



# 2025 Readiness Decision Report

## FORDING RIVER EXTENSION PROJECT

OCTOBER 9, 2025

*Pursuant to Sections 16 and 18 of the Environmental Assessment Act, S.B.C. 2018, c.51*



**EAO**

Environmental  
Assessment Office

A stylized landscape illustration on the right side of the page. It features a dark blue mountain range in the background, a lighter blue sky, and a foreground with a yellow and blue wavy line representing a river or field. A row of white evergreen trees is positioned in front of the mountains.

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## Acronyms and Abbreviations

The Act	The <i>Environmental Assessment Act, S.B.C. 2018, c.51</i>
IAAC	The Impact Assessment Agency of Canada
B.C.	British Columbia
CAS	B.C. Climate Action Secretariat
CEAO	Chief Executive Assessment Officer
CSKT	Confederated Salish & Kootenai Tribes
EAO	Environmental Assessment Office
ENV	Ministry of Environment and Parks
EPIC	EAO's Project Information Center
EVR	Elk Valley Resources
FLNRORD	B.C. Ministry of Land Water and Resource Stewardship and Ministry of Forests (former acronym)
FRO	Fording River Operations
FRX or the Project	The Fording River Extension Project
ha	Hectares
km	Kilometres
KNCS	Ktunaxa Nation Council Society
KNCS Submission	"Ktunaxa Meeting on the Land summary" dated October 17, 2022
KTOI	Kootenai Tribes of Idaho
The Ktunaxa	Defined as ʔakisqnuʔ First Nation, ʔaʔ am, Yaʔan nuʔkiy (Lower Kootenay Indian Band), Yaʔ it ʔa·knuʔiʔit (Tobacco Plains Indian Band), each a Ktunaxa First Nation
MCM	Ministry of Mining and Critical Minerals
Teck	Teck Coal Limited
TISG/AIR	the Tailored Impact Statement Guidelines/Application Information Requirements
UNDRIP	The United Nations Declaration on the Right of Indigenous Peoples
WLRS	The Ministry of Water, Land and Resource Stewardship

## INTRODUCTION

This Readiness Decision Report has been prepared by the Environmental Assessment Office (EAO) for the Fording River Extension Project (FRX or the Project) proposed by Elk Valley Resources Operations Limited (EVR or the Proponent). This reflects the requirements set out under Sections 16 and 18 of the British Columbia (B.C.) *Environmental Assessment Act* (2018) (the Act). Under Section 16 of the Act, the Chief Executive Assessment Officer (CEAO) must determine whether to require the proponent to submit a revised Detailed Project Description, to recommend to the Minister that the project be exempted from environmental assessment, to recommend to the Minister to issue a termination order, or to allow the project to proceed to an environmental assessment. This is referred to as the Readiness Decision.

The Readiness Decision does not require an assessment of the potential effects of the Project on environmental, economic, social, cultural and health considerations or on a First Nation or its rights. An assessment of potential effects would occur during the environmental assessment process, if the project proceeds to an environmental assessment.

The objectives of the Readiness Decision phase are to:

- **Ensure there has been sufficient engagement.** The proponent must provide adequate opportunities to participating Indigenous nations, agencies, local governments, and the public, to solicit feedback on the Project's design, location and alternative approaches to development;
- **Ensure there is enough information to initiate and plan an assessment.** The information provided to the EAO and participants must identify interactions between the Project and valued components, and the Project and First Nation rights, and be sufficient to determine the scope and methods of the environmental assessment; and,
- **Identify important issues that must be considered during the environmental assessment.** The EAO works with participants to clearly identify the key Project issues that need to be resolved during the environmental assessment.

A previous Readiness Decision phase began in 2021, when a Detailed Project Description was submitted to the EAO by Teck Coal Ltd. The EAO reviewed the Detailed Project Description in collaboration with participating Indigenous nations and technical advisors to determine whether the Detailed Project Description considered the feedback provided through Early Engagement and whether it had enough information to identify interactions of the proposed Project with the biophysical and human environments, socio-economic values, and First Nation rights. In February 2023, the CEAO made a Readiness Decision to require submission of a revised Detailed Project Description to address deficiencies or withdraw the Project from the process.

In April 2023, Teck Resources Limited announced the separation of its business into two independent companies: Teck Metals Corp. and Elk Valley Resources. Glencore plc acquired a majority interest in EVR in July 2024.

In July 2025, EVR submitted a revised Detailed Project Description to the EAO; a description of the previous and current Readiness Decision phases is provided in the Readiness Assessment of this report.

For more information and guidance on the readiness decision phase, please see the EAO's guidance materials available at: [2018 Act Guidance Documents](#).

## Project Overview

EVR proposes to extend the lifespan of its Fording River Operations (FRO), an existing coal mine near Elkford, British Columbia (B.C.) by expanding currently authorized mining operations to include Castle

Mountain. The Project is reviewable pursuant to Part 1, 4(1)(c)(ii) of the [Reviewable Projects Regulation](#) (B.C. Reg. 187/2023), because it includes a clearing 600 hectares (ha) or more of land. A reviewable project must obtain an environmental assessment certificate or exemption order before it can be constructed.

Revisions to the Detailed Project Description were developed during two years of collaborative engagement between EVR and the Ktunaxa Nation Council Society (KNCS) and Yaqit ʔa·knuqʔi'it to address information requirements in the CEAO 2023 Readiness Decision. EVR, KNCS and Yaqit ʔa·knuqʔi'it evaluated 13 alternative and supplemental mine development areas, including the Castle Mountain alternative. Of these alternatives, only the Castle Mountain option was determined feasible to meet the need and purpose of the Project.

They also considered alternative means of carrying out the project by assessing alternatives including, but not limited to, mining direction and technique, water management, reclamation and closure, staging of the Project, and Project scoping. EVR presented several alternative means, with selection criteria to evaluate them, to KNCS and Yaqit ʔa·knuqʔi'it for review and discussion. EVR evaluated these alternatives by determining feasibility of each, then qualitatively assessing the remaining feasible alternatives based on the selection criteria.

The key mitigation proposed in the revised Detailed Project Description in response to KNCS and Yaqit ʔa·knuqʔi'it assertions of potential extraordinarily adverse effects and certain other concerns is Project staging. The design proposed in the revised Detailed Project Description divides the mine plan into two smaller stages based on footprint and schedule, and EVR is proposing that, if the Project proceeds to an environmental assessment, a condition be included in the Environmental Assessment Certificate requiring that, in order to proceed to Stage 2 of the Project, they be in compliance with criteria that would be part of Environmental Assessment Certificate conditions that would be recommended to Minister. This approach was proposed as a response to KNCS and Yaqit ʔa·knuqʔi'it concerns about the planned Project duration and to meet a request for generational decision making by Ktunaxa First Nations.

Through the EVR-KNCS-Yaqit ʔa·knuqʔi'it collaborative process of evaluating alternatives to the Project, it was determined that all areas could be sized or staged such that the life of the Project area is limited to within 1.5 generational time frames. The staged approach is proposed to provide checkpoints against Project conditions, effects and benefits to support future generational decision making and to allow time to prove effectiveness of proposed mitigations. The design proposed in the revised Detailed Project Description divides the mine pit footprint in roughly half with mining progressing for approximately 20 years in stage 1 in the northern half, and then stage 2 mining would proceed in the southern half pending compliance with future conditions of the Environmental Assessment Certificate, which would be determined during the Effects Assessment phase, should the Project proceed past the Readiness Decision phase.

EVR states that both stages are crucial to the long-term viability of FRO and adequate early engagement with First Nations. The staged approach avoids 'project splitting' and promotes transparent engagement and assessment of potential Project impacts for both stages rather than sequential assessment via environmental assessment of Stage 1 followed by review of an amendment application for Stage 2. While staging the Project would not limit the types of interactions between the Project and the environment, it would mean that some impacts would be deferred until such time as there was increased confidence in the mitigations intended to manage potential effects.

Other refinements proposed in the revised Detailed Project Description adopted as mitigations to concerns previously raised by KNC and Yaqit ʔa·knuqʔi'it include:

**Project location** - While the location remains the same, refinements have been incorporated to continue to avoid and minimize mine rock within the Chauncey Creek catchment area with over 80 percent of mine rock placement in existing disturbance or in-pit backfill. Avoidance of impacts to Chauncey Creek were very important comments from KNCS since the Early Engagement phase.

**Project footprint** - The footprint has been reduced where technically feasible, accounting for geotechnical constraints. The overall Project footprint is approximately 7 percent smaller, while the Project footprint that lies outside of the area already permitted under the *Mines Act* for Fording River Operations is approximately 10 percent smaller. These refinements avoid additional impacts to high elevation grasslands and riparian areas and reduce potential impacts in the Chauncey Creek catchment area.

**Pit shell** - The pit shell has been reduced and shallowed to reduce the potential flow-related impacts to the Fording River. This refinement also reduces total mine rock volumes by approximately 25 percent while improving Project economics by lowering the strip ratio.

**Coal volume and mine life** - The pit shell reduction has decreased clean coal volume by approximately 20 percent, resulting in a shorter Project life of 34 years.

**Water treatment** - Saturated rock fills (SRFs) are incorporated into both mining stages. The mine design is also amenable to emerging source control technologies, including suboxic zones, which are designed to control the release of constituents at the source, reducing or eliminating release into nearby watersheds.

**Water management** - A water reservoir has been incorporated to store mine contact water. This reservoir reduces non-mine contact water consumption (i.e. make up water demand), enhances water treatment capacity during low-flow periods and provides an opportunity to mitigate and release water during low-flow periods.

**Landform Design** - Landform designs creating higher land elevations to support ecosystem function and habitat connectivity, and progressive reclamation with ongoing efforts to further enhance landform design.

EVR has provided weighting and criteria for assessing the feasibility of alternatives to the Project and alternative means of carry out the Project. The Project as proposed in the revised Detailed Project Description identifies additional mitigations for impacts on Ktunaxa and Ktunaxa rights, which were developed through engagement with Yaqit ʔa-knuqit'it and KNCS. As described in the revised Detailed Project Description, EVR has applied the BC Policy for Mitigating Impacts on Environmental Values to optimize mine design and develop mitigation measures.

EVR has indicated that the Project would allow FRO to maintain an average production rate of nine million metric tonnes of clean coal per year. EVR anticipates that all coal for FRO would come from FRX by the late 2030s and extend the life of FRO through to the early 2060s. The Project as proposed would produce an estimated 280 million metric tonnes over its operational life. The Project would have a total footprint of 4,326 ha, including 2,295 ha of existing mining disturbance and 2,301 ha of new disturbance.

