or internal use without permission, provided the source is fully acknowledged. However, multiple copy reproduction of this publication in whole or in part for purposes of redistribution requires the prior written permission from the Impact Assessment Agency of Canada, Ottawa, Ontario K1A 0H3, or [information@iaac-aeic.gc.ca](mailto:information@iaac-aeic.gc.ca).

This document has been issued in French under the title: Rapport d'analyse – Décision de désigner ou non le Projet minier Record Ridge, en Colombie-Britannique, en vertu de la *Loi sur l'évaluation d'impact*



# Contents

Purpose.....	1
Context of request.....	1
Project Context.....	2
Project overview.....	2
Analysis of the Designation Request .....	3
Authority to designate the project.....	3
Other legislative mechanisms .....	4
Potential adverse effects within federal jurisdiction.....	7
Direct or incidental adverse effects .....	13
Public concerns.....	13
Adverse impacts on the Section 35 Rights of Indigenous Peoples .....	13
Regional and strategic assessments.....	14
Cumulative effects.....	14
Species at risk.....	15
Conclusion .....	15

# Purpose

The Impact Assessment Agency of Canada (IAAC) prepared this report for consideration by the President of IAAC<sup>1</sup> in his response to the request to designate the Record Ridge Mine Project (the physical activities referred to as the project) proposed by West High Yield Resources Ltd. (the proponent) pursuant to section 9 of the *Impact Assessment Act* (the IAA).

## Context of request

On November 5, 2025, the Minister of the Environment, Climate Change, and Nature (the Minister) received a request to designate the project from the Benjamin Isitt Law Corporation on behalf of Save Record Ridge Action Committee Society (SRRAC) (the requester). In the letter, the requester asserted that the project has the potential to cause non-negligible adverse effects within federal jurisdiction, including to fish and fish habitat, aquatic species at risk, transboundary waters, terrestrial species at risk (including mountain holly fern habitat), and Indigenous Peoples' rights and interests, including effects to Indigenous women. Other matters raised include concerns regarding cumulative effects, adequacy of provincial regulatory process, including absence of a provincial environmental assessment for the project, and the absence of other means to address potential adverse effects in areas of federal jurisdiction. The requester expressed concerns that the proponent's current proposal, with a production capacity of up to 63,500 tonnes per year, has the same footprint and mine design as when the project was initially proposed with a production of 200,000 tonnes per year of magnesium-bearing ore.

British Columbia's (B.C.) Ministry of Mining and Critical Minerals (MCM) issued the *Mines Act* permit for the project on October 21, 2025. Other provincial permitting processes under the *Environmental Management Act* and the *Transportation Act* are underway.

On November 14, 2025, the Minister received additional letters from members of the public (Red Mountain Ventures LP and Tourism Rossland Society) supporting the designation of the project. Concerns were raised that the proposed project could result in long-term adverse impacts on the local environment, economy, and community well-being, including impacts on Rossland's tourism sector.

On November 18, 2025, IAAC requested additional information from the proponent and federal authorities about the project and any activities currently underway to confirm the project scope and determine whether any limitations under subsection 9(7) of the IAA would apply. The designation request process began on November 27, 2025, after IAAC determined the subsection 9(7) limitations do not apply based on the proponent's response and other available information.

IAAC sent a letter to the proponent on November 27, 2025, regarding the start of the designation request process. The proponent responded on December 3, 2025, expressing the view that the project already has an approved B.C. *Mines Act* permit and should not be designated.

---

<sup>1</sup>The Minister of the Environment delegated the powers under section 9 of the *Impact Assessment Act*, including the power to respond to a request or issue a designation Order, to the President of IAAC.



In addition, IAAC requested input from federal authorities, the B.C. Environmental Assessment Office (EAO), MCM, and potentially affected Indigenous groups: Okanagan Nation Alliance, Ktunaxa Nation Council, Shuswap Band and Splotsin First Nation. IAAC also notified Sinixt Confederacy of the designation request process.

IAAC received advice on applicable legislative mechanisms and potential effects of the project from Environment and Climate Change Canada (ECCC) including the Canadian Wildlife Service (CWS), Fisheries and Oceans Canada (DFO), Health Canada (HC), Women and Gender Equality Canada (WAGE), Natural Resources Canada (NRCan), Transport Canada (TC), and Indigenous Services Canada (ISC).

IAAC received a response from Osoyoos Indian Band on behalf of Okanagan Nation Alliance; no additional responses were received from the other Indigenous groups.

## Project Context

---

### Project overview

The proponent is proposing an open pit mine located about seven kilometres southwest of Rossland, (B.C.) (Figure 1). The project is located on provincial Crown land, and the proponent holds 100% of the mineral rights for the property. The project would have an annual production capacity of up to 63,500 tonnes per year of magnesium-bearing ore and surface footprint of 23.1 hectares. It would include an open pit, waste rock storage area, soil stockpiles, water management infrastructure, power supply, and an access road but would not include a tailings storage facility, underground workings, on-site processing plant or ore stockpiles. According to the proponent's mine plan<sup>2</sup>, the conventional open pit operation would entail a sequence of drilling, mechanical ore extraction and/or blasting, loading run of mine rock, crushing using a mobile crushing unit, and then hauling cobble-sized crushed rock off site to a processing facility. Magnesium is a critical mineral, and the project aims to support regional economic growth and contribute to critical minerals strategies at the provincial and federal levels.

