



Stk'emlúpsemc te Secwépemc Nation (SSN)

PO Box 188, 1030 Trans Canada Hwy.

Savona, BC V0K 2J0

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

Ten Reasons We Said Me7e Pípsell Ta7a Ajax (Yes Pípsell No Ajax)

1. The Stk'emlúpsemc te Secwépemc Nation has an irreplaceable historical, cultural and spiritual connection to Pípsell.

The Stk'emlúpsemc te Secwépemc Nation, representing the communities of Tk'emlúps te Secwépemc and Skeetchestn Indian Band, has an irreplaceable historical, cultural and spiritual connection to Pípsell. This connection is deeply rooted in one of our oral histories: the Trout Children Stseptékwll.

The Trout Children Oral History is inseparably connected to the place of the proposed Ajax mine site. It encapsulates and expresses the human connection of Stk'emlúpsemc te Secwépemc, to Pípsell. It sustains Secwépemc law about Secwépemc conduct on the land and