## Coordinated Provincial and Federal Review

In 2020 the federal Minister of Environment and Climate Change designated the project under the federal *Impact Assessment Act*. The EAO and the Impact Assessment Agency of Canada (IAAC) are conducting a coordinated environmental assessment/Impact Assessment process under the [Impact Assessment Cooperation Agreement Between Canada and British Columbia](#), which enables the drafting of joint documents, coordinated engagement with assessment participants, and facilitates a coordinated approach to consultation with Indigenous nations.

The Readiness Decision is a requirement of the provincial Act. On November 19, 2020, IAAC [suspended the time limit of the federal assessment process](#) for FRX at the request of the Proponent. The federal process will resume upon IAAC's acceptance of the revised Detailed Project Description, if the CEO's Readiness Decision is to move to an environmental assessment. For details on the federal Impact Assessment please see the [Canadian Impact Assessment Registry](#).

## 2023 READINESS EVALUATION (PREVIOUS DETAILED PROJECT DESCRIPTION)

Between July 29, 2021, and February 21, 2023, the EAO consulted with participating Indigenous nations and other technical advisors (federal authorities, local governments, and the public) to evaluate a Detailed Project Description for the Project (the 2021 Detailed Project Description).

After eight months of engagement and consultation with participants regarding the 2021 Detailed Project Description, the EAO issued a Draft Readiness Decision Report on March 23, 2022, that recommended that the Project proceed to an environmental assessment. The EAO had concluded that the 2021 Detailed Project Description contained sufficient information to inform the recommendation of the appropriate process under Section 18 of the Act and subsequent phases. In those recommendations the EAO held that concerns raised by participants could be addressed in those future assessment phases where the EAO works with participants to plan the assessment process and define the information requirements needed to assess Project effects. The Ktunaxa Nation Council Society (KNCS), at the time representing all four Ktunaxa First Nations, disagreed with this recommendation and formally initiated the dispute resolution process because they held the view that the Project would have extraordinarily adverse effects.

During the dispute resolution process, KNCS and Teck provided information that was evaluated against factors for determining whether the Project will result in extraordinarily adverse effects (Section 5.2 of the [2023 Readiness Decision Report](#)). KNCS requested that the Project be terminated from the process. In [a letter dated April 8, 2022](#), KNCS on behalf of the Ktunaxa Nation initiated the dispute resolution process stating that the Nation did not agree with the EAO's preliminary determination that the FRX Project will not cause extraordinarily adverse effects on the environment generally or to the constitutionally protected Indigenous rights, including title, of the Ktunaxa Nation and did not support the Readiness Decision recommendation to proceed to an environmental assessment.

In a letter dated November 10, 2022, to the Minister of Energy, Mines and Low Carbon Innovation, Yaqit ʔa·knuqʔi'it First Nation notified B.C. that the EAO must engage directly with Yaqit ʔa·knuqʔi'it and not with KNCS on behalf of Yaqit ʔa·knuqʔi'it except for the FRX dispute resolution process during the Readiness Decision phase. On January 3, 2023, Yaqit ʔa·knuqʔi'it sent a letter to the Minister of Environment and Climate Change Strategy identifying as a participating Indigenous nation independent of KNCS for the FRX Project.

The dispute resolution process began in May 2022 and ended when the facilitator issued his report on December 16, 2022. This was the first dispute resolution process conducted under the Act. After considering additional information from the dispute resolution process, the EAO reached consensus with KNCS and Yaqit ʔa·knuqʔi'it that the 2021 Detailed Project Description did not sufficiently identify mitigation measures for the direct effects of the project on Ktunaxa and Ktunaxa Rights that would not be addressed through mitigations of biophysical impacts.

The EAO did not reach consensus on the recommendation for the readiness decision as KNCS and Yaqit ʔa·knuqʔi'it continued to request that the Project be terminated from the process.

Teck provided a reasonable argument that extraordinarily adverse effects on biophysical valued components are not certain and that proposed mitigation measures for many biophysical effects would

reduce potential effects to levels that would not be extraordinarily adverse. While the EAO agreed that proposed mitigation measures for biophysical effects could reduce the severity of effects on Ktunaxa, Teck identified little in the way of potential mitigation measures for effects on Ktunaxa and its rights such as favoured transportation routes, hunting areas, harvesting areas and habitation areas, and transmission of place specific knowledge and relationships with the land.

While the 2021 Detailed Project Description identified various processes which might be used to develop mitigation measures, it provided little information on specific measures, including, for example, how progressive mine reclamation might proceed. In July 2022, the EAO received three supplemental information memos from the B.C. Ministry of Water, Land and Resource Stewardship (WLRS) and Ministry of Forests (formerly FLNRORD) highlighting concerns about the effectiveness of mitigations for cumulative effects to [high elevation grasslands](#), [bighorn sheep](#) and [Westslope cutthroat trout](#). Additionally, the 2021 Detailed Project Description did not, contrary to the [Detailed Project Description Guidelines in the EAO's Early Engagement Policy](#), provide transparent weighting and criteria for assessing alternative means of carrying out the project to mitigate potential extraordinarily adverse effects on Ktunaxa and Ktunaxa rights.

While the EAO was confident that the environmental assessment is the appropriate process to characterize and assess effects and assess the effectiveness of mitigations, it concluded that additional information could improve the environmental assessment process if the Project proceeds in the future. The EAO also stated that the severity of effects and the ability to mitigate them were uncertain, and that it did not possess information that allowed it to conclude, *without an environmental assessment*, that the project would result in extraordinarily adverse effects. In the [Reasons for Decision of the Chief Environmental Assessment Officer](#), the CEO determined that while the Project, as described by the 2021 Detailed Project Description, *may* cause extraordinarily adverse effects, it was not clear that effects are unmitigable, and it was not plain and obvious that the Project would cause extraordinarily adverse effects based on the information provided to that date.

In their [February 2023 decision letter to Teck](#) the CEO directed Teck to provide the following information in a revised Detailed Project Description to address deficiencies in the 2021 Detailed Project Description:

- Clearer identification of alternatives to the Project, with transparent weighting and criteria for assessment of their feasibility including how alternatives are evaluated against the project purpose. The alternatives considered should at least include those identified in Table 3.1-1. of the Detailed Project Description, and if available information allows identification of new resource areas or new mines, further definition of these alternatives;
- Clearer identification of alternative means of carrying out the Project, with transparent weighting and criteria for assessment of their feasibility. Alternative means of carrying the Project should consider options such as changes to siting, staging, timing and technologies;
- Ensure that the revised Detailed Project Description lists all the potential impacts, including cumulative impacts, of the Project on bio-physical components and to Ktunaxa rights, that have been identified as part of the dispute resolution process, and identify plausible mitigations to impacts on Ktunaxa and Ktunaxa rights;
- Ensure the revised Detailed Project Description includes all plausible measures that mitigate the effects of the Project and cumulative effects in the project area that the Project would contribute to;
- Confirm if Ktunaxa and Yaqit ʔa·knuqʔit agree that proposed mitigation measures for effects on Ktunaxa rights are plausible;

- Identify and describe mitigation measures necessary to resolve Ktunaxa and Yaqit ʔa·knuqʔi'it assertions of extraordinarily adverse effects; and,
- Apply the B.C. Policy for Mitigating Impacts on Environmental Values when identifying plausible mitigation measures with attention to the mitigation hierarchy in order of priority.

The EAO considers a mitigation measure to be plausible if that measure is technically feasible in concept (e.g. possible that the measure *could* mitigate effects to a level that what would be considered less than extraordinarily adverse).

Milestones from the start of the readiness decision phase until the 2023 Readiness Decision:

- **July 2021: Detailed Project Description submitted.** Teck submits a Detailed Project Description for FRX which formally began the readiness decision phase;
- **March 2022: Draft Readiness Report circulated.** EAO circulates a draft Readiness Decision Report with preliminary recommendation to proceed to an environmental assessment and technical advisors and participating Indigenous nations provide comment;
- **April 2022: Dispute Resolution initiated.** The Ktunaxa<sup>1</sup> and EAO participate in a dispute resolution process which concludes in December 2022, when the [Dispute Resolution Facilitator's Report is submitted to the EAO](#);
- **November 2022: Direct engagement started with Yaqit ʔa·knuqʔi'it.** Yaqit ʔa·knuqʔi'it requests that B.C. engage directly with the Indigenous government of Yaqit ʔa·knuqʔi'it for any projects reviewable under the *Environmental Assessment Act* except for the FRX dispute resolution process for the Readiness Decision phase in which Yaqit ʔa·knuqʔi'it continues to participate as a member of KNCS;
- **February 2023: Readiness Report published.** The EAO publishes [a Readiness Decision Report on February 22, 2023](#), summarizing the Readiness Phase and recommendations to the CEO; and,
- **February 2023: CEO Readiness Decision.** The Chief Executive Assessment Officer (CEO) issues a decision under Section 16(2)(a) of the Act requiring Teck to submit a revised Detailed Project Description.

Please see the [February 22, 2023 Readiness Decision Report, reasons for decision](#), and the [CEO's letter to Teck](#)<sup>2</sup> and other documents on the [EAO's Project Information Centre](#) (EPIC) website for additional information regarding the previous readiness decision.

## REGIONAL CUMULATIVE EFFECTS INITIATIVES

The EAO, WLRS, the Ministry of Mines and Critical Minerals (MCM), and the Ministry of Environment and Parks (ENV) have consulted deeply with KNCS, and with Yaqit ʔa·knuqʔi'it on important relevant regional initiatives intended to mitigate effects from mining in the Elk Valley in the context of substantial existing cumulative effects and to ensure the effectiveness of measures to mitigate them. These initiatives are described in this report because they comprise actions to address concerns raised by participants to date

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<sup>1</sup> defined as ʔakisqnuq First Nation, ʔaq am, Yaqan nuʔkiy (Lower Kootenay Indian Band), Yaq it ʔa·knuqʔi'it (Tobacco Plains Indian Band), each a Ktunaxa First Nation, and the Ktunaxa Nation Council Society (KNCS)

<sup>2</sup> For information about the Early Engagement phase for FRX which began on April 9, 2020, please refer to the EAO's July 2020 [Summary of Engagement](#) which summarizes engagement and comments received on the Initial Project Description from the public, technical advisors, and participating Indigenous nations.

regarding the FRX Project and the readiness decision that may be beyond the scope of the environmental assessment of the Project. These initiatives include:

- Development of regional objectives and targets by WLRS for the Elk Valley Cumulative Effects Management Framework with input from KNCS and Yaqit ʔa·knuqʔi'it staff;
- The Biodiversity Technical Advisory Group consisting of representatives from KNCS, Yaqit ʔa·knuqʔi'it, and provincial agencies - will provide advice to EVR on mitigation effectiveness and potential improvements to mitigation measures and management plans required by current environmental assessment certificates held by EVR for three operating mines;
- Updated Reclamation and Closure requirements under the *Mines Act* by MCM so that Reclamation and Closure Plans include clear mitigation requirements that align with policy being developed by WLRS in consultation with KNCS and Yaqit ʔa·knuqʔi'it; and,
- Amendments of the Elk Valley Area Based Management Plan by ENV, replacing the previous 2014 version developed by Teck Coal Limited, to address cumulative effects to water quality in the Elk Valley.