In October 2023, the proponent submitted a joint application the *Mines Act* and *Environmental Management Act* permits (Joint Permit Application) to MCM. The initial proposal was for an open-pit mine with a production capacity of 200,000 tonnes per year of magnesium-bearing ore. In September 2024, however, the proponent submitted a revised application to MCM proposing a reduced annual production capacity of up to 63,500 tonnes per year<sup>3</sup>.

Between 2024 and 2025, the EAO received three requests to designate the project for provincial environmental assessment under B.C.'s *Environmental Assessment Act* (2018) from Wildsight, SRRAC (same requester for the federal designation request), and the Sinixt Confederacy.

---

<sup>2</sup> [RRIMM Project Joint MA and EMA Permit Application](#)

<sup>3</sup> [Greenwood Environmental Memorandum September 17 2024.pdf](#)

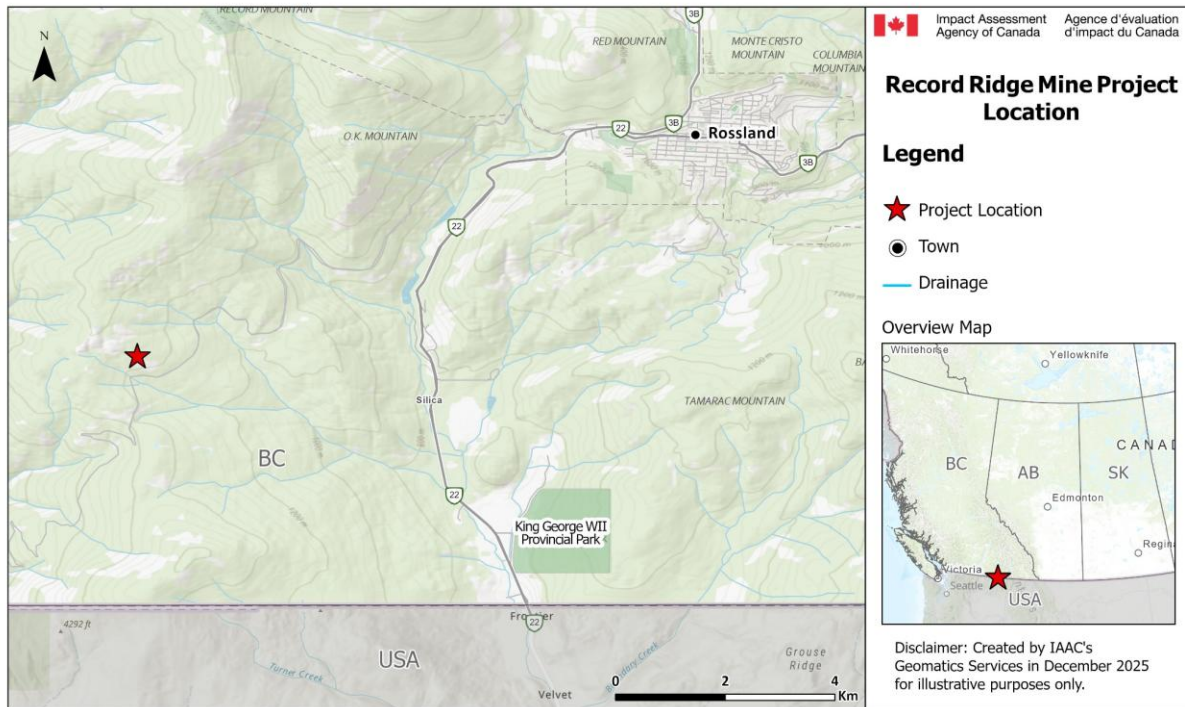


Figure 1: Project Location

# Analysis of the Designation Request

## Authority to designate the project

The *Physical Activities Regulations* (the Project List) describe "designated projects" for which a federal impact assessment may add value, over and above other federal regulatory oversight mechanisms (e.g. authorizations, licences, and permits). Project types included on the Project List are those that are determined to have the greatest potential for adverse and complex effects in areas of federal jurisdiction related to the environment and are called designated projects. The Project List identifies new metal mines with an ore production capacity of 5,000 tonnes per day or more as "designated projects". The project, as described in the information provided by the proponent, is a mine producing magnesium-bearing ore with a production capacity of up to 63,500 tonnes per year (350 tonnes per day of ore operating six months per year).

The requester's letter asserts that the project may be described in the Project List. However, based on review of information available, including the permit application and permit issued by British Columbia's Ministry of Mining and Critical Minerals for a maximum production capacity of up to 63,500 tonnes per year, IAAC accepts the proponent's assertion about production capacity. The project is far below, at



approximately seven percent, of the 5,000 tonnes per day threshold value on the Project List and as such is not included in the Project List.

