

October 1, 2025

Sent Via Email

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Office of the Associate Deputy Minister
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Re: Readiness Decision for the Fording River Extension Project

ki?su?k kyukyit Alex,

We write you today as the nasu?kin and councils for ?akisqnu?k, ?aqam and yaqan nu?kiy First Nations in regards to the readiness of the Fording River Extension Project (FRX or "Project") to enter into the environmental assessment (EA) process.

On July 4th, 2025 Elk Valley Resources (EVR) submitted their revised detailed project description (DPD) to the Environmental Assessment Office (EAO). Ktunaxa Nation Council Society (KNCS) staff provided comments on that DPD in July. Some of these comments resulted in further revisions to the DPD which was uploaded to EPIC the EAO website on August 18th, 2025. From there, KNCS staff and staff from each of our First Nations were sent a draft readiness recommendation report for review and comment. The draft readiness recommendation shared with that report from the EAO is to move the Project into the EA process. Along with this report, a number of questions were posed to us which we would like to address in this letter. The questions include:

- **Our view on the EAO's preliminary recommendation for the Readiness Decision (to proceed to an environmental assessment)**
- Our view on how the goals of the readiness decision phase have been achieved, which are:
 - **Whether the revised Detailed Project Description satisfies the 2023 Readiness Decision information requirements.**
 - **Ensure there has been sufficient engagement.**
 - **Ensure there is enough information to initiate and plan an assessment.**
 - **Identify priority issues for a potential assessment**

The first question was our view on the EAO's preliminary recommendation for the Readiness Decision, to move the Project into the EA phase. We had expected that there to be more progress on concerns around existing operations before this decision was at our tables. There are still water quality non-compliances from EVR's current operations that will likely be exacerbated should this Project be approved. In any case, contemplating an expansion while compliance has yet to be achieved is not acceptable. We are also highly concerned with the pace and quality of reclamation in Qukin ?amak?is. The amount of land that has been reclaimed to Ktunaxa standards and is ready to

be returned is negligible compared to the land currently impacted by mining. Again, contemplating additional disturbance without substantial progress on reclamation is unsatisfactory. The Upper Fording River is highly impacted by mining. As such, Ktunaxa rights in the area have been highly impacted, additional disturbance, including the loss of trails, hunting areas and habitation sites is impossible to support. For these reasons and others highlighted below, we do not endorse FRX moving into the EA phase of the process.

The 2023 Readiness Decision issued by the EAO required a revised DPD by EVR to have additional detail with clear and transparent weighting for alternatives to the project and alternative means of carrying out the project. Through workshops, engagement on these alternatives was discussed in detail with jointly devised criteria used to evaluate each scenario. However, it is clear that Castle Mountain was always going to be the only resulting development area to advance at this time (other areas were eliminated from consideration for reasons that could also apply to Castle Mountain but the economics of Castle Mountain outweighed these impacts) and not all alternatives were investigated as requested by staff at the Ktunaxa Nation Council Society.

The next few requirements all spoke to impacts and mitigations of those impacts. We appreciate effort EVR has put in to address concerns that we articulated during the dispute resolution process in 2022. We find that some of the suggested mitigations could be plausible and look forward to continued engagement on mitigations should the Project move to into the EA phase. However, we still believe the Project will result in extraordinary adverse effects. Concerns remain around:

- the impacts to high elevation grasslands and specifically Gg16, the ability to reclaim these ecosystems and the viability of offsetting,
- the ability of EVR to meet water quality targets and objectives,
- impacts to westslope cutthroat trout and their habitats,
- impacts to wildlife and specifically bighorn sheep and grizzly bear,
- cumulative effects to biophysical components and Ktunaxa rights in the area from existing operations.

The engagement to date with KNCS has been intensive although additional conversation around the proposed mitigations and their plausibility were justified. This engagement must continue should the Project move into the EA phase.

In terms of priority issues, both EVR and the EAO rely on project phasing as a key mitigation measure. Our experience with the Area Based Management Plan and Permit 107517 demonstrate that environmental performance requirements must be very carefully drafted in order to achieve their objectives in an enforceable manner. We expect the EAO to develop project phasing criteria and triggers, in collaboration with Ktunaxa, that are clear, objectively measurable, tied to specific and binding dates and timelines, and defined as non-negotiable pre-conditions to moving from phase one to phase two.

In addition, comments on the DPD and our submissions during dispute resolution all highlight priority issues for an assessment. These include but are not limited to:

Terrestrial Concerns:

- Impacts to grizzly bear
- Impacts to big horn sheep
- Impacts to high elevation grasslands
- Pace and quality of reclamation
- Soil availability for reclamation
- Availability of offset opportunities

Aquatic Concerns:

- Ability to manage water quality to within acceptable limits for all constituents including selenium, sulphate, nitrate, nickel and calcite
- Impacts to fish and fish habitat
- Impacts to Chauncey Creek (although minimized in this DPD, there are still impacts to be characterized and understood)
- Aquatic reclamation
- Thorough investigation of water treatment alternatives
- Water modelling including groundwater and environmental flow needs for the Upper Fording River and Chauncey Creek
- Impacts to the Kilmarnock Clean Water Diversion
- Availability of offset opportunities

Ktunaxa Rights Concerns:

- Loss of trails
- Loss of preferred hunting and gathering areas
- Impacts to the ability to transfer knowledge and be Ktunaxa on the land
- Further impacts to wild foods

And all of these concerns also in the context of the massive cumulative impacts in Qukin ?amak?is from mining specifically but industry and recreation as well.

We believe this letter addresses the questions that EAO posed to Ktunaxa and want to express the need for Ktunaxa knowledge to be incorporated into all aspects of the Project should it move into environmental assessment.

Sincerely,



nasu?kin Cheryl Casimer
On behalf of ?aqam

M. Jason Louie

M. Jason Louie (Oct 1, 2025 12:37:03 PDT)

nasu?kin Michael "Jason" Louie
On behalf of yaqan nu?kiy Indian Band



nasu?kin Donald Sam
On behalf of ?akisqnuq First Nation

Kathryn Teneese

Kathryn Teneese (Oct 1, 2025 14:37:22 MDT)

Kathryn Teneese
Chair, Ktunaxa Nation Council

CC:

Todd Goodsell, Executive Project Director, BC EAO

Sheldon Reddekopp, Project Assessment Director, BC EAO

Laurel Nash, Assistant Deputy Minister, Southeast Initiatives Secretariat

David Bach, Chief Administrative Officer, ʔakisq̓nuk First Nation

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Heather Suttie, Chief Administrative Officer, yaq̓an nuʔkiy

Mike Carrucan, Chief Executive Officer, EVR

Justin Paterson, Acting Director, Community and Indigenous Relations, EVR

Dan Myck, Director, FRX Project Owner, EVR