In addition to these regional initiatives, MCM and ENV have continued to consult with KNCS and Yaqit ʔa·knuqʔi'it on multiple permit amendments including:

- Updated security bonds for all five EVR mines in the Elk Valley watershed (Fording River, Greenhills, Line Creek, Elkview and Coal Mountain mines) to secure the full liability for required water treatment over the next 100 years;
- B.C. and Ktunaxa representatives have invested significant time and energy to adjudicate EVR's water treatment applications, assessments and models and B.C. is encouraged by data showing contaminant concentrations in many waterways starting to decline in response to the four large water treatment facilities that are now operating at the Line Creek, Fording River and Elkview Operations;
- Expansion of the FRO-N Saturated Rock Fill, expansion of the LCO West Line Creek Active Water Treatment Facility, and construction of a new reverse osmosis high density sludge (RO-HDS) treatment unit to mitigate impacts on water quality; and,
- Permitting associated with water treatment Research and Development (R&D), including piloting nickel treatment at Coal Mountain Mine and the development of suboxic zones in mine rock piles as a source control technology.

## 2025 READINESS EVALUATION (REVISED DETAILED PROJECT DESCRIPTION)

On July 4, 2025, EVR submitted a Detailed Project Description to the EAO to address the deficiencies and provide the information required by the CEAO in their February 21, 2023 decision, and to satisfy requirements of B.C.'s 2024 [net zero greenhouse gas policy](#). This section summarizes EVR engagement with Participating Indigenous Nations on the revised Detailed Project Description and EAO engagement and consultation with technical advisors and Participating Indigenous Nations on the revised Detailed Project Description, this report and its recommendation.

### EVR Engagement with Participating Indigenous Nations

#### EVR Engagement with Yaqit ʔa·knuqʔi'it and KNCS

In the [February 2023, decision letter to Teck](#), the CEAO stated that the requirements for a revised Detailed Project Description were premised on Teck, Ktunaxa and Yaqit ʔa·knuqʔi'it engaging in good faith, and in a

timely manner when providing the required information. The revised Detailed Project Description includes a description of EVR's engagement with KNCS and Yaqit ʔa·knuqʔi'it to respond to the CEAO's direction.

EVR's technical engagement with KNCS and Yaqit ʔa·knuqʔi'it occurred during co-planned workshops and small group meetings. Community members and representatives from multiple KNCS and Yaqit ʔa·knuqʔi'it sectors attended the workshops to provide a multidisciplinary approach and affirm the importance of engaging on cultural, socio-economic and environmental themes.

Feedback provided by KNCS and Yaqit ʔa·knuqʔi'it at the workshops and planning meetings related to four main themes. The outcomes of the workshops are found in tables provided in Section 10.1 of the revised Detailed Project Description.

- The importance of Ktunaxa Leadership and EVR Leadership involvement in the revised Detailed Project Description engagement and decision making;
- The need for progress on key regional items such as water quality and reclamation (being managed outside the environmental assessment process, but important in the context of cumulative effects management);
- Specific feedback on alternatives to the Project, alternative means of carrying out the Project and impacts and mitigations; and,
- Potential plausible mitigations related to terrestrial, aquatics, and Ktunaxa rights. Feedback from the plausible mitigation workshop was subsequently incorporated into the revised Detailed Project Description.

Following the workshops, EVR presented the outcomes to individual Ktunaxa citizens and knowledge holders as well as to the "All-20" Ktunaxa Leadership and Council that consists of all Nasuʔkin and Council members from the four Ktunaxa First Nations. EVR states a clear intention to collaborate with KNCS and Yaqit ʔa·knuqʔi'it on the future of mining in Qukin ʔamakʔis and the FRX assessment.

## EVR Engagement with Shuswap Band

EVR has engaged with Shuswap Band since before the start of the Early Engagement phase in 2020. The following is a summary of Shuswap Band interests and concerns included in the revised Detailed Project Description:

- Shuswap Band's role of Yecwmenul'ecem, or "taking care of the land," and keeping ecological balance intact, and incorporating a holistic world view;
- Access to areas of key cultural and spiritual significance (trails, travel corridors, waterways, mountains and burial sites);
- Plants and wildlife species of cultural importance (Labrador tea, soapberry, glacier lilies, Devil's club, willow, Canby lovage, deer, elk, moose, bighorn sheep, grizzly and black bear, and fur-bearers);
- Resource development impacts on the transmission of Indigenous knowledge and practices across generations;
- Recorded and unrecorded archaeological sites and artifacts, including interest in participating in archaeological work and reviewing archaeology reports; and,
- Cultural and traditional use of lands and resources for traditional purposes, subsistence harvesting and health (from changes to surface and groundwater quality, traffic and habitat effects).

## EVR Engagement with Piikani Nation

As described in the 2023 Readiness Decision Report, EVR has engaged with Piikani Nation since before the start of the Early Engagement phase in 2020. The revised Detailed Project Description includes preliminary themes that reflect Piikani Nation concerns and interests related to: access, air, cultural heritage and archaeology, cumulative effects, community health, economic partnerships and communication, education and employment, harvesting, monitoring, rights and title, and water.

## EVR Engagement with Kainai Nation (Blood Tribe)

EVR has engaged with Kainai First Nation since before the start of the Early Engagement phase in 2020. The following is a summary of Kainai Nation interests and concerns included in the revised Detailed Project Description:

- Cultural and traditional use of lands and resources for food, medicinal and ceremonial purposes.
- Impacts to a parcel of land near Coleman, Alberta, about 60 km from the Project and used as a base to support Kainai (Blood Tribe) members' exercise of Treaty Rights and traditional land uses in the Crowsnest Pass region;
- Impacts to the Oldman River system with cultural and environmental importance;
- Historical and contemporary exclusion and restricted access to Kainai's traditional territory;
- Project interference with legal, spiritual and cultural practices, including sense of place, way of life, transmission of culture from generation to generation, governance and jurisdiction;
- Gathering sites, transmission of traditional culture, knowledge and law;
- Impacts to hunting rights; and,
- Loss of cultural continuity.

## EVR Engagement with Siksika Nation

EVR has engaged with Siksika Nation since before the start of the Early Engagement phase in 2020. The revised Detailed Project Description includes themes that reflect the Siksika Nation interests and concerns related to:

- Ceremonies and cultural resources;
- Cultural continuity;
- Cumulative effects;
- Disturbance of land;
- Governance; and,
- Harvesting and traditional use.

## EVR Engagement with Stoney Nakoda Nations

EVR has engaged with Stoney Nakoda Nations since before the start of the Early Engagement phase in 2020. The following is a summary of Stoney Nakoda Nations' interests and concerns included in the revised Detailed Project Description:

- Access to lands, resources, sacred sites and locations for hunting, fishing, harvesting, and ceremonial and cultural practices;

- Monitoring of traditional lands;
- Consideration of traditional knowledge and cultural perspectives and experiences;
- Culturally important foods and food sovereignty;
- Culturally significant trees and plants;
- Impacts and damage to unmarked grave sites; and,
- Documentation and preservation of traditional place names and oral narrative within southeastern B.C.

## EAO Engagement and Consultation

Participating Indigenous nations and B.C. technical advisors play a vital role in advising on technical matters related to the environmental assessment. While the EAO considers many factors when preparing the recommendation for a Readiness Decision, advice from technical advisors is necessary to determine whether a Detailed Project Description contains enough information to identify interactions of the proposed Project with the biophysical and human environments and socio-economic values and identify important issues that will require resolution during the assessment.

In 2025, the EAO solicited input from the B.C. Climate Action Secretariat (CAS) because EVR was required to meet B.C.'s 2024 Net-zero New Industry policy, and from WLRS because the requirements of the CEAO's 2023 Readiness Decision were related to B.C. Policy for Mitigating Impacts on Environmental Values and informed by specific consideration for mitigation effectiveness for cumulative effects on high elevation grasslands, bighorn sheep and Westslope cutthroat trout. In addition, the EAO sought input from participating Indigenous nations. A description of the outcomes of consultation with participating Indigenous nations can be found in the [Consensus Seeking section](#) of this report.

The EAO provided copies of the revised Detailed Project Description and a draft of this Readiness Decision report to other advisors but did not solicit their input on the documents. This is because the scope of revisions to the Detailed Project Description was to the specific requirements of the CEAO's 2023 Readiness Decision, their previous input was already incorporated into the 2021 Detailed Project Description, recorded in the referral package for the 2023 Readiness Decision and on the [EAO's Project Information Centre](#) (EPIC) website. Information requests and concerns from those technical advisors will be considered in the Process Planning phase if there is an environmental assessment of the Project.

Much of the input from participating Indigenous nations and technical advisors regarding the revised Detailed Project Description are beyond the scope of the Readiness Decision and relate to application information requirements that are set during the Process Planning phase of an environmental assessment. The EAO has carried these comments forward in an issue tracking table so that each can be addressed during the Process Planning phase, if the project proceeds to an environmental assessment.

The EAO requested response from EVR to a sub-set of comments that were relevant to the Readiness Decision. EVR responded to all comments from reviewers in the EAO's Readiness Decision Issue Tracking Table. In response to many comments, EVR edited the revised Detailed Project Description. EVR submitted an updated version of the revised Detailed Project Description to the EAO on August 14, 2025, which the EAO shared with advisors and participating Indigenous nations and posted to [EAO's Project Information Centre](#) (EPIC) website.

If the Project proceeds to the Process Planning phase, the following documents would be drafted by the EAO and provided for review by the public, participating Indigenous nations and technical advisors: the Process Order, Assessment Plan, Application Information Requirements, and Regulatory Coordination Plan. The EAO will continue to seek consensus with participating Indigenous nations before finalizing the

Process Planning documents. For more information on the Process Planning phase, please see the [EAO's guidance materials](#).