Under subsection 9(1) of the IAA the Minister may, by order, designate a physical activity that is not prescribed by the *Physical Activities Regulations*, if, in the Minister's opinion, the physical activity may cause adverse effects within federal jurisdiction or direct or incidental adverse effects.

In accordance with subsection 9(2) of the IAA, in making the decision on whether to designate the project, if the Minister is of the opinion that the carrying out of the physical activity may cause adverse effects within federal jurisdiction or direct or incidental adverse effects, the Minister may consider public concerns related to the adverse effects within federal jurisdiction, adverse impacts that the physical activity may have on the rights of Indigenous Peoples, and whether a means other than an impact assessment exists that would permit a jurisdiction to address the adverse effects. This discretionary authority to designate projects enables the Minister or President to consider exceptional circumstances such as where a project is proposed in an environmentally sensitive location or there is a new or unique type of project that was not contemplated when the Project List was developed.

Under subsection 9(7) of the IAA, the Minister cannot designate a physical activity if the carrying out of the physical activity has substantially begun, or a federal authority has exercised a power or performed a duty or function in relation to the physical activity. Under subsection 154(1) of the IAA, the Minister may, subject to any terms and conditions that the Minister specifies, delegate to IAAC any powers, duties, or functions that the Minister is authorized to exercise or perform under the IAA. The Minister has delegated the powers under section 9 of the IAA, including the power to respond to a request or issue a designation order, to the President of IAAC.

IAAC is of the view that the project is not described in the *Physical Activities Regulations*, the carrying out of the project has not substantially begun, and no federal authority has exercised a power or performed a duty or function that would permit the project to be carried out, in whole or in part. Based on the above, IAAC is of the view that the President may consider designating the project pursuant to subsection 9(1) of the IAA.

---

## Other legislative mechanisms

Key federal and provincial legislative mechanisms that are or may be relevant to the project are summarized below. The subsequent section describes potential adverse effects within federal jurisdiction that may be caused by the project, including consideration of how the relevant legislative mechanisms may apply.

### Federal legislative mechanisms

#### *Fisheries Act*

The *Fisheries Act* provides protection for fisheries and their ecosystems. Through the Fish and Fish Habitat Protection Program, DFO reviews projects for their impacts to fish and fish habitat to ensure compliance with the *Fisheries Act* and *Species at Risk Act* (SARA). Through this program, DFO may provide a Letter of



Advice to the proponent containing information to avoid and mitigate negative, project-related impacts to fish and fish habitat.

A *Fisheries Act* authorization would be required if the project is likely to cause the harmful alteration, disruption, or destruction to fish habitat and/or is likely to result in the death of fish. The application process for an authorization would include consultation with Indigenous groups. In addition, the *Fisheries Act* also prohibits the deposit of deleterious substances into waters frequented by fish, unless authorized by regulations or other federal legislation.

ECCC also administers and enforces subsection 36(3) of the *Fisheries Act*, which prohibits the deposit of deleterious substances into waters frequented by fish, unless authorized by regulations or other federal legislation.

Based on the available project information, the project is not likely to require a *Fisheries Act* authorization.

### *Species at Risk Act*

For non-aquatic species listed in Schedule 1 of SARA as Extirpated, Endangered, or Threatened, a permit may be required from ECCC (i.e. under section 73 of SARA) for activities that affect a listed terrestrial wildlife species, any part of its critical habitat, or the residences of its individuals, where those prohibitions are in place. Such permits may only be issued if: all reasonable alternatives to the activity that would reduce the impact on the species have been considered and the best solution has been adopted; all feasible measures will be taken to minimize the impact of the activity on the species or its critical habitat or the residences of its individuals; and, if the activity will not jeopardize the survival or recovery of the species.

A SARA permit may be required from DFO if the project activities are likely to result in impacts to aquatic species at risk, any part of their critical habitat or the residences of their individuals, in a manner which is prohibited under sections 32, 33, and subsection 58(1) of the SARA, respectively.

Based on the information available, ECCC has indicated that a SARA permit is not likely required for the project.

### *Migratory Birds Convention Act, 1994*

The *Migratory Birds Convention Act, 1994* (MBCA) protects migratory birds, as well as their nests and eggs, wherever they occur, regardless of land tenure. The MBCA and its *Migratory Birds Regulations, 2022* prohibit the disturbance or destruction of migratory birds, and their nests or eggs, unless a permit specifically authorizing the activity has been issued. The MBCA also prohibits the deposit of harmful substances into waters or areas frequented by migratory birds, or places from which such substances may enter those waters or areas.

The *Migratory Birds Regulations, 2022* also identify 18 species of birds whose nests are protected year-round. Species that are both a migratory bird protected under the MBCA, and listed on Schedule 1 of SARA as endangered, threatened or extirpated, receive protections under both pieces of legislation. The proponent would be required to comply with the MBCA and its regulations to ensure the protection of migratory birds.



