



March 2, 2026

Honourable Tamara Davidson
Minister of Environment and Parks
Government of British Columbia
Parliament Buildings
Victoria, BC V8W 9E2
Canada

RE: EAO Environmental Assessment for Fording River Extension (Castle Mountain)

Kiʔsuʔk kyukyit Hon. Davidson,

We write to you on behalf of the Confederated Salish and Kootenai Tribes (“CSKT”) and Kootenai Tribe of Idaho (“KTOI”) (collectively “Tribes”), constituent governments of the transboundary Ktunaxa Nation. Our aboriginal territory spans across a vast region, including parts of what are now British Columbia and Alberta, Canada, and the states of Idaho, Montana, Washington, and Wyoming.

For over a decade, we have worked together with ʔakisq̓nuk, ʔaq̓am, yaq̓an nuʔkiy, and Yaq̓it ʔa·knuq̓iʔit—the four other governments of the transboundary Ktunaxa Nation—to address and reduce legacy and ongoing contamination from abandoned, developed, and operating mines in the Elk Valley of British Columbia. Mining impacts to the transboundary Kootenai/y watershed from Glencore’s Elk Valley coal mines is an issue that affects our Tribes’ rights and our natural and cultural resources and practices.

We write to respectfully communicate to you our dissent to the Province’s decision to move forward with the Environmental Assessment for the Fording River Mine Extension, which would include Castle Mountain in the Elk Valley, despite findings from our sister Ktunaxa governments that the project will have Extraordinarily Adverse Effects. These findings are valid, and have not been remedied from our perspective. We do not believe the Environmental Assessment process

should commence until *all* Ktunaxa governments agree that these findings have been adequately addressed.

We also oppose this development for many other reasons, all of which we have communicated to the provincial and federal governments on numerous occasions from 2012 to the present, and most recently in our comments submitted through the Technical Advisory Committee. However, given the fact that we believe that the Fording River Extension will have Extraordinarily Adverse Effects, these concerns bear repeating.

We do not believe that British Columbia should move forward with any new mines or mine expansions until the legacy and ongoing mine-sourced pollution that has accumulated in the Elk River, Koocanusa Reservoir, the Kootenai River, and Lake Kootenay has been adequately addressed. Selenium and nitrates originating from BC's Elk Valley mines persist all the way to the confluence of the Kootenai/y watershed with the Columbia River. Until sufficient mitigations are in place to address the historical loads of mine-sourced contaminants in the watershed, including substantive bonding to address pollutants that will leach from waste rock in the Elk Valley for centuries, no new mines or mine expansions should be considered through the Environmental Assessment process.


Additionally, we do not believe any new mines or mine expansions should occur until legacy and ongoing mine-sourced pollution comes into compliance with all water quality standards, including the Montana promulgated and U.S. EPA approved Clean Water Act site-specific standard of 0.8 µg/L for selenium in Koocanusa Reservoir, the fish tissue standards for selenium, and the selenium standard for the Kootenai River downstream of Koocanusa Reservoir. A critical piece of that compliance is aligning the selenium standard for Koocanusa Reservoir on the Canadian side with the standard on the southern side of the border through the Area Based Management Plan Amendment #2. For decades, the transboundary Ktunaxa Nation advocated and worked with external governments to develop a scientifically defensible standard which would be protective of our waters, fish, wildlife and communities. The current standard (0.8 µg/L selenium) set by Montana is consistent with the draft water quality objective that Ktunaxa First Nation staff worked on with British Columbia (0.85 µg/L selenium) and is based on the multi-year scientifically robust Lake Koocanusa Monitoring and Research Working Group process. The current selenium standard must be upheld to protect Tribal and First Nation waters as well as our collective fishing, hunting, and harvesting rights. Consideration of the proposed Fording River Extension should be postponed until the Canadian and U.S. standards are aligned, and all water quality standards are being met.

Finally, we do not believe any new mines or mine expansions should occur until the IJC Elk-Kootenai/y Watershed Study Board completes its investigation into water pollution in the watershed, and the Governance Body has completed its Action Plan. All six governments of the Ktunaxa Nation brought the issue of mine-sourced pollution in the Elk-Kootenai/y to Canada, the U.S., and the International Joint Commission, elevating the request to address this issue over the course of a decade. Postponing review of new mines and mine expansions would demonstrate a meaningful commitment to work through the IJC Governance Body, with the eleven governments at the table to collectively take action to reduce and mitigate water pollution in the watershed.

In summary, we urge British Columbia to delay the Fording River Extension Environmental Assessment process until all Ktunaxa governments agree that the Extraordinarily Adverse Effects have been remedied, all relevant water quality standards in the watershed are met, the ABMP Amendment 2 process is completed, and the IJC Elk-Kootenai/y Study Board report and Governance Body Action Plan are completed.

Hu sukítqukni | Thank you.

Sincerely,



Michael Dolson, Chairman
Confederated Salish and Kootenai Tribes



Jennifer Porter, Chairwoman
Kootenai Tribe of Idaho