



Reasons for Decision of the Chief Executive Assessment Officer

FORDING RIVER EXTENSION PROJECT

READINESS DECISION

OCTOBER 10, 2025



1.0 CONTEXT

The Fording River Extension Project (the Project) entered the Readiness Decision phase on July 29, 2021, when Teck Coal Limited (Teck) submitted a Detailed Project Description (2021 DPD) under Section 15 of the *Environmental Assessment Act* (2018) (the Act). In 2023, the Chief Executive Assessment Officer (CEAO) made a readiness decision that required Teck to revise the DPD and resubmit for a second readiness decision. During the Readiness Decision phase, the CEAO must either:

- Require the Proponent to submit a revised Detailed Project Description,
- Make a recommendation to the Minister of Environment and Parks (Minister) to exempt or terminate the Project from an Environmental Assessment (EA), or
- Determine that the Project can proceed to an Environmental Assessment.

Consistent with the Environmental Assessment Office's (EAO) [Readiness Decision Policy](#), EAO staff undertook a review process that sought consensus with participating Indigenous nations and advice from technical advisors on a recommendation to the CEAO. The EAO staff also engaged in a Dispute Resolution process initiated by the Ktunaxa Nation Council Society (KNCS) on behalf of the Ktunaxa Nation, disputing a preliminary recommendation by the EAO. In February 2023, EAO staff prepared a Readiness Decision Report (the [2023 Readiness Decision Report](#)) to summarize the review and engagement process undertaken, the key issues identified, the outcomes of the Dispute Resolution process and staff's conclusions regarding matters that may be pertinent to the CEAO's decision.

On February 21, 2023, the CEAO issued a [decision under Section 16\(2\)\(a\)](#), with [Reasons for Decision](#), requiring Teck to submit a revised Detailed Project Description (revised DPD) and identifying deficiencies that needed to be addressed should Teck decide to submit a revised DPD.

On July 4, 2025, Elk Valley Resources (EVR, the Proponent), which became the Proponent for the Project in 2024, submitted a revised DPD intended to address those deficiencies. EAO staff undertook another review process that sought consensus with participating Indigenous nations and advice from technical advisors on a new recommendation to the CEAO. At the completion of this process, to inform my decision, EAO staff prepared a Readiness Decision Report (the [2025 Readiness Decision Report](#)) describing the review and engagement process undertaken in 2025, the key issues identified, and staff's conclusions regarding matters that may be pertinent to my decision and summarizing the 2023 Readiness Decision Report. I have considered the previous CEAO's reasons for their 2023 readiness decision, and the EAO's 2025 Readiness Decision Report in making my decision.

On October 10, 2025, I provided a [notice of decision](#) under Section 18(1) that Fording River Extension Project will proceed to an Environmental Assessment. These are the reasons for my decision.

2.0 NATURE OF THE DECISION

In addition to the EAO's 2025 Readiness Decision Report, submissions by participants, and the revised DPD, my decision considered:

- The Act in its entirety;
- Relevant common law;
- Past EAO practice;
- Submissions of participants in the process; and,
- Potential impacts of the decision on First Nations' rights or interests.

I also note that, before making a decision under Section 16, the Act requires that the CEAO must seek to achieve consensus with participating Indigenous nations. Finally, I have considered all the relevant facts and all arguments raised in the final 2025 Readiness Decision Report and the referral materials even if they are not specifically identified in these reasons for decision.

3.0 CONSIDERATIONS

With respect to the matters relevant to my decision, I agree with the conclusions reached by EAO staff in the recommendations of the 2025 Readiness Decision Report 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;
- The revised DPD 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;
- The revised DPD adequately identifies and describes important issues that need to be resolved during an environmental assessment of the Proposed Project; and,
- The revised DPD meets the requirements of the CEAO’s 2023 Readiness Decision to provide:
 - Clearer identification of alternatives to the Project, with transparent weighting and criteria for assessment of the feasibility of each alternative;
 - Clearer identification of alternative means of carrying out the Project and transparent weighting and criteria to evaluate the alternative means, including siting, staging, timing and technologies;
 - Identification of 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-knuqʔit of extraordinarily adverse effects;
 - Confirmation if Ktunaxa and Yaqit ʔa-knuqʔit agree that the proposed mitigation measures for effects on Ktunaxa rights are plausible; and,
 - Application of the British Columbia (B.C.) Policy for Mitigating Impacts on Environmental Values throughout the revised DPD with attention to the mitigation hierarchy in order of priority.

3.1. The 2023 Readiness Decision to require a revised DPD

The 2023 Reasons for Decision summarized the results of engagement with technical advisors:

- Technical advisors from the former Ministry of Forests, Lands, Natural Resource Operations and Rural Development raised concerns regarding potential significant impacts and mitigation effectiveness regarding high elevation grasslands, Bighorn sheep, and Westslope cutthroat trout;
- Representatives of tribes located in the United States, the Confederated Salish and Kootenai Tribes (CSKT) and the Kootenai Tribe of Idaho (KTOI), endorsed the KNCS position that the Project, as proposed in the 2021 DPD, met the standard of extraordinarily adverse effects, and warranted that the Project be terminated; and,
- No other technical advisors indicated that the 2021 DPD was insufficient for the Project to proceed to an EA.