ECCC has indicated that it does not expect to exercise a power or perform a duty or function related to the project to enable it to proceed. ECCC noted that the project is not located on federal lands and there is currently no order in place to bring SARA prohibitions into effect on non-federal land within the project area.

## Provincial legislative mechanisms

### *Wildlife Act*

B.C.'s *Wildlife Act* (1996), administered by the B.C. Ministry of Water, Land and Resource Stewardship, provides the framework for the protection, conservation, and management of wildlife populations and their habitats across the province. The Act protects provincially listed species through general prohibitions against killing, capturing, possessing, or harassing wildlife, unless authorized by regulation or permit. Under the Act, wildlife species can be legally designated as endangered, threatened, or special concern, which enables penalties for harming or killing wildlife and the establishment of critical wildlife habitats within wildlife management areas.

Section 34 of the Act specifically prohibits activities that could result in the disturbance or destruction of migratory birds, and their nests or eggs. Under the *Wildlife Act*, it is an offence to possess, take, injure, molest, or destroy a bird, its eggs, or any nest occupied by a bird or its eggs. In addition, the nests of certain provincially at-risk species are protected year-round.

On March 9, 2022, B.C. introduced legislative amendments to the *Wildlife Act* aimed to support reconciliation and greater collaboration with Indigenous Peoples in wildlife stewardship in the province.

The proponent may be required to obtain permits or authorizations if proposed project activities would result in the injury, harassment, or mortality of wildlife, or the disturbance or destruction of protected wildlife habitats.

### *Mines Act*

B.C.'s *Mines Act* and the accompanying *Health, Safety and Reclamation Code for Mines in British Columbia* (the Code) is administered by the MCM and protect workers, the public and the environment through provisions for minimizing the health, safety and environmental risks related to mining activities. Proposed major mines, expansions and some exploration require approval under the *Mines Act*. Permits issued under the *Mines Act* may include legally enforceable site-specific conditions and MCM is responsible for enforcement.

MCM formed and manages the Mine Development Review Committee (MDRC) for the project, which included provincial ministry subject matter experts, Indigenous groups, and federal experts. The MDRC reviewed the Joint Permit Application for approvals under both the *Mines Act* and *Environmental Management Act*.

The *Mines Act* is the primary legislation regulating mining activity in B.C. alongside the *Environmental Management Act*.

## *Environmental Management Act*

B.C.'s *Environmental Management Act* regulates industrial and municipal waste discharge, pollution, hazardous waste and contaminated site remediation. The *Environmental Management Act* provides the authority for introducing wastes into the environment, while protecting public health and the environment. The legislation enables the use of permits, regulations and codes of practice to authorize discharges to the environment and enforcement options, such as administrative penalties, orders and fines to encourage compliance.

The *Mines Act* and *Environmental Management Act* permitting processes were coordinated for this project. An approved Liquid Effluent Discharge Permit under the *Environmental Management Act* is anticipated to be required for the project to proceed.

## *Heritage Conservation Act*

B.C.'s archaeological resources are protected under the *Heritage Conservation Act*. Under the legislation, protected archaeological sites may not be altered without a permit. The proponent may be required to obtain a site alteration permit under section 12 of the *Heritage Conservation Act* if proposed project activities have the potential to disturb a protected heritage site.

---

## Potential adverse effects within federal jurisdiction

The carrying out of the project may cause potential adverse effects within federal jurisdiction, as defined in section 2 of the IAA, taking into account input received from the requester, proponent, federal authorities, provincial ministries, and Indigenous groups. As outlined below, IAAC is of the view that existing legislative mechanisms provide a framework to address those potential adverse effects within federal jurisdiction.

### Fish and fish habitat

The requester expressed concerns that the project would result in adverse effects to fish and fish habitat downstream of the project including in Sophia Creek, East Corral Creek, Big Sheep Creek, Little Sheep Creek and the Columbia River. The requester did not provide further information and indicated that these impacts are difficult to quantify due to deficiencies in the proponent's description of baseline conditions.

In its Joint Permit Application under B.C.'s *Mines Act*, the proponent assessed changes to surface water quantity and quality (section 6.3), effects of changes to water quality on fish (section 6.4), and effects of effluent temperature and quantity on fish (section 6.5). This assessment was conducted based on a production capacity that is higher than currently contemplated and approved by the *Mines Act* permit and therefore, effects may be less than originally anticipated. Based on the production capacity contemplated at that time, the proponent concluded that each of these effects to fish would not be expected or would be negligible. Specifically, the proponent's application stated:

- The overall reduction in streamflow downstream of the project but upstream of fish-bearing reaches would be expected to be less than 2.5%. These changes would not be expected to affect fish.