The following are *summaries* of technical advisor comments on the revised Detailed Project Description<sup>3</sup>. **Comments on the revised Detailed Project Description and EVR's responses to them can be found in the [Readiness Decision Issue Tracking Table](#) on the EAO's Project Information Centre.**

## Input Received from B.C. Technical Advisors

The following is a summary of the input provided by WLRS and CAS, the two B.C. agencies which the EAO solicited for comment, after review of the revised Detailed Project Description:

- **High elevation grassland/critical bighorn sheep winter habitat** – The majority of comments from WLRS staff centred on information needs related to ecosystems, especially red-listed rough fescue type grasslands, referred to as Gg16, which is important bighorn sheep wintering habitat and highly impacted by mining in the Elk Valley. They suggested that the revised Detailed Project Description identify how offsetting will be used as mitigation measures for residual and time-delayed impacts on high-quality bighorn sheep winter range, both within and outside of the regional study area;
- **Regional initiatives to minimize cumulative effects** – A request for the revised Detailed Project Description to reference the Elk Valley Cumulative Effects Management Framework (EV CEMF) because WLRS expects alignment with the EV CEMF Stewardship Objectives. A related request that the revised Detailed Project Description reference where the work of the Biodiversity Technical Advisory Group, as well as the FRO Biodiversity Management Plan (BMP), are undergoing refinements (e.g. VQA model, BHS carrying capacity model etc.) to improve the reliability of mitigation measures and reclamation success;
- **Changes to landform** - A request to include how the Project would interact with water, high elevation grasslands, and bighorn sheep after mountain removal;
- **Applying the B.C. Policy for Mitigation Impacts on Environmental Values** – A request for the Detailed Project Description to specify high elevation grassland types to enable the application of the B.C. Policy for Mitigating Impacts on Environmental Values mitigation hierarchy. Ecosystem specificity is necessary to evaluate the appropriateness of mitigation and offset strategies. A request for clarity of the role of EVR's "Net positive" aspirations within the Mitigation hierarchy;
- **Greenhouse gas target** – Disagreement with EVR's statement that that the project "is not anticipated to affect the province's ability to meet its targets"; and,
- **Information requests** – WLRS biologists indicated there are several important information needs that they will want included in the Application Information Requirements which would be developed during the Process Planning Phase if the project proceeds into an environmental assessment. These include questions and requests related to habitat connectivity, degree of uncertainty of novel mitigation measures, reclamation collaboration, EVR's Vegetation Quality Assessment tool to determine the appropriateness of ecosystem classifications related to offsetting, fire exclusion in the various high elevation grasslands, preventing forest encroachment, and the alignment of proposed mitigation measures and recovery trajectory for high elevation grasslands with land use objectives, mapping of

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<sup>3</sup> For a summary of technical advisor input during Early Engagement and the readiness decision phase up to 2023 see [the EAO's Readiness Decision Report dated February 22, 2023](#),

ungulate winter range, mesic forests, calcite control and water quality source control.

## EAO Consultation with Yaqit ʔa·knuqʔi'it

Because the 2023 Readiness Decision requirements were premised on engagement between EVR and Yaqit ʔa·knuqʔi'it and KNCS representatives, the EAO has regularly met with both Yaqit ʔa·knuqʔi'it and KNCS since February 2023, to learn about their engagement with EVR on revisions to the Detailed Project Description, and to discuss related regional initiatives in the Elk Valley that could mitigate cumulative effects.

EAO has met with Yaqit ʔa·knuqʔi'it (and IAAC) several times in 2025. Topics discussed during meetings included:

- Yaqit ʔa·knuqʔi'it review of the revised Detailed Project Description drafts;
- Progress and outcomes of EVR engagement with Yaqit ʔa·knuqʔi'it related to the Project, including mitigation workshops and communications with staff and leadership;
- Yaqit ʔa·knuqʔi'it's intent to make their decision independent of the other Ktunaxa nations;
- EAO and IAAC assessment process coordination should the Project proceed to an environmental assessment;
- Work plans and timing for the remainder of the EAO's readiness decision phase; and,
- Yaqit ʔa·knuqʔi'it comments on the revised Detailed Project Description.

In July 2025, the EAO began engagement with Yaqit ʔa·knuqʔi'it on the revised Detailed Project Description. Yaqit ʔa·knuqʔi'it submitted comments on the revised Detailed Project Description in early August 2025. The EAO sent a draft Readiness Decision Report to Yaqit ʔa·knuqʔi'it for review on August 29, 2025.

### *Input Received from Yaqit ʔa·knuqʔi'it in 2025*

Yaqit ʔa·knuqʔi'it comments on the revised Detailed Project Description included requests further clarity in the document related to alignment with regional initiatives, specific valued components, proposed mine practices, funding, and some recommendations for improving mitigation measures; see list below. They also provided the following statement regarding mining in ʔakanuxunik' ʔamakʔis (Yaqit ʔa·knuqʔi'it ancestral lands):

*“Our territory has had considerable mining operating within it, and the cumulative impact of this activity is showing throughout our entire ecosystem. We no longer have security in knowing the water in our territory is safe to drink and the number of fish we can harvest has been decreased over time. We recognize the importance of the minerals found in our territory and are hesitant to allow further mining to occur. Any future mining or mining expansion must exceed standards for responsible mining practices as determined by our collective laws.”*

The following is a summary list of the input provided by Yaqit ʔa·knuqʔi'it upon review of the revised Detailed Project Description:

- **The Project's two stages** – Statements supporting staging as compromise and solution to hold EVR accountable, while noting that much debate about metrics and compliance will ensue so that all parties are clear, and agree on, as to when Stage 2 of the Project will be initiated;
- **Many mitigations are plausible** – Agreement that many of the proposed mitigation measures for effects on Ktunaxa rights are plausible. Yaqit ʔa·knuqʔi'it is interested to continue engaging with

BC and EVR to ensure that the measures are implemented to mitigate the environmental and social problems facing ʔakanuxunik’;

- **Net negative impacts to Ktunaxa rights** - A statement that with the overall loss of land resulting in an undeniable net impact to Indigenous cultural practices and knowledge transfer;
- **High elevation grassland/critical bighorn sheep winter habitat** – There is low confidence in the effectiveness of restoration of rough fescue dominated high elevation grasslands which are critical to bighorn sheep, that offsetting is likely to be required to account for the long time span of rehabilitation, that restoration of high elevation grassland habitat is not proven to be effective, and that local offsetting projects should be prioritized because they are more relevant to the impacts of FRX;
- **Chauncey creek watershed** – EVR’s approach to avoid/minimize mine rock placement in Chauncey Creek watershed seems plausible. Other mitigation measures to minimize or eliminate blast rock from entering the watershed seem less likely to be effective yet are still important. A desire to provide input into the Chaucey Creek Management Plan;
- **Regional initiatives to minimize cumulative effects** – A request to include EVR’s commitment to advance restoration and conservation initiatives throughout the Elk Valley in collaboration with regional efforts through the Elk Valley Cumulative Effects Management Framework as a tool to mitigate cumulative effects. Confirmation that cumulative effects will be a topic for the environmental assessment;
- **Confidence in water and food quality** – A request to include Yaqit ʔa·knuqʔi’it to co-develop a proposed community-based monitoring and evaluation program that is rooted in Indigenous knowledge and western science-based approaches to increase confidence in wild foods harvesting and water quality;
- **Funding for impact management** – A recommendation that funds be provided in addition to and separately from the Impact Management and Benefits Agreement and reclamation security to ensure initiatives continue in the event of temporary or early mine closure;
- **Stranded Assets** – A recommendation that ‘behaviour like leaving permitted reserves in the ground because coal prices are too low, and the assets were no longer considered profitable to mine should not be allowed (for reference FRO was supposed to be mined into the 2040s with the FRO-Swift project)’;
- **Water management** – Learnings from research and monitoring should be applied to adaptively manage water treatment and mining practices;
- **Whitebark pine** – Detailed recommendations related to the assessment and mitigation of effects on whitebark pine;
- **Consultation and engagement** – The need to incorporate Ktunaxa and Yaqit ʔa·knuqʔi’it knowledge and input early in the process;
- **Employment** – Education and training opportunities need to be related to long-term employment at all levels (technical to management); and,
- **Information requests** – These include questions and requests related to capping legacy mine rock storage areas, the percentage of mine rock not anticipated to be placed in already disturbed areas, area of impacted aquatic habitat (Westslope cutthroat trout streams and non fish bearing streams), aquatic habitat restoration, changes in flow regimen into the Elk River, a desire to see EVR’s candidate list of offsetting projects.

On May 13, 2025, Yaqit ʔa-knuqʔi'it sent a [letter](#) to the EAO indicating that Yaqit ʔa-knuqʔi'it's Chief and Council had passed a motion supporting FRX to proceed to an environmental assessment. The motion also directed Yaqit ʔa-knuqʔi'it staff to keep advocating for better environmental standards along with improved mining practices. The letter confirmed Yaqit ʔa-knuqʔi'it's continued participation in the assessment as a participating Indigenous nation separate from the Ktunaxa Nation Council Society.

On August 26, 2025, Jason Gravelle, Acting CAO for Yaqit ʔa-knuqʔi'it sent an email stating he had no concerns with the EAO reporting to the CEO that the EAO and Yaqit ʔa-knuqʔi'it reached consensus on the recommendation for a Readiness Decision that the Project should proceed to an environmental assessment. He also had no concerns with the EAO's understanding that Yaqit ʔa-knuqʔi'it considers changes to the Project as described in the revised Detailed Project Description will plausibly mitigate potential adverse effects to levels that are less than those that would be considered by Yaqit ʔa-knuqʔi'it to be extraordinarily adverse on Yaqit ʔa-knuqʔi'it First Nation and its rights.

Yaqit ʔa-knuqʔi'it sent an email on September 17, 2025, stating that they did not want to comment on the draft Readiness Decision report and would wait for the results of an upcoming leadership meeting. They shared a view that, if the project proceeds into an EA, the majority of the work will then take place and that they will vigilantly evaluate whether the project should be approved. They also stated that if we come to consensus that the project should be approved, we will advocate for the best environmental and social outcomes possible for ʔakanuxunik'.

## EAO Consultation with Ktunaxa Nation Council Society

The EAO has met with KNCS (and IAAC) several times in 2025. Topics discussed during meetings included:

- KNCS review of revised Detailed Project Description drafts;
- Progress and outcomes of EVR engagement with KNCS related to the Project, including mine site tours with staff and leadership, mitigation workshops and presentations to Nasuʔkins and Councils;
- EAO consensus-seeking procedures and how EAO would evaluate the revised Detailed Project Description;
- EAO and IAAC assessment process coordination should the Project proceed to an environmental assessment;
- Work plans and timing for the remainder of the EAO's readiness decision phase; and,
- KNCS comments on the Detailed Project Description.

