



Stk'emlupsemc te Secwepemc Nation (SSN)

PO Box 188, 1030 Trans Canada Hwy.

Savona, BC V0K 2J0

Telephone: 250-373-0023 Fax: 250-373-0025

Represented by the Tk'emlups te Secwepemc and the Skeetchestn Band
We do not have a mandate, we have a responsibility We are yecminme7

SSN Review Process

Impacts and Infringement Report, Decision and Recommendations

KGHM is proposing to build an open pit mine near Kamloops, BC. The proposed KGHM Ajax mine is the subject of provincial and federal reviews. Stk'emlupsemc te Secwepemc Nation ("SSN") will be conducting its own review of the proposed KGHM Ajax mine.

The SSN Review will assess the project in accordance with SSN laws and governance, and will include assessments which respect SSN cultural perspectives, knowledge and history. to assess the Project, its potential impacts on SSN and potential infringements of the aboriginal rights and title of the SSN. The Review will be grounded in the Secwepemc Trout Children Story, the Memorial to Sir Wilfred Laurier (1910), the UN Declaration of the Rights of Indigenous People, and the laws of Canada.

The Review Panel will be comprised of 46 SSN members and will be chaired by Kukpi7 Wayne Christian of Splats'in. The Review Panel will make recommendations to the SSN Joint Council. The SSN Joint Council will then issue its decision, and the decision package will be provided to the Crown as part of its own assessment.

The Review process will be managed by the Hearing Team, and the primary contact for the Hearing Team is Sunny LeBourdais.

The Review will consist of written submissions, oral evidence, and Panel deliberations.

The oral hearings will take place during May 2 – 6, 2016.

The process for the Review is outlined below.

1. Submission of Written Material in Advance of Oral Hearing

- (a) SSN Members and Secwepemc Nation Members (Chief, Council & Members) may present their views in writing in advance of the hearing.
 - (i) Information can be received by email or mail-in letter
 - (ii) Deadline for submissions is April 15, 2016
 - (iii) Name and contact information must be provided.
- (b) Non-Secwepemc (KGHM and Crown) may provide additional information for Panel review by email or electronic sharing
 - (i) Deadline is April 15, 2016



- (c) Non-Secwepemc (Public & Other)
 - (i) Other groups and organizations may make written submission to the Panel by email or written letter
 - (ii) Deadline is April 15, 2016.
- (d) All received information will be made available to SSN Review Panel.

2. Format of Hearing of Oral Hearing

- (a) The first four days (May 2 – 5, 2016) will cover all topics related to the Trout Children Story, and will cover all evidence. The final day (May 6, 2016) will be spent addressing the accommodation packages from KGHM and the Crown.
- (b) The sequence of the first four days is:
 - (i) The Trout Children Story will be told.
 - (ii) Evidence will be called relating to Secwepemc, SSN governance, relationship to the site, to the lands, to each other, to outsiders.
 - (iii) Evidence will be called relating to minerals, lands, trees and other land based matters.
 - (iv) Evidence will be called relating to water and issues relating to water (fisheries, etc.).
 - (v) Evidence will be called relating to the air, sky, climate change.
 - (vi) Evidence will be called relating to economics
- (c) On the final day, the morning will allow KGHM and the Crown to present their accommodation packages to the Panel. In the afternoon, the SSN assessment team will address the Panel, commenting on the accommodation packages.

3. Role of KGHM and Crown at hearing

- (a) KGHM and the Crown have agreed to attend, listen and take notes at the hearing.
- (b) KGHM and the Crown will have the opportunity to pose questions of technical experts by supplying those questions in writing to the SSN Hearing Team by April 15, 2016.
- (c) KGHM and the Crown may also provide the Hearing Team with additional information, submissions or report addendums up to April 15, 2016.
- (d) KGHM and the Crown will provide the SSN Hearing Team with any accommodation packages by April 15, 2016.



4. Witnesses at Hearing

- (a) The Joint Council will determine which witnesses will be called at the hearing.
- (b) The SSN Hearing Team will contact any witnesses in advance of the hearing week to determine availability.

5. Evidence before Panel at the hearing

- (a) The Panel will receive and consider any evidence it deems relevant, whether or not such evidence would be admissible in a court of law.
- (b) If witnesses intend to provide written evidence, including power points, as part of their oral testimony, such material:
 - (i) must be provided to the Hearing Team electronically by April 15, 2016, and
 - (ii) 50 hard copies must be provided to the Hearing Team (46 for panel members, and 4 for the hearing team) by April 25, 2016.
- (c) The hearings will be recorded by a Court reporter.
- (d) The Hearing Team will manage the scheduling of witnesses, and will determine how much time will be made available for the testimony of each witness. Witnesses will be confirmed three weeks before the hearing, to allow for scheduling.
- (e) Questions may be asked of witnesses by the Hearing Team or the Panel Chair only.

6. Access to hearing

- (a) Days 1-4 of the hearings (May 2, 3, 4, 5) will be open to the Secwepemc Nation and Stk'emlupsemc te Secwepemc Nation, Crown representatives, KGHM representatives and by invitation to non-SSN groups and organizations.
- (b) The final day of the hearing will be open only to the Review Panel, witnesses scheduled to give evidence on the final day, the Hearing Team, SSN membership and Secwepemc Nation Chiefs and Councils, the Crown and KGHM representatives. The Review Panel may limit the participation of any or all of these parties at any point in their sole discretion.

7. Confidentiality

- (a) If a witness asserts confidentiality over any of their evidence, the Joint Council will determine whether such evidence can be received by the Panel and a process for maintaining confidentiality.
- (b) The final day of the hearing will be confidential to the Review Panel, the Hearing Team, SSN membership and Secwepemc Nation Chief and Councils, the Crown and KGHM representation. The Review Panel may limit the participation of any or all of these parties at any point in their sole discretion.



8. Deliberation Period

- (a) The Review Panel will have two weeks following the oral hearings to consider the evidence they have heard and consult with their families and communities.
- (b) The Review Panel cannot receive new evidence during the deliberation period.

9. Recommendation Week (May 24 - 27, 2016)

- (a) The Review Panel will come together for one week to develop their recommendations for the Joint Council.
- (b) On the morning of the first day of the recommendation week, the Review Panel will receive submissions from any of the Chiefs of the Secwepemc divisions, or persons designated by the Chiefs.
- (c) The Review Panel will begin its collective deliberations following submissions from the Chiefs.

10. Joint Council Review (June 9, 2016)

- (a) The Panel Chair will deliver the recommendation to Joint Council at a Special Joint Council meeting.
- (b) During the Joint Council review, the Panel Chair and any panel members as requested by the Panel Chair will be available to respond to questions from the Joint Council.
- (c) The Joint Council will consider the recommendations and prepare its decision.

11. Decision Package (June 13 - 21, 2016)

- (a) On June 13, 2016 the Decision Package will be released to SSN panel, families, and communities.
- (b) On June 13, 2016 the Decision Package will be shared with Crown representatives to be included in their Decision Packages.
- (c) On June 15, 2016 the Decision Package will be shared with other Secwepemc Chief & Councils and Nation members.
- (d) On June 21, 2016 the Decision Package will be released to the public, and will be presented at a ceremony at Pípsell.