- There would be some exceedances of B.C.'s [water quality guidelines](#) for long-term aquatic life for nitrite, nitrate, dissolved copper levels; however those exceedances are limited in specific scenarios and/or exceedances are far below the toxicity values for fish and aquatic life. Effects to fish are not expected.
- Initial filling of the sediment pond would result in a maximum of 0.10 – 0.14% reduction in flows in the fish-bearing reaches of Sophia Creek. The effects to fish would be negligible.
- There would be a potential increase in temperature in fish-bearing reaches of Sophia Creek by up to 0.22 degrees Celsius based on increased temperatures in the sedimentation pond. There would be no expected effects to fish.
- The proponent would implement an aquatic effects management program that includes monitoring surface water chemistry, sediment chemistry, bioassays, and biological monitoring of periphyton, benthic invertebrates, and fish.

The *Mines Act* permit issued by MCM requires the proponent to implement mitigation measures for fish and fish habitat, including measures for fish entrainment, management of metal leaching / acid rock drainage, management of contact water, sediment control, groundwater monitoring, nitrogen management from explosives, and fugitive dust management. These mitigation measures are similar to measures that are often determined to be required as part of an impact assessment process in cases where there are predicted non-negligible adverse effects to fish and fish habitat.

DFO confirmed that a *Fisheries Act* permit is not likely to be required.

ECCC indicated that project activities associated with construction, operation, and decommissioning could affect ground and surface water quality, with the potential to cause non-negligible adverse effects on fish and fish habitat in the receiving environment if not properly managed. ECCC further noted that potential adverse effects on fish and fish habitat could be managed, in part, through pollution prevention mechanisms administered under section 36(3) of the *Fisheries Act*, which are applicable to the project even in the absence of the need for an authorization. ECCC does not expect that it will be required to exercise a power or perform a duty or function related to the project.

IAAC considered the input received and is of the view that existing federal and provincial mechanisms such as the prohibitions on deposition of deleterious substances in fish-bearing waters under section 36(3) of the *Fisheries Act*, the *Mines Act* permit that contains mitigation measures for fish and water quality and the *Environmental Management Act* which regulates industrial waste, provide a framework to address potential adverse effects to fish and fish habitat.

## Aquatic species at risk

The requester expressed concerns that the project would result in adverse effects to aquatic species defined by the *Species at Risk Act* downstream of the project including in Sophia Creek, East Corral Creek, Big Sheep Creek, Little Sheep Creek and the Columbia River. The requester did not provide further information or identify the species of concern.

IAAC is of the view that the project would not result in a change to aquatic species, as defined in subsection 2(1) of the *Species at Risk Act*, i.e., fish or marine plants. Effects to fish are discussed above, and neither of the two fish species present in the aquatic study area, rainbow trout and eastern brook trout, are listed under the *Species at Risk Act* or by the Committee on the Status of Endangered Wildlife in



Canada. The project would not result in changes to marine plants, as the project is not located in or near a marine environment.

## Migratory birds

The requester did not express any concerns that the project would result in adverse effects to migratory birds.

In its 2023 Joint Permit Application, the proponent noted that several bird species, including migratory birds, passerines, and raptors are likely to occur within the regional study area. Six migratory birds—black swift, evening grosbeak, common nighthawk, olive-sided flycatcher, bank swallow, and barn swallow—are also federally recognized as at risk under the *Species at Risk Act*. The proponent also noted that migratory birds and their nesting sites are protected under federal and provincial legislative mechanisms, such as the *Migratory Birds Convention Act, 1994*, *Species at Risk Act*, and section 34 of the B.C.'s *Wildlife Act*.

The proponent assessed potential impacts to migratory birds and raptors arising from vegetation removal, disruption of nesting, sensory or behavioural disturbances, and mortality. Given that the project's surface footprint is 23.1 hectares, the proponent concluded that the project would result in low-magnitude effects on local bird populations and their distribution.

The *Mines Act* permit issued by MCM requires the proponent to implement mitigation measures including protective measures for migratory birds. These measures include implementing and updating the Wildlife Management Plan and updating it annually by a qualified professional, identifying wildlife-sensitive periods, establishing timing windows for nesting birds and buffer setbacks, avoiding blasting during critical nesting periods, and conducting pre-disturbance field surveys prior to construction.

ECCC indicated that migratory birds, their nests, and eggs are protected under the *Migratory Birds Convention Act, 1994*, which prohibits activities that could potentially cause harm to them. ECCC further noted that the project has the potential to cause adverse effects to migratory birds, including to migratory bird species at risk. ECCC advised the proponent to implement mitigation measures to avoid causing harm to migratory birds, their eggs, and their nests when they are protected.

IAAC considered the input received and is of the view that existing federal and provincial mechanisms, such as the *Migratory Birds Convention Act, 1994*, *Species at Risk Act*, *Mines Act* and section 34 of B.C.'s *Wildlife Act*, provide a framework to address potential adverse effects to migratory birds.

## Indigenous Peoples

The requester expressed concerns that the project would result in adverse effects on the current use of lands and resources for traditional purposes by Indigenous Peoples of Canada and the health, social and economic conditions of Indigenous Peoples of Canada, including Indigenous women. The requester notes concerns about specifically red-listed and sensitive ecosystems that support Indigenous use. The requester referenced letters submitted to the EAO regarding the project by Sinixt Confederacy, Ktunaxa Nation Council, Shuswap Band, and Splatshin First Nation, which provide further details on these concerns. A summary of these letters is provided below.