In July 2025, the EAO began engagement with KNCS on the revised Detailed Project Description. KNCS submitted comments on the revised Detailed Project Description in early August 2025. The EAO sent the draft 2025 Readiness Decision Report to KNCS for review on August 29, 2025.

### *Input Received from Ktunaxa Nation Council Society in 2025*

The following is a summary list of the input provided by KNCS upon review of the revised Detailed Project Description:

- **The Project's two stages** – A recommendation that clear conditions in the Environmental Assessment Certificate specify requirements to authorize Stage 2 of the Project that EVR should be in compliance at the time of the decision, not after. A request for clarity regarding permitting points in the life of the Project;

- **Unmitigable impacts to Ktunaxa rights and cumulative effects** – Concern that existing operations already seriously affect Ktunaxa rights; requests acknowledgment of cultural use and integration of Indigenous knowledge in planning;
- **High elevation grasslands** – Concern of Project effects on high elevation grasslands;
- **Chauncey Creek Watershed** – A request for further information and greater certainty about fly rock (rock ejected from blasting activities) that could be deposited in the watershed management measures and project boundary interaction with Chauncey Creek Watershed. Concern of effects on Chauncey Creek which is currently unimpacted by mining operations;
- **Alternatives to the Project** – Requests for further information about Greenhill Operations as a potential alternative to the Project, citing that multiple alternatives workshop participants would accept reduced economic and employment benefits via other resources in previously disturbed areas (such as an expansion of the Greenhills operation) to be a more sustainable alternative to the Project, while also avoiding impact to new areas, including Castle Mountain;
- **Taking what only we need and giving back more than we take** – A statement that the pace of reclamation and EVR's lack of consistent compliance with current requirements, including those related to water quality, are two of the outstanding issues. The value of "taking what only we need and giving back more than we take" needs to be considered to resolve these issues;
- **Water Quality** – Concerns regarding selenium concentration levels in the Elk River watershed;
- **Habitat connectivity** – A request for mitigation measures for effects on grizzly bear and bighorn sheep habitat;
- **Reclamation** – Citing a soil deficit in the Elk Valley, a suggestion that EVR commit to continue exploring alternatives for soil reclamation to reclaim currently disturbed areas; and,
- **Information requests** – Related to details of metrics/targets, timelines and a dispute resolution process related to Project Staging, aquatic reclamation plans, data regarding efficacy of mitigations to prove plausibility, how the Project supports the Elk Valley Water Quality Plan objectives, and water treatment alternatives.

The KNCS sent an email on September 17, 2025, suggesting edits to the draft Readiness Decision report that the EAO has incorporated. On October 6, 2025, the KNCS provided [a letter](#) (dated October 1, 2025) to the CEAO stating they do not endorse the Project moving into an environmental assessment because they had expected more progress on concerns around existing operations before this decision (specifically water quality non-compliances and the pace and quality of reclamation), and because they view it to be impossible to support additional disturbance in the Upper Fording River area in the context of existing impacts in the Upper Fording River area and to Ktunaxa rights in the area.

The letter also reiterated concerns related to impacts to aquatic and terrestrial biophysical valued components, cumulative effects and to Ktunaxa rights including loss of trails, loss of preferred hunting and gathering areas, impacts to the ability to transfer knowledge and be Ktunaxa on the land, and further impacts to wild foods.

## EAO Consultation with Shuswap Band

The EAO has met regularly with Shuswap Band since the Early Engagement phase to consult on the Project. Topics discussed during meetings included:

- Progress of EVR engagement with Shuswap Band related to the Project, including plans to co-author the Shuswap Band chapter of the Application, should the Project proceed to an environmental assessment;
- Timing of expected submission of the revised Detailed Project Description;
- EAO and IAAC assessment process coordination should the Project proceed to an environmental assessment;
- Work plans and timing for the remainder of the EAO's readiness decision phase; and,
- Shuswap Band comments on the revised Detailed Project Description.

In July 2025, the EAO began engagement with Shuswap Band on the revised Detailed Project Description. Shuswap Band submitted comments on the revised Detailed Project Description in early August 2025. The EAO sent the Readiness Decision Report to Shuswap Band for review on August 29, 2025.

### *Input Received from Shuswap Band in 2025*

The following is a summary of the input provided by Shuswap Band upon review of the revised Detailed Project Description:

- **Project staging and compliance** – Request for the revised Detailed Project Description to define what substantial compliance means in relation to each project stage and indicate whether input from Nations will be considered when determining whether substantial compliance is met;
- **Consultation and engagement** – Request for greater engagement and consultation in studies, programs, and plans seeking to understand and reduce effects of mining in the Elk Valley. Request for more direct consultation with Shuswap Band on management plans, cultural species, reclamation options, and environmental protection. Concern that Shuswap Band's interests and perspectives are not given sufficient weight in decision-making;
- **Net positive outcomes** – Questions and concerns about the use of the term "net positive", including timing of when net positive conditions would occur and what benchmarks might be used to make a net positive determination;
- **Cumulative effects** – Concern that the Project changes described in the revised Detailed Project Description do not adequately address past or ongoing cumulative effects on rights, culture, and environment; and,
- **Information requests** – These include questions and requests related to the risks of raising the tailings dam, waste management, reclamation, and biodiversity planning.

On September 15, 2025, Shuswap Band provided [a letter](#) to the EAO (dated September 9, 2025) supporting the EAO's recommendation that the Project move to an environmental assessment while also highlighting concerns and reiterating their expectations for meaningful participation during the EA, and their contributions be integrated into the assessment and subsequent decisions. Shuswap Band also made a commitment to participate collaboratively during the assessment to ensure the Project is assessed in a manner that aligns with their priorities.

### **EAO Consultation with Treaty 7 Nations**

Treaty 7 First Nations, based out of Alberta, self-identified as participating Indigenous nations on the FRX project in 2020. The EAO is committed to meeting our legislated obligations to any First Nation that has the potential to be impacted by a project in B.C. and has been consulting with Treaty 7 First Nations since this time. However, the EAO and the environmental assessment process is not rights determining. As

assertions related to Aboriginal rights and title in B.C. have implications beyond environmental assessment processes, the EAO defers to responsible provincial agencies to confirm approaches relating to rights assertions and the analysis of evidence to support claims to Aboriginal rights and title in B.C.

B.C. recognizes and honours the existence and content of all treaties. Considering the full context of Treaty 7, the Ministry of Indigenous Relations and Reconciliation, confirmed via letters that consultation with Piikani Nation, Kainai (Blood Tribe), Siksika, and Stoney Nakoda Nations would remain consistent with notification-level consultation.

If the Project proceeds to an environmental assessment, details of process and procedures for consultation with all participating Indigenous nations will be determined during the Process Planning phase, and subsequent phases would include assessment of project-related potential impacts to Treaty 7 nations and their rights (including Treaty rights) as defined in the Process Order to be developed in consultation with all participating Indigenous nations.

### EAO Consultation with Piikani Nation

EAO and Piikani Nation met several times from 2021 to 2023, to discuss the Project, the 2021 Detailed Project Description and 2023 draft readiness decision report. In 2023, EAO and Piikani Nation did not reach consensus on the readiness decision recommendation to the CEO that EVR revise their Detailed Project Description. In January 2023, Piikani Nation sent a submission to the CEO recommending the environmental assessment be conducted by an assessment body composed of potentially impacted First Nations, including Piikani Nation. EAO and Piikani Nation met in February of 2023, where Piikani confirmed that consensus was not reached on the Readiness Decision recommendation. Throughout the remainder of 2023, the EAO and IAAC provided joint updates to Piikani Nation on projects in the Elk Valley.

In mid 2024, Piikani Nation submitted a rights impact assessment to EVR, EAO, and IAAC asserting that they have s.35 rights in the Elk Valley and that they have the potential to be more significantly affected than recognized by the Crown. The EAO, IAAC, and Piikani Nation met on September 10, 2024, to discuss B.C.'s current understanding of Piikani claims to rights in B.C. In late 2024 and early 2025, Piikani Nation expressed concern about the lack of provincial response to their rights impact assessment submission and raised ongoing questions about consultation depth. In response, the Ministry of Indigenous Relations and Reconciliation provided a letter on May 21, 2025, that described the Province's view on the depth of consultation with Treaty 7 nations, as referenced above.

In July 2025, the EAO began engagement with Piikani Nation on the revised Detailed Project Description. Piikani submitted comments on the Detailed Project Description in early August 2025. The EAO sent the Readiness Decision Report to Piikani Nation for review on August 29, 2025.

### *Input Received from Piikani Nation in 2025*

The following is a summary of the input provided by Piikani Nation upon review of the revised Detailed Project Description:

- **Consultation and engagement** – Requests that include:
  - To summarize how engagement and feedback with Piikani Nation has resulted in changes to the Detailed Project Description.
  - For better recognition of Piikani-specific cultural values in project assessments and management plans.
  - For greater consultation in shaping monitoring programs and mitigation strategies.

- Emphasis on early and ongoing engagement to ensure impacts are not underestimated or overlooked;
- **Cultural impacts and knowledge** – Request for the revised Detailed Project Description to consider Project impacts on Piikani Nation culture and ability to sustain intergenerational transfer of place-specific cultural knowledge; and,
- **Cumulative effects** – Concern that project changes do not adequately address past or ongoing cumulative effects on rights, culture, and environment.

On September 11, 2025, Piikani Nation representatives provided [a letter](#) stating that they do not support the recommendation that the Project is ready to proceed to an environmental assessment. Piikani Nation is very concerned with the Ministry of Indigenous Relations and Reconciliation (MIRR) communication related to the province's views on consultation depth and holds the view that consultation with Piikani Nation must occur at the deep end of the *Haida* spectrum. While EAO understands these conversations with Piikani Nation are occurring with MIRR, the environmental assessment process is not the appropriate place to resolve concerns around rights and title assertions. Regardless of these discussions, the EAO will be consulting with Piikani Nation as a participating Indigenous nation throughout this environmental assessment if it proceeds.

Piikani Nation indicated that they cannot recommend the Project proceed to an EA until the EAO directs EVR to revise its Detailed Project Description to include Piikani-specific traditional knowledge, cumulative impact data, and transboundary impacts. If the Project proceeds to an environmental assessment, the EAO will carry these concerns forward and consider existing Piikani-specific traditional knowledge (and Piikani-specific baseline data), cumulative impact data, and data related to potential transboundary impacts during Process Planning, to define the information needs for an assessment of potential impact to Piikani rights and interests.