The 2023 Reasons for Decision also summarized the results of consultation with participating Indigenous nations:

- The EAO achieved consensus with Shuswap Band, Kainai Nation and Siksika Nation on the EAO recommendation to require a revised DPD;
- The EAO did not receive a response from the Stoney Nakoda Nations regarding the recommendation to require a revised DPD;
- The EAO did not reach consensus with Piikani Nation, who preferred that the Project be referred to the Minister to consider whether the assessment should be conducted by an assessment body; and,
- KNCS (representing, at the time, all four Ktunaxa First Nations) held the view that the Project should be terminated, and initiated Dispute Resolution on the assertion that the Project would cause extraordinarily adverse effects and that proposed mitigations measures would not reduce effects below the level of extraordinarily adverse effects.

In the 2023 Reasons for Decision, the CEAO describes the interpretation of extraordinarily adverse effects presented in the EAO's 2023 Readiness Decision Report, and factors to consider when evaluating if a project will result in extraordinarily adverse effects, including:

1. If the Project will clearly have unmitigable adverse effects, such that the CEAO is satisfied they would likely recommend that no EA Certificate be issued for the Project if it proceeds through an EA to a decision under Section 29 of the Act;
2. How extreme the effects are generally, or on a specific Indigenous nation or its constitutionally protected rights, as compared to other projects of a similar type and size; and,
3. How extreme are these effects when considered in the context of existing cumulative effects on the environment in general or on a specific Indigenous nation or its constitutionally protected rights.

Considering the information provided in the 2021 DPD, and during the 2022 Dispute Resolution process, the CEAO concluded that both the severity of effects and the ability to mitigate potential effects are uncertain but did not conclude that the Project would cause extraordinarily adverse effects.

While the CEAO identified several deficiencies for which additional information was required in the form of a revised DPD, they also held the view that the Act does not intend that the EAO carry out an assessment of the severity of effects to conclude if a project will cause extraordinarily adverse effects (e.g. a “miniature environmental assessment”) to inform a readiness decision. The CEAO also concluded that assessing the effectiveness of mitigation measures is generally a matter for environmental assessment, not the Readiness Decision.

3.2. Engagement with Environmental Assessment Participants

Throughout the Readiness Decision phase, from July 2021 until August 2025, the EAO sought input from technical advisors on the sufficiency and accuracy of information in the 2021 DPD and the revised DPD provided by the Proponent. Advice provided in support of the 2023 Readiness Decision was captured in the referral package for that decision, and posted on the [EAO's Project Information Centre](#) (EPIC) website.

In 2025, the EAO scoped engagement and consultation to the deficiencies cited in the CEAO's 2023 Readiness Decision. The EAO sought input from participating Indigenous nations and from two B.C. agencies to inform the current Readiness Decision:

- The Ministry of Water, Land and Resource Stewardship (WLRS) because the requirements of the CEAO's 2023 Readiness Decision were related to B.C. Policy for Mitigating Impacts on Environmental Values and were informed by consideration of mitigation effectiveness for cumulative effects on high elevation grasslands, Bighorn Sheep and Westslope Cutthroat Trout; and,

- The B.C. Climate Action Secretariat (CAS) because of new requirements for the Proponent to meet B.C.'s 2024 Net-zero New Industry policy regarding greenhouse gas emissions.

The EAO has recorded CAS and WLRS comments to address during subsequent environmental assessment phases.

3.3. Engagement with Indigenous Nations

To inform the Readiness Decision, the EAO requested input from participating Indigenous nations on the adequacy of the revised DPD and sought consensus on the Readiness Decision recommendation to proceed to an EA. The EAO solicited input from the following participating Indigenous nations:

- Yaqit ʔa·knuqʔi'it First Nation;
- KNCS (Ktunaxa Nation Council Society representing ʔakisqnuq, ʔaqam, and Yaqan nuʔkiy First Nations);
- Shuswap Band;
- Piikani Nation;
- Kainai Nation (Blood Tribe);
- Siksika Nation; and,
- Stoney Nakoda Nation, representing the Bearspaw, Chiniki, and Goodstoney First Nations.

Results of engagement efforts with all participating Indigenous nations, including reasons why consensus was not reached are described below.

I understand and agree with the EAOs view that the objectives of the revised DPD have been met through the review and engagement process, and that subsequent phases of the EA process will provide sufficient opportunity to address unresolved concerns. It is my view that the Crown has fulfilled its constitutional and statutory obligations to the participating Indigenous nations regarding this Readiness Decision.