The project is located within the traditional territories of the Okanagan Nation Alliance and the Ktunaxa Nation. Osoyoos Indian Band indicated that the project is located within the area of responsibility of Osoyoos Indian Band and it is acting on behalf of the Okanagan Nation Alliance for the purposes of the designation request. The project is also located within Shuswap Nation Tribal Council's statement of traditional territory, with the closest Secwepemc communities being Splitsin First Nation and Shuswap Band. In addition, the project is located within the asserted territories of the Sinixt Confederacy<sup>4</sup>.

IAAC considered information provided by the requesters, the proponent, Health Canada, Women and Gender Equality Canada, Indigenous Services Canada and Indigenous groups, including information available on the public [record](#) from the EAO's designation request process.

In its response to IAAC, Osoyoos Indian Band noted that it opposes designation of the project and referenced that the provincial permitting processes and Osoyoos Indian Band's independent environmental and economic assessment fully address project risks through management plans and conditions. Osoyoos Indian Band participated actively in the EAO's designation request process and its independent review concluded strong support for the project.

IAAC is of the view that the project may cause adverse effects that result from changes to the environment on physical and cultural heritage, the current use of lands and resources for traditional purposes, or on any structure, site or thing that is of historical, archaeological, paleontological or architectural significance to Indigenous Peoples; and a change to the health, social, or economic conditions of Indigenous Peoples. IAAC is of the view that existing federal and provincial mechanisms provide a framework to address these effects.

### Current use of lands and resources for traditional purposes

In its 2023 Joint Permit Application, the proponent noted that the area in and around the project continues to be used by Okanagan, Secwepemc and Sinixt peoples. These uses entail a range of past and current activities including fishing, hunting, trapping and plant harvesting important for consumption and cultural purposes. The proponent noted that Indigenous Peoples hunt elk, moose, black and grizzly bears, mountain goats and sheep and use traps to catch smaller furbearers.

The proponent also identified 96 plant species in the regional study area that have been documented to have traditional use value for food, ceremony, medicinal and other traditional purposes. The proponent stated that the potential risks of loss of vegetation, including plants of potential importance to Indigenous Peoples, would be low magnitude because these resources are widespread and common within the region.

In its letter to the EAO as part of the provincial designation request process, Ktunaxa Nation Council<sup>5</sup> raised concerns regarding environmental and associated cultural and social impacts including items related to old growth, wildlife values, species and ecological communities at risk, fish and fish habitat and reclamation and closure.

---

<sup>4</sup> Sinixt describes themselves as a transboundary Indigenous Tribe in the United States and an Aboriginal People of Canada, with rights asserted in both countries (<https://sinixt.com/>)

<sup>5</sup> [Ktunaxa Nation Council's letter to the BC EAO of May 5, 2025](#)



In its letter to the EAO as part of the provincial designation request process, Shuswap Band<sup>6</sup> raised general concerns regarding effects on wildlife and local ecosystems, as well as impacts on fish and fish habitat due to effects on water quality, effects on species at risk and effects on native vegetation.

In its designation request letter to the EAO, the Sinixt Confederacy<sup>7</sup> described its concerns regarding the project including potential effects on fish, plants, wildlife, in particular ungulates and their habitat, and other key resources relied on by the Sinixt.

IAAC considered the input provided and is of the view that existing federal and provincial mechanisms outlined in the sections above, including the *Fisheries Act*, *Migratory Birds Convention Act, 1994*, *Species at Risk Act*, BC's *Wildlife Act* and *Mines Act*, provide a framework to address effects that changes to the environment from the project may cause on the current use of lands and resources for traditional purposes, such as effects to fish and fish habitat, and migratory bird species. The *Mines Act* permit issued by MCM requires the proponent to implement mitigation measures including the development and implementation of adaptive measures in a Vegetation Management Plan, Wildlife Management Plan and Reclamation Plan. The *Mines Act* permit also requires the proponent to develop and implement a Construction Environmental Management Plan which must include procedures for setbacks and invasive plant prevention, and information on wildlife sensitive periods, timing windows for nesting birds and buffer setbacks.

### Physical and cultural heritage and structures, sites or things of historical, archaeological, paleontological or architectural significance

In its letter to the EAO, Shuswap Band noted that the project is located in an area of cultural and ecological importance to Shuswap Band and raised concerns about the potential impacts on Sheep Creek. Salmon and the Columbia River are deeply important to Shuswap Band in relation to providing sustenance and also hold cultural and spiritual significance.

In its 2023 Joint Permit Application, the proponent noted that there are no previously recorded archaeological sites within the project area.

IAAC considered the input provided and is of the view that existing provincial mechanisms such as the protections against unauthorized disturbance to sites under the *Heritage Conservation Act* and relevant guidelines provide a framework to address potential effects on sites of historical, architectural, and archaeological interest. As well, the *Mines Act* permit issued by MCM requires the proponent to implement mitigation measures for cultural heritage resources that include Archaeological Change Find Procedures, including ones from Ktunaxa Nation Council, that must be implemented prior to commencement of work.

