

May 5, 2025

Sent Via Email

Kelly Northcott
Project Assessment Director
Environmental Assessment Office

RE: Ktunaxa Nation Council Response to the Save Record Ridge Action Committee Society's Designation Application

Dear Kelly,

This letter is to notify the Environmental Assessment Office (the "EAO") that the Ktunaxa Nation Council (the "KNC") supports the Save Record Ridge Action Committee Society's (the "SRRAC") request that West High Yield Resources Ltd.'s (WHY Resources) Joint BC *Mines Act* and BC *Environmental Management Act* Permit Application (the "Application") and subsequent amendments for the proposed Record Ridge Mineral Mine Project (the "Project") be designated as reviewable pursuant to Section 9 of the *Environmental Assessment Act* (2018) (the "Act").

yaqan nu?kiy and the KNC have expressed a multitude of concerns regarding the inevitable environmental and associated cultural and social impacts of the Project, including items related to old growth, water quality and quantity, air quality and fugitive dust, magnesium toxicity, wildlife values, species and ecological communities at risk (i.e., Mountain Holly Fern and High Elevation Grasslands), fish and fish habitat, and reclamation and closure.

The KNC supports SRRAC's assertion that "...WHY's purported production capacity of 63,500 tonnes [per year] masks and understates its true production capacity as well as its true environmental footprint...". The KNC believes that a 68.25% decrease in proposed production from 200,000 tonnes per annum (tpa) to 63,500 tpa (and a 74.50% decrease in production from 249,000 tpa to 63,500 tpa), warrants a reduction in spatial footprint much greater than 5.71% (24.5 ha to 23.1 ha) (SRRAC cites a 6% decrease in the project footprint). At this scale, the Project still has the capacity to support a much higher production rate. Further, any potential future permit amendments to the production rate and associated operations would likely not trigger an environmental assessment. As per Table 6 and Section 10(1) of the Reviewable Projects Regulation (RPR), Threshold E (for mineral mines) is met for a proposed modification of an existing project if:

(b) the modification will result in the disturbance of an area of land that was not previously permitted for disturbance and that is at least 50% of the area of land that was previously permitted for disturbance at the existing project.

The KNC submits that the EAO must reflect on the conduct of WHY Resources throughout the Application

review process. The avoidance of an environmental assessment, evidenced by the timing of application amendments, is contrary to the intentions and purposes of the environmental assessment process and the EAO, which aim to:

- (i) *promote sustainability by protecting the environment and fostering a sound economy and the well-being of British Columbians and their communities by*
 - (A) *carrying out assessments in a thorough, timely, transparent and impartial way, considering the environmental, economic, social, cultural and health effects of assessed projects,*
 - (B) *facilitating meaningful public participation throughout assessments,*
 - (C) *using the best available science, Indigenous knowledge and local knowledge in decision making under the Act, and*
 - (D) *coordinating assessments with other governments, where appropriate, including Indigenous nations, and with other provincial ministries and agencies;*
- (ii) *support reconciliation with Indigenous peoples in British Columbia by*
 - (A) *supporting the implementation of the United Nations Declaration on the Rights of Indigenous Peoples,*
 - (B) *recognizing the inherent jurisdiction of Indigenous nations and their right to participate in decision making in matters that would affect their rights, through representatives chosen by themselves,*
 - (C) *collaborating with Indigenous nations in relation to reviewable projects, consistent with the United Nations Declaration on the Rights of Indigenous Peoples, and*
 - (D) *acknowledging Indigenous peoples' rights recognized and affirmed by section 35 of the Constitution Act, 1982 in the course of assessments and decision making under this Act.*

Therefore, the KNC supports SRRAC's request to designate the Project as reviewable under the Act. The KNC believes that, pursuant to Section 9 of the Act, the Project should be categorized as reviewable on the basis of size, production or storage capacity, potential adverse effects, and type of proponent.

Sincerely,

Jaime Vienneau

Jaime Vienneau (May 5, 2025 19:14 MDT)

Jaime Vienneau
Director
Lands and Resources Sector
Ktunaxa Nation Council