The Piikani Nation called on the EAO to establish a clear process to address their concerns before any Readiness Decision is finalized. Process Planning is the phase of the EAO's environmental assessment process where the EAO is required under the Act to develop an Assessment Plan that lays out the procedures and methods for conducting the assessment. Should the Project proceed to an environmental assessment, the Assessment plan will establish:

- Who will be engaged in the development and review of information produced during the assessment and associated timelines;
- Who will be engaged in the assessment, including participating Indigenous nations, and the means and timelines by which they will be engaged; and,
- Roles and responsibilities of each of the participants and of the technical advisory committee and any community advisory committee.

The EAO is of the view that the objectives of the revised Detailed Project Description have been met through the review and engagement process, and that subsequent phases of the environmental assessment process appropriately provide opportunity to address these issues.

### EAO Consultation with Kainai (Blood Tribe)

The EAO met with Kainai (Blood Tribe) on several occasions in 2021 and 2022, to discuss the readiness decision phase. In late 2022, Kainai (Blood Tribe) requested and received an extension of the consensus-seeking timeline on the Readiness Decision recommendation to January 2023. By the extended deadline, consensus was reached on a revised recommendation for EVR to revise the Detailed Project Description.

In July 2025, the EAO began engagement with Kainai (Blood Tribe) on the revised Detailed Project Description. Kainai (Blood Tribe) submitted comments on the Detailed Project Description in late July 2025. The EAO sent the Readiness Decision Report to Kainai (Blood Tribe) for review on August 29, 2025.

### *Input Received from Kainai (Blood Tribe) in 2025*

The following is a summary of the input provided by Kainai (Blood Tribe) upon review of the Detailed Project Description:

- **Adverse impacts** – Request for the revised Detailed Project Description to consider whether the project adversely impacts Kainai's (Blood Tribe's) rights. With emphasis on the cumulative effects of mining on land, water, and rights; requests for stronger integration of Indigenous knowledge;
- **Consultation and engagement** – Request for meaningful engagement on environmental monitoring, reclamation, and closure planning;
- **Water management** – Request for the revised Detailed Project Description to include a detailed water management plan for the project that explains how contamination will be managed; and,
- **Information requests** –
  - To add a map to the revised Detailed Project Description of Blackfoot traditional territory.
  - For clarity on timelines and processes for ensuring compliance with cultural and environmental values.
  - For information regarding the sufficiency of mitigation strategies that clearly tied to measurable outcomes.

On September 11, 2025, Kainai Nation representatives provided [a letter](#) to the EAO expressing their views that the revised Detailed Project Description is missing fundamental components required for the assessment of impacts on Blackfoot Treaty rights. These components include coal dust contamination of alpine lakes connected to waterways in Alberta, impacts to wildlife that move between B.C. and Alberta, impacts on Kainai Nation's practice of asserted Aboriginal rights within B.C., and adverse impacts to waters in Blackfoot territory. Because these concerns are referring to the need to assess potential impacts, and the Process Planning phase of an environmental assessment is when the EAO works with First Nations to define the scope and information needed to assess potential impacts, the EAO is of the view that the deficiencies identified by Kainai Nation are best addressed in the Process Planning phase, should the Project proceed to an environmental assessment.

The EAO will carry Kainai Nation concerns forward into Process Planning, should the Project proceed to an environmental assessment. The EAO is of the view that the objectives of the revised Detailed Project Description have been met through the review and engagement process, and that subsequent phases of the environmental assessment process appropriately provide opportunity to address these issues.

### **EAO Consultation with Siksika Nation**

The EAO met with Siksika on several occasions in 2021 and 2022, to discuss the readiness decision phase. In late 2022, Siksika requested and received an extension of the consensus-seeking timeline on the Readiness Decision recommendation to January 2023. By the extended deadline, consensus was reached on the readiness decision recommendation for EVR to revise the Detailed Project Description.

In July 2025, the EAO began engagement with Siksika on the revised Detailed Project Description. Siksika submitted comments on the Detailed Project Description in late July 2025. The EAO sent the draft Readiness Decision Report to Siksika for review on August 29, 2025.

### *Input Received from Siksika Nation in 2025*

The following is a summary of the input provided by Siksika Nation upon review of the revised Detailed Project Description:

- **Water management** – Request for the revised Detailed Project Description to include a detailed water management plan for the project that explains how contamination will be managed;
- **Consultation and engagement** – Request for greater emphasis on Siksika Nation input to monitoring programs and transparent communication of results. Interest in opportunities for Siksika to contribute input into management plans and cultural impact considerations. Request for clearer integration of Indigenous knowledge;
- **Cumulative effects** – Request for stronger attention to cumulative impacts of mining; and,
- **Information requests** – A request to add a map to the Detailed Project Description of Blackfoot traditional territory and additional information regarding the cumulative impacts of mining.

On September 11, 2025, Siksika Nation representatives provided [a letter](#) to the EAO expressing their views that the revised Detailed Project Description is missing fundamental components required for the assessment of impacts on Blackfoot Treaty rights. These components include coal dust contamination of alpine lakes connected to waterways in Alberta, impacts to wildlife that move between B.C. and Alberta, impacts on Siksika Nation's practice of asserted Aboriginal rights within B.C., and adverse impacts to waters in Blackfoot territory. Because these concerns are referring to the need to assess potential impacts, and the Process Planning phase of an environmental assessment is when the EAO works with First Nations to define the scope and information needed to assess potential impacts, the EAO is of the view that the deficiencies identified by Siksika Nation are best addressed in the Process Planning phase, should the Project proceed to an environmental assessment.

The EAO will carry Siksika Nation concerns forward into Process Planning, should the Project proceed to an environmental assessment. The EAO is of the view that the objectives of the revised Detailed Project Description have been met through the review and engagement process, and that subsequent phases of the environmental assessment process appropriately provide opportunity to address these issues.

## EAO Consultation with Stoney Nakoda Nations

Engagement with Stoney Nakoda Nations began in mid-2021 to discuss participation in the process. Throughout 2021 and 2022, the EAO attempted follow-up engagement with Stoney Nakoda Nations by email and phone but was unable to establish contact. No response was received to EAO's consensus-seeking efforts on the Readiness Decision regarding EVR's revision of the Detailed Project Description in early 2023. Stoney Nakoda Nations have said that they notified the EAO that their lack of response was due to a lack of funding for participation in early consultation and engagement.

In July 2025, the EAO began engagement with Stoney Nakoda Nations on the revised Detailed Project Description. Stoney Nakoda Nations submitted comments on the Detailed Project Description in late July 2025. The EAO sent the draft Readiness Decision Report to Stoney Nakoda Nations for review on August 29, 2025.

### *Input Received from Stoney Nakoda Nations in 2025*

The following is a summary of the input provided by Stoney Nakoda Nations upon review of the revised Detailed Project Description:

- **Collective representation and naming** – Request for updating all instances of "Stoney Nakoda Nation" to "Stoney Nakoda Nations" in the Detailed Project Description, which will signify the inclusion of all three distinct Stoney Nations: Bearspaw First Nation,

Chiniki First Nation, and Wesley First Nation. Request for updating instances of “Welsey” to “Goodstoney” in the Detailed Project Description;

- **Indigenous interests** – Request for the revised Detailed Project Description to define “Indigenous interests” so that potential project impacts to Section 35 rights can be clearly identified and assessed;
- **Project interactions with Chauncey Creek Watershed** – Request for greater detail about the potential for project to include cast over management measures and rock storage in Chauncey Creek Watershed areas;
- **Terminology** – Request for the revised Detailed Project Description to clearly define what is meant by a ‘traditional knowledge study’;
- **Consultation and engagement** – Request for greater consultation and engagement (including funding, capacity supports, and invitations to participate in meetings or open houses) with Stoney Nakoda Nations on project modifications and updates to the Detailed Project Description. Request for meaningful consultation and opportunities to participate in environmental monitoring and desire for clarity on how Stoney Nakoda perspectives will be incorporated into project planning and decision-making; and,
- **Information requests** - These include questions and requests related to impacts on water quality, land use, and cultural practices, and commitments to mitigation measures, particularly regarding cumulative effects.

On September 11, 2025, Stoney Nakoda Nations representatives provided [a letter](#) to the EAO communicating their outstanding concerns with, and expectations for, the environmental assessment. While the Stoney Nakoda Nations indicated they are pursuing a deeper level of consultation, they indicated no objection to the Project proceeding to an environmental assessment and consider an environmental assessment to be the most appropriate type of assessment for the Project. The EAO will carry Stoney Nakoda Nations concerns forward into Process Planning, should the Project proceed to an environmental assessment. The EAO is of the view that the objectives of the revised Detailed Project Description have been met through the review and engagement process, and that subsequent phases of the environmental assessment process appropriately provide opportunity to address these issues.

## CONSENSUS-SEEKING WITH PARTICIPATING INDIGENOUS NATIONS

Participating Indigenous nations are afforded specific procedural rights within the Act, including access to capacity funding, consensus-seeking processes, a procedure to communicate consent or lack of consent at specific decision points, and access to facilitated dispute resolution. The Yaqit ʔa·knuqʔiʔit, KNCS (representing ʔakisq̄nuk, ʔaq̄am, and Yaqan nukʔiy), Shuswap Band, Piikani Nation, Kainai (Blood Tribe), Siksika Nation, and Stoney Nakoda Nations (representing Bearspaw First Nation, Chiniki First Nation, and Goodstoney First Nation) are participating Indigenous nations for the assessment process for this Project.

The [2023 Readiness Decision Report](#) describes consensus seeking activities in the Early Engagement phase and summarizes input received on the Initial Project Description, the 2021 Detailed Project Description and the draft 2023 Readiness Decision Report and recommendations.

After submission of the revised Detailed Project Description in July 2025, the EAO sought consensus with participating Indigenous nations on the draft recommendation for the readiness decision as required by Section 16 of the Act. An initial draft of this report was provided to participating Indigenous nations for their review and comment as the means to seek consensus on the recommendation for

decision. Participating Indigenous nations were asked to provide their view on the EAO's preliminary recommendation for the Readiness Decision and whether the revised Detailed Project Description and Proponent engagement met the objectives of the readiness decision phase to **ensure sufficient engagement has occurred, enough information is available to initiate and plan an assessment and determine the information required for an assessment, and to clearly identify important issues for the environmental assessment if it proceeds.**

The following sections summarize the results of the EAO's consensus seeking activities in 2023 and then describes in detail the results of 2025 consensus seeking activities.