### Health, social, and economic conditions

In its letter to the EAO, Shuswap Band noted concerns about asbestos presence and exposure due to mining activities and the possibility of acid rock drainage and metal leaching from mined rock. In addition, Shuswap Band described the issues it raised during the provincial permitting review which included concerns about air quality.

---

<sup>6</sup> [Shuswap Band's letter to the BC EAO of May 7, 2024](#)

<sup>7</sup> [The Sinixt Confederacy's letter to the BC EAO of May 7, 2025, requesting designation](#)



In its letter to the EAO, Ktunaxa Nation Council raised concerns regarding project effects on water quantity and quality, air quality and fugitive dust, and magnesium toxicity.

Health Canada and Women and Gender Equality Canada noted that the project has the potential to impact the health of Indigenous Peoples through air quality, water quality, traditional foods, and noise. Health Canada further noted that the B.C. *Mines Act* permit outlined conditions which are designed to protect worker and public health including, but are not limited to, a surface water and groundwater management plan and monitoring program, environmental management plans and associated mitigation measures, noise limits and other associated mitigation measures, and a fugitive dust management plan.

Indigenous Services Canada and Women and Gender Equality Canada noted the project has the potential to cause changes to social or economic conditions of the Indigenous Peoples with Indigenous Services Canada specifically noting that the project has the potential to affect traditional land use practices and associated social relations as a result of changes to air and water quality and to species of importance.

IAAC considered the input received and is of the view that existing provincial mechanisms, such as the *Mines Act* and the *Environmental Management Act*, provide a framework to address potential effects on the health, social, and economic conditions of Indigenous Peoples. The *Mines Act* permit issued by MCM requires the proponent to implement various management plans relevant to human health including an Asbestos Exposure Control Plan and a Contaminated Site Assessment prior to reclamation, and outlines mitigation measures for metal leaching and acid rock drainage.

## Federal lands

There were no concerns raised about effects to federal lands by the requester or in the additional letters from the public.

The project is not located on or near federal lands. The project site is located on provincial Crown land and West High Yield Resources Ltd, holds 100% of the mineral rights for the property.

## Pollution of boundary, interprovincial or international waters

IAAC notes that the requester raised the concern that the project would result in adverse changes caused by pollution to boundary waters including the Columbia River. The Columbia River is a transboundary water governed by the 1964 Canada-US Columbia River treaty.

The project is located 5.5 kilometers north of the Canada-United States border. The proponent indicated that the project is located in the Sophia Creek drainage which drains into Little Sheep Creek which flows into the United States where it joins the Columbia River.

The proponent's water quality model assessed changes to water quality downstream of the mine site. The proponent's water quality model extended to approximately 500 meters south which is approximately 4.5 kilometers north of the border. The proponent did not assess effects to boundary or international waters as no effects would be anticipated. As described in the fish and fish habitat section above, the proponent's monitoring program and mitigation measures and provincial mechanisms including the MCM's *Mines Act* permit requirements would address effects to water quality.



IAAC is aware that the State of Washington Department of Ecology previously raised concerns and suggested mitigation, including in regard to water quality, as part of the EAO's designation request process.

IAAC is of the view that the project would be unlikely to cause an adverse change from pollution to boundary waters or international waters. As well, federal and provincial mechanisms such as section 36(3) of the *Fisheries Act* which protects water quality through prohibiting the deposition of deleterious substances in fish-bearing watercourses, the *Environmental Management Act* which regulates industrial waste discharge, and the *Mines Act* provide a framework to protect water quality and address any potential adverse effects to boundary or international waters.

---

## Direct or incidental adverse effects

Direct or incidental effects refer to effects that are directly linked or necessarily incidental to a federal authority's exercise of a power or performance of a duty or function that would permit the carrying out, in whole or in part, of a project, or to a federal authority's provision of financial assistance to a person for the purpose of enabling that project to be carried out, in whole or in part (e.g. permits or authorizations).

With respect to the project as described, no federal authority is expected to exercise an authority that would enable the project to be carried out. As a result, no adverse direct or incidental effects are anticipated.

---

## Public concerns

IAAC received two letters from the public expressing support for the designation request. Outside of these letters, IAAC did not receive any other public concerns related to adverse effects within federal jurisdiction or direct or incidental adverse effects. IAAC also considered the public concerns submitted to the EAO in the provincial designation process.

In the letters of support for the designation request, the public raised concerns about species at risk, specifically red-listed and sensitive ecosystems that support tourism, community well-being, and malfunctions and accidents from road use such as vehicle accidents. They also expressed the view that the project is incompatible with Rossland's reputation as a resort municipality. IAAC is of the view that these concerns do not relate to adverse effects within federal jurisdiction or direct or incidental adverse effects as defined by IAA.