3.3.1. Participating Indigenous Nations in Consensus with EAO Recommendation

The EAO reached consensus with Yaqit ʔa·knuqʔi'it, Shuswap Band and Stoney Nakoda Nations on the recommendation for the Readiness Decision to proceed to an EA. Yaqit ʔa·knuqʔi'it sent a letter to the EAO on May 13, 2025, supporting the Project to move to an environmental assessment. I understand that Yaqit ʔa·knuqʔi'it consider changes to the Project as described in the revised DPD will plausibly mitigate potential adverse effects to levels that are less than those they would consider to be extraordinarily adverse on their nation and its rights.

On September 15, 2025, Shuswap Band informed the EAO that they acknowledged and supported the EAO's recommendation that the Project proceeds to an environmental assessment, on the condition that Shuswap Band's concerns are substantively incorporated into all subsequent phases. I understand that the EAO will meaningfully engage and consult with Shuswap on their concerns in subsequent phases of the EA process.

On September 11, 2025, Stoney Nakoda Nations informed the EAO that they have 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.

3.3.2. Participating Indigenous Nations Not in Consensus with EAO Recommendation

The EAO did not reach consensus with the KNCS, Piikani Nation, Kainai Nation and Siksika Nation on the recommendation for the Readiness Decision to proceed to an EA.

On October 6, 2025, the KNCS, representing the ʔakisqnuq, ʔaq'am, and yaqan nuʔkiy nations, informed me that they do not endorse the Project moving into an environmental assessment because they had expected more progress on water

quality non-compliances and reclamation, and because of the context of existing impacts in the Upper Fording River area and to Ktunaxa rights in the area. I also understand from the letter that while they still believe that the Project will result in extraordinarily adverse effects on the Ktunaxa Nation and its rights, they consider some mitigations in the revised DPD could plausibly mitigate potential adverse effects. The letter also expressed appreciation for EVR's effort to address concerns articulated through the 2022 dispute resolution process and that EVR engagement with KNCS has been intensive although additional conversation around proposed mitigations and their plausibility are justified. They state this engagement must continue should the Project move into an environmental assessment. I acknowledge that existing cumulative effects in the Elk Valley are substantial, and that these are of critical concern. I understand the EAO will ensure that sufficient opportunity is provided during subsequent phases of the EA to address unresolved concerns raised by the KNCS through the process to date and in their October 6, 2025, letter.

On September 11, 2025, Piikani Nation informed the EAO that they do not support the recommendation that the Project is ready to proceed to an environmental assessment. They also stated disagreement with the depth of consultation owed for potential effects on rights claimed by Piikani Nation in B.C. that has been communicated by the Ministry of Indigenous Relations and Reconciliation. Piikani Nation stated they cannot support the Project moving to an EA until EVR updates its revised DPD to include Piikani-specific traditional knowledge, cumulative impacts, and transboundary effects. Piikani Nation also asked the EAO to establish a clear process to address their concerns before making a Readiness Decision. I understand the EAO will incorporate Piikani Nations's specific Indigenous knowledge, and information regarding cumulative and transboundary effects into Process Planning documents to define the assessment's information needs, and that the resulting Assessment Plan will outline engagement timelines, participants (including participating Indigenous nations), and roles and responsibilities throughout the EA process.

On September 11, 2025, Kainai and Siksika Nations informed the EAO that they do not support the Project proceeding to an EA until specific considerations regarding potential impacts related to coal dust, wildlife movement, Aboriginal rights practice, and water are integrated into the revised DPD. I agree with the EAO that these concerns are best addressed during the Process Planning phase when the EAO works with participating Indigenous nations to define the scope and information needed to assess potential impact to the nations and their rights.

4.0 CONCLUSIONS

Based on the information provided to me in the 2023 Reasons for Decision, the EAO's 2025 Readiness Decision Report and the revised DPD, I have concluded that:

- The objectives of the Readiness Decision phase to ensure sufficient engagement and information, and identification of issues that must be addressed in an EA have been met;
- the revised Detailed Project Description meets the additional information requirements of the CEAO's February 21, 2023, decision under Section 16(2)(a) of the Act;
- the changes to the Project as described in the revised Detailed Project Description have reduced the uncertainty regarding the Proponent's ability to mitigate potential effects to levels below extraordinarily adverse effects; and,
- the intent of the environmental assessment process is to determine the severity of potential Project effects. Proceeding with the environmental assessment provides an opportunity to reduce any remaining uncertainty about effects that was not addressed through the revised Detailed Project Description.

After consideration of the EAO's 2025 Readiness Decision Report, the review process undertaken, and the approach to consultation with First Nations, including consensus with Yaqit ʔa-knuqʔi'it, Shuswap Band, and Stoney Nakoda Nations on the recommendation that the Project should proceed to an environmental assessment, I have decided to issue the [notice of decision](#) under Section 18(1)(a) to consider the Fording River Extension Project under Section 19 of the Act, allowing it to proceed to an environmental assessment.

Fording River Extension Project may now commence the Process Planning phase of the environmental assessment process, and within 120 days of the publication of my decision under Section 18(1) of the Act, the EAO will issue a Process Order under Section 19(2) of the Act.



Alex MacLennan
Chief Executive Assessment Officer
Environmental Assessment Office

Signed this 10 day of October 2025