## Yaqit ʔa·knuqʔi'it

Before EVR began to address the deficiencies in the previous version of their Detailed Project Description, the EAO and Yaqit ʔa·knuqʔi'it sought consensus on the 2023 Readiness Decision recommendation to require the Proponent to submit a revised Detailed Project Description. Yaqit ʔa·knuqʔi'it provided a response to the EAO, without prejudice and accepting, in principle, the general comments that KNCS provided on January 24, 2023, regarding the project and the revised Readiness Decision Recommendation Report. Yaqit ʔa·knuqʔi'it qualified this support by emphasizing to the EAO that "the Project is located entirely within ʔakanuxunik ʔamakʔis, Yaqit ʔa·knuqʔi'it's unceded ancestral lands over which Yaqit ʔa·knuqʔi'it asserts, declares and exercises its inherent and exclusive Section 35 Aboriginal rights and title." As such Yaqit ʔa·knuqʔi'it asserted that Yaqit ʔa·knuqʔi'it will be disproportionately negatively affected, compared to any other First Nation, should this Project proceed.

*The EAO and Yaqit ʔa·knuqʔi'it have reached consensus on the recommendation for the current Readiness Decision by the CEO that the Project should proceed to an environmental assessment.*

The EAO understands that Yaqit ʔa·knuqʔi'it's [May 13, 2025 letter](#), supporting the Project to move to an environmental assessment, in addition to the nation's supportive comments for Project staging and a comment specifically stating that many mitigation measures for effects on Ktunaxa rights are plausible, to mean that the Yaqit ʔa·knuqʔi'it First Nation considers changes to the Project as described in the revised Detailed Project Description will plausibly mitigate potential adverse effects to levels that are less than those that would be considered by Yaqit ʔa·knuqʔi'it to be extraordinarily adverse on Yaqit ʔa·knuqʔi'it First Nation and its rights.

## Ktunaxa Nation Council Society

For the previous readiness decision phase KNCS represented all four Ktunaxa First Nations before and during dispute resolution. KNCS disagreed with the EAO's conclusion that there was uncertainty about the severity of effects in absence of conducting an environmental assessment, mitigation measure effectiveness, and held the view that termination was the appropriate decision. After the dispute resolution process and considering EAO's recommendation change, KNCS supported the EAO's direction to the proponent to revise the Detailed Project Description and made it clear that any process to revise the Detailed Project Description would not by itself be sufficient to address Ktunaxa rights. KNCS were also clear that a future termination recommendation remained an option, depending on the outcomes of the engagement to provide information in a revised Detailed Project Description. In 2023, KNCS and the EAO did not reach consensus on the revised recommendation to revise the Detailed Project Description.

***The EAO and KNCS have not reached consensus on the recommendation for the current Readiness Decision by the CEO that the Project should proceed to an environmental assessment.***

The KNCS, representing ʔakisqnuʔ First Nation, ʔaqam, Yaqaan nuʔkiy has confirmed that the changes to the Project as described in the revised Detailed Project Description include some mitigations that could plausibly mitigate potential adverse effects, however, still believe the Project will result in extraordinarily adverse effects on the Ktunaxa Nation and its rights. KNCS has also requested additional discussion and engagement regarding mitigations and their plausibility with particular focus on expectations for collaborative development of environmental performance objectives that will serve as project phasing criteria if the Project proceeds to an environmental assessment.

## **Shuswap Band**

Before the Proponent began to address the deficiencies in their Detailed Project Description in 2023, the EAO and Shuswap Band reached consensus on the Readiness Decision recommendation to require the Proponent to submit a revised Detailed Project Description.

After consideration of Shuswap Band comments, responses from EVR, and revisions to the Detailed Project Description, ***the EAO and Shuswap Band have reached consensus on the recommendation for the current Readiness Decision by the CEO that the Project should proceed to an environmental assessment.***

Shuswap Band acknowledged and supported the EAO's recommendation that the Project proceeds to an environmental assessment, on the condition that Shuswap's concerns are substantively incorporated into all subsequent phases.

## **Piikani Nation**

Before the Proponent began to address the deficiencies in their Detailed Project Description in 2023, Piikani Nation provided a submission on January 20, 2023, after the Dispute Resolution process concluded. Although Piikani Nation confirmed that consensus was not reached on the EAO's 2023 revised Readiness Decision recommendation, Piikani Nation indicated that there was general agreement with the EAO's recommendation to have the Proponent revise the Detailed Project Description to include alternatives to the Project, and alternative means to carrying out the Project.

After consideration of Piikani Nation comments, responses from EVR, and revisions to the Detailed Project Description, ***the EAO and Piikani Nation have not reached consensus on the recommendation for the current Readiness Decision by the CEO that the Project should proceed to an environmental assessment.***

Piikani Nation does not support the recommendation to deem the Fording River Extension (FRX) Project "ready" to proceed to environmental assessment.

## **Kainai (Blood Tribe)**

Before the Proponent began to address the deficiencies in their Detailed Project Description in 2023, the EAO and Kainai (Blood Tribe) reached consensus on the Readiness Decision recommendation to require the Proponent to submit a revised Detailed Project Description.

After consideration of Kainai (Blood Tribe) comments, responses from EVR, and revisions to the Detailed Project Description, ***the EAO and Kainai (Blood Tribe) have not reached consensus on the recommendation for the current Readiness Decision by the CEO that the Project should proceed to an environmental assessment.***

Kainai are of the view that the Project should not proceed to environmental assessment until the considerations provided in their letter are integrated into the revised Detailed Project Description.

## Siksika Nation

Before the Proponent began to address the deficiencies in their Detailed Project Description in 2023, the EAO and Siksika Nation reached consensus on the Readiness Decision recommendation to require the Proponent to submit a revised Detailed Project Description.

After consideration of Siksika Nation comments, responses from EVR, and revisions to the Detailed Project Description, *the EAO and Siksika Nation have not reached consensus on the recommendation for the current Readiness Decision by the CEO that the Project should proceed to an environmental assessment.*

Siksika Nation are of the view that the Project should not proceed to environmental assessment until the considerations provided in their letter are integrated into the revised Detailed Project Description.

## Stoney Nakoda Nations

Before the Proponent began to address the deficiencies in their Detailed Project Description in 2023, the EAO provided the Stoney Nakoda Nations a copy of 2023 Readiness Decision Report and the additional referral materials and was asked to confirm whether there was consensus with EAO on the recommendation for the Readiness Decision. The EAO did not receive a response from the Stoney Nakoda Nations regarding the 2023 Readiness Decision recommendation. Therefore, the EAO could not confirm whether consensus had been reached on the Readiness Decision recommendation to require Teck to submit a revised Detailed Project Description.

After consideration of Stoney Nakoda Nations comments, responses from EVR, and revisions to the Detailed Project Description, *the EAO and Stoney Nakoda Nations have reached consensus on the recommendation for the current Readiness Decision by the CEO that the Project should proceed to an environmental assessment.*

Although Stoney Nakoda Nations is not satisfied with the depth of consultation considered appropriate by MIRR, the Stoney Nakoda Nations consider that an environmental assessment is the most appropriate type of assessment for the Project and has no outstanding objection to the Project proceeding to Process Planning.

## LOCAL GOVERNMENT SUPPORT

The EAO has received letters from three regional districts and two municipalities that state support for the Project to proceed to an environmental assessment. These letters referenced the importance of economic development and jobs for the region, as well as environmental responsibility and community engagement. From May to September 2025, the EAO received letters in support of the Project proceeding to an environmental assessment from the [District of Elkford](#), the [District of Sparwood](#), the [City of Fernie](#), the [Regional District of East Kootenay](#), and the [Municipality of Crowsnest Pass](#).

## EAO EVALUATION

The EAO has evaluated the revised Detailed Project Description against the objectives of the Readiness Decision phase and against the requirements of the 2023 Readiness Decision. The following sections provide the EAOs evaluation, conclusions and a recommended Readiness Decision.

### Sufficient Engagement

The EAO facilitated a nine-month period of technical advisor and participating Indigenous nation review of the 2021 Detailed Project Description in 2021 and 2022, a nine-month dispute resolution process with

Ktunaxa First Nation representatives in 2022, and two additional months in 2023 for technical advisors and participating Indigenous nations to review the 2023 Readiness Decision Report.

EVR, KNCS and Yaqit ʔa·knuqʔi'it engaged between 2023 to 2025, on Detailed Project Description revisions to address the direction in the CEAO's 2023 Readiness Decision. As described in the revised Detailed Project Description, EVR has also engaged with other participating Indigenous nations since 2023, on revisions of the Detailed Project Description including changes to the Project plans.

The Province has engaged deeply with KNCS and Yaqit ʔa·knuqʔi'it on many regional initiatives related to existing significant cumulative effects in the Elk Valley, including policy development to address those effects and determine the effectiveness of mitigations.

The EAO holds the view that the Proponent consulted meaningfully and in good faith and has shown appropriate responsiveness to participating Indigenous nations, other participants and the public, including providing adequate opportunities to comment on Project design, siting, and alternative approaches to developing the Project.

### Sufficient Information to Initiate the Environmental Assessment

In 2022, the EAO circulated a preliminary recommendation to proceed to an environmental assessment because the EAO held a view that there was sufficient information in the 2021 Detailed Project Description to inform Process Planning. (e.g. the detail provided was adequate to identify key issues and interactions of the Project with valued components and First Nations' rights to scope the environmental assessment information requirements and methods).

The EAO's view after the dispute resolution process was that there was inadequate information regarding the plausibility of proposed mitigation measures for effects on Ktunaxa rights. In response to the 2023 Readiness Decision, the revised Detailed Project Description presents a substantial amount of new alternatives analyses, additional information about project interactions with valued components and Ktunaxa rights, and additional mitigation measures; all informed via collaborative engagement with Ktunaxa First Nations, represented by Yaqit ʔa·knuqʔi'it and KNCS.

Yaqit ʔa·knuqʔi'it has confirmed that, while questions remain regarding mitigation effectiveness, the proposed mitigation measures for effects on Ktunaxa rights are plausible, and the KNCS has stated that some mitigation measures proposed could be plausible. Both Yaqit ʔa·knuqʔi'it and KNCS looks forward to further engagement regarding mitigation measures should the Project proceed to an environmental assessment.

Considering EVR's intensive collaboration with Ktunaxa representatives since 2023 and the new information related to impacts to Ktunaxa rights and the plausibility of mitigations provided in the revised Detailed Project Description, the EAO holds the view that it includes a sufficient understanding of potential project interactions with the environment and First Nations' rights than previous versions of the Detailed Project Description.

The EAO has considered the amount and detail of new information provided in the revised Detailed Project Description, informed by the reviews and input from technical advisors and participating Indigenous nations and EVR's detailed responses to reviewer input, and has considered the significant and detailed requirements in the EAO's policies for the Process Planning Phase of an environmental assessment (such as the [Application Information Requirements Guidelines](#) and the [Process Planning Policy](#)). Based on this evaluation, the EAO is confident that the revised Detailed Project Description includes sufficient information to initiate an environmental assessment including project related information to identify project interactions with valued components and Indigenous interests to scope the environmental assessment.