---

## Adverse impacts on the Section 35 Rights of Indigenous Peoples

IAAC considered views from Indigenous groups who provided comments with respect to impacts on Section 35 rights, including information provided during the EAO's designation request process.

In its response to IAAC, the Osoyoos Indian Band, acting on behalf of the Okanagan Nation Alliance, noted that the provincial permitting processes and Osoyoos Indian Band's independent environmental and



economic assessment fully address project risks through management plans and conditions. Osoyoos Indian Band supports the project.

In its letter to the EAO of May 6, 2024<sup>8</sup>, Splat-sin First Nation expressed concerns regarding the potential impacts of the project on Splat-sin's Aboriginal rights, including cumulative impacts in Splat-sin's traditional territory.

While Shuswap Band and Ktunaxa Nation Council did not raise specific issues regarding impacts on Section 35 rights, in their letters to the EAO, they raised concerns regarding the potential effects of the project as described in previous sections of this report. These include concerns regarding the potential environmental, cultural and ecological impacts of the project.

IAAC acknowledges the concerns raised by the Indigenous groups. B.C. has issued a *Mines Act* permit that requires the proponent to implement mitigation measures associated with surface water and groundwater, cultural heritage resources, environmental protection, and ecosystems, habitats and species at risk.

IAAC considered the input received through the federal designation request process as well as information available through the EAO's designation request process and is of the view that the project may cause adverse impacts on Section 35 rights. However, existing federal and provincial mechanisms such as the *Fisheries Act*, *Migratory Birds Convention Act, 1994*, *Species at Risk Act*, and section 34 of BC's *Wildlife Act* provide a framework to address the effects that could result in the potential adverse impacts on rights. As well, IAAC understands that B.C. undertook consultation with the potentially affected Indigenous groups through the *Mines Act* and *Environment Management Act* permit application review process, and the *Mines Act* permit contains avoidance, mitigation or other appropriate measures for potential impacts to rights.

---

## Regional and strategic assessments

There are no regional or strategic assessments pursuant to sections 92, 93 or 95 of the IAA that are relevant to the project.

---

## Cumulative effects

The requester raised concerns about cumulative effects to Sinixt and other Indigenous Peoples of Canada, and to fish and fish habitat, aquatic species, and boundary waters. IAAC is of the view that cumulative effects to fish and fish habitat and Indigenous Peoples can be managed by the same federal and provincial mechanisms discussed in the sections above for fish and fish habitat and Indigenous Peoples and that those federal and provincial mechanisms provide a framework to address potential cumulative effects.

---

<sup>8</sup> [Splat-sin First Nation's Letter to the BC EAO of May 6, 2024](#)

---

## Species at risk

The project may affect the mountain holly fern, a plant listed as threatened on schedule 1 of the *Species at Risk Act*. In August 2025, the Minister was petitioned to issue an emergency order for its protection under section 80 of the *Species at Risk Act*. ECCC indicated that it is currently considering the request and will respond to the request to issue an emergency order after ECCC makes a decision on whether to undertake an imminent threat assessment. CWS has been in contact with the proponent and provincial experts through participation in the Mine Development Review Committee (MDRC) for the review of the Joint Permit Application facilitated by the MCM. During the review process between January 2024 and May 2025, CWS provided advice related to potential effects on mountain holly fern and measures to mitigate those effects. The *Mines Act* permit issued by MCM requires the proponent to implement mitigation measures for mountain holly fern including pre-disturbance field surveys, developing offsets, and protocols for transplanting plants. IAAC is of the view that existing provincial mechanisms such as the *Mines Act* permit and MDRC process provide a framework to address potential adverse effects to the mountain holly fern.

---

## Conclusion

IAAC considered the information it received as part of the designation request process for the project to inform its analysis. Input was sought and received from the proponent, federal authorities, and Indigenous groups and IAAC accessed documents on the [EAO's electronic project information center \(EPIC\)](#) and the [B.C. Mine Information registry](#).

The project has the potential to cause adverse effects in federal jurisdiction. As no federal authorities are anticipated to exercise an authority that would enable the project to be carried out, no direct or incidental adverse effects are expected.

IAAC considered the factors in subsection 9(2) of the IAA and is of the view that:

- a) the project must be carried out in compliance with applicable federal and provincial legislative mechanisms;
- b) the requirements under the below-listed legislative and policy mechanisms, which have included consultations with Indigenous communities and public engagement, provide a framework to address public concerns related to the potential adverse effects within federal jurisdiction that may be caused by the carrying out of the project and adverse impacts that the project may have on the rights of Indigenous Peoples recognized and affirmed by section 35 of the *Constitution Act, 1982*; and
- c) there are means other than a federal impact assessment including the application of standard mitigation measures and existing legislative and policy mechanisms, including the *Fisheries Act*, *Migratory Birds Convention Act, 1994*, and *Species at Risk Act*, as well as B.C.'s *Mines Act*, *Environmental Management Act*, *Wildlife Act*, and *Heritage Conservation Act*, that provide a framework to address the potential adverse effects within federal jurisdiction, as described in subsection 9(1) of the IAA.