## Priority Issues to be Resolved are Identified

Many issues have been raised by participants regarding the proposed Project since 2020, and are described in the revised Detailed Project Description, this report, the 2023 Readiness Decision Report and issues tracking tables generated by the EAO, IAAC and participants. Cumulative and project area-specific effects to First Nations and their rights, water quality, aquatic ecosystems, Westslope cutthroat trout, bighorn sheep, grizzly bear, high-elevation grasslands, and old and mature forests are among most frequently cited values in input provided to the EAO and participants. Evaluation of the effectiveness of mitigations for potential project impacts on these values and rights remains an important issue shared by multiple participants including Technical Advisors and participating Indigenous nations. Concerns were also raised with respect to EVR's ability to remain in consistent compliance with current permit requirements with focus on the company's ability to meet requirements of the Area Based Management Plan and EMA permit 107517.

The substantial focus EVR has given to engagement with participating Indigenous nations as well as B.C. agency progress on policy work on cumulative effects and water quality management in recent years has strengthened participant awareness of the priority issues related to the Project.

The EAO has determined that all important issues that need to be resolved during an environmental assessment have been identified and described adequately by the revised Detailed Project Description to support the Process Planning phase of an environmental assessment.

## Requirements of the 2023 Readiness Decision

The CEO's requirements for a revised Detailed Project Description were premised on proponent engagement with KNCS and Yaqit ʔa-knuq̓i'it because of assertions of potential extraordinarily adverse effects on Ktunaxa rights. The CEO directed that a revised Detailed Project Description must include plausible mitigation measures to effects on Ktunaxa and Ktunaxa rights including measures to mitigate residual effects of the Project and cumulative effects in the Project area that the Project would contribute to. As stated above in the 2023 Readiness Evaluation section of this report, the EAO considers a mitigation measure to be plausible if that measure is technically feasible in concept (e.g. possible that the measure *could* mitigate effects to a level that what would be considered less than extraordinarily adverse).

Through engagement with EVR and review of draft versions of the revised Detailed Project Description Yaqit ʔa-knuq̓i'it agreed that the proposed mitigation measures for effects on Ktunaxa Rights are plausible. KNCS did not provide an opinion to EVR on the plausibility of mitigations for impacts on Ktunaxa rights prior to submission of the revised Detailed Project Description to the EAO. However, EVR has described additional mitigations for impacts on Ktunaxa rights developed through collaborative engagement with KNCS in the revised Detailed Project Description.

In the following sections we evaluate and conclude on whether the requirements of the CEO's 2023 Readiness Decision have been met.

## Alternatives to the Project

As part of the 2023 Readiness Decision the CEO required clearer identification of alternatives to the Project, with transparent weighting and criteria for assessing their feasibility, including how alternatives are evaluated against the Project's purpose. The alternatives considered should, at a minimum, include those identified in Table 3.1-1 of the 2021 Detailed Project Description, and if available information allows, include further definition of new resource areas or new mines.



- To confirm whether Ktunaxa and Yaqit ʔa-knuq̓i'it agree that the proposed mitigation measures for effects on Ktunaxa rights are plausible.

Section 10 of the revised Detailed Project Description provides details on potential project related effects and mitigations to meet the requirements of the 2023 readiness decision.

### **B.C. Policy for Mitigating Impacts on Environmental Values**

EVR has applied the B.C. Policy for Mitigating Impacts on Environmental Values through application of EVR's internal mitigation hierarchy. EVR's mitigation hierarchy references after avoidance and minimization as "rehabilitate", whereas the B.C. Policy uses the term "restore." Following engagement with interested parties, EVR selected "rehabilitate" in acknowledgement that restoration to prior conditions may not always meet preferred land uses.

This involved integrating environmental, social, and economic values into Project planning, improving the quality, transparency, and consistency of information to support decision-making, and using the best available data and information to inform mitigation planning. EVR further stated that it implemented the steps of the hierarchy in the established order of priority—avoid, minimize, rehabilitate, and offset—ensuring that feasible measures were fully considered and applied at one level before progressing to the next.

The EAO received some input from reviewers with reference to specific outcomes of application of the mitigation hierarchy and potential disagreement with those results, however, there was no input indicating the B.C. Policy was not applied, and EAO has determined that the policy was applied throughout the revised Detailed Project Description and that this requirement is addressed.

### **Identification of impacts and plausible mitigation measures**

Section 10 of the revised Detailed Project Description contains information intended to address the CEAOs requirements regarding impacts and plausible mitigations. EVR presents the results of collaborative workshops and reviews by listing mitigations for impacts to terrestrial and aquatic environments, and to Ktunaxa and Ktunaxa rights. Effects that were identified by KNCS and Yaqit ʔa-knuq̓i'it during dispute resolution and subsequent engagement, including those identified to be extraordinarily adverse, are listed in tables and Appendix 1 of the revised Detailed Project Description with dozens of mitigation measures for those effects presented in the mitigation hierarchy format (i.e., avoid, minimize, rehabilitate, offset). EVR identified plausible mitigations and provided a commitment to build more specificity into mitigations later in the environmental assessment process. The following are a few of the mitigations which address many biophysical effects as well as potential extraordinarily adverse effects to Ktunaxa and Ktunaxa rights. These were also cited many times in input from KNCS and Yaqit ʔa-knuq̓i'it as well as other reviewers:

- *Project staging* – KNCS has confirmed that conditional Project development staging is an important mitigation for impacts to Ktunaxa rights. The implementation of project staging and development of criteria and certificate conditions for staging is expected to be a primary focus for Ktunaxa participants if the project moves forward to an environmental assessment.
- *Changes to the Project Footprint* – The reduction of the disturbance area resulted in avoidance and minimization to mitigate potential impacts to terrestrial and aquatic components, some of which are linked to Ktunaxa rights.
- *Progressive reclamation and landform design* – This is a key mitigation measure to address direct and cumulative effects on terrestrial biophysical components (e.g. high elevation grasslands, bighorn sheep, grizzly bear, etc.)

- *Offsetting* – EVR proposes offsetting as the mitigation for many effects which cannot be avoided, minimized, or rehabilitated. The revised Detailed Project Description includes a commitment that EVR will submit an offset plan as part of the Application to mitigate impacts on species at risk (e.g. grizzly bears), wetlands, key ecological communities at risk (e.g. high elevation grasslands), and Westslope cutthroat trout habitat. The objective of the offset plan will be to achieve no net loss for these valued components.
- *Avoidance and minimization of impacts to Chauncey Creek* – Avoid/minimize waste rock placement in Chauncey Creek drainage, investigate and implement changes to blasting practices and management of fly rock in (waste rock being blasted and landing in) the creek drainage, changes to pit design to minimize groundwater flow towards the creek, development and implementation of a Chauncey Creek Management Plan.

EVR responded to several comments related to these mitigations with clarification and often with edits to the revised Detailed Project Description as requested by reviewers.

The EAO considers that EVR has met the requirements to identify project-specific and cumulative impacts and plausible mitigations for those impacts, including additional measures identified as part of the dispute resolution process and measures to address assertions by Ktunaxa Nation and Yaqit ʔa·knuqʔi'it of extraordinarily adverse effects.

#### **Yaqit ʔa·knuqʔi'it and KNCS views on mitigation measure plausibility**

Yaqit ʔa·knuqʔi'it has confirmed that many proposed mitigation measures for effects on Ktunaxa rights are plausible. While KNCS had not provided an opinion to EVR on the plausibility of mitigations for impacts on Ktunaxa rights prior to submission of the revised Detailed Project Description to the EAO, additional mitigations for impacts on Ktunaxa rights were identified through collaborative engagement with KNCS and included in the revised Detailed Project Description. In their October 6, 2025, letter to the CEO, KNCS expressed appreciation for EVR's effort to address concerns articulated through the 2022 dispute resolution process. While the KNCS found that some mitigations could be plausible, they still believe the Project will result in extraordinarily adverse effects. They state that engagement with KNCS has been intensive, and that additional conversation around proposed mitigations and their plausibility was justified. They state that engagement must continue, and they look forward to it, should the Project move into an environmental assessment.

The KNCS also shared some specific expectations regarding phasing of the Project. They 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. They stated that environmental performance criteria must be very carefully drafted in order to achieve their objectives in an enforceable manner. Should the Project proceed to an environmental assessment, the EAO will consult with participating Indigenous nations on recommendations, including to achieve clarity and enforceability of any recommended conditions for a potential environmental assessment certificate.

KNCS and Yaqit ʔa·knuqʔi'it both provided comments on the revised Detailed Project Description stating that some effects from the mountain-top removal process will result in a net negative effect on Ktunaxa rights. Some comments from KNCS directly reference compensation as perhaps the only option that could address some of the potential significant adverse effects. Yaqit ʔa·knuqʔi'it stated that there will undeniably be a net impact and unavoidable fallout to Indigenous cultural practices and knowledge transfer. Yaqit ʔa·knuqʔi'it acknowledges EVR's commitment to take measures to mitigate impacts to Indigenous cultural practices and knowledge transfer and in addition suggests a cultural revitalization

plan and an expectation to be able to provide input that “will include additional VCs specific to Indigenous knowledge and perspectives”.

There remain potential impacts identified in the revised Detailed Project Description, and in comments provided by participants about proposed mitigation effectiveness and implementation of mitigations (i.e. compliance) to the extent that the Project may result in significant adverse effects to valued components and First Nations and their rights. The EAO holds the view that an environmental assessment is an appropriate process to evaluate proposed mitigation measures and determine the significance of residual adverse effects to inform decisions made by Ministers regarding whether to issue an environmental assessment certificate and those made by Ktunaxa First Nation leadership whether to provide their consent or lack of consent for the Project.

Yaqit ʔa·knuqʔi'it and KNCS have confirmed if they agree that the proposed mitigation measures for effects on Ktunaxa rights are plausible: Yaqit ʔa·knuqʔi'it agreed they are plausible and the KNCS found some of the suggested mitigations could be plausible. The EAO considers that EVR has met this requirement of the 2023 Readiness Decision.

## RECOMMENDATION

Based on EAO's analysis above, it has determined that EVR has addressed the deficiencies of the 2021 Detailed Project Description as required by the CEAO in their 2023 Readiness Decision.

Based on the EAO's current understanding of FRX, including information presented in the 2023 Readiness Decision Report, comments from technical advisors and the participating Indigenous nations on the revised Detailed Project Description, EVR's responses to comments, and the EAO's review of the revised Detailed Project Description against the information requirements set out in the 2023 Readiness Decision, **the EAO recommends that FRX proceed to an environmental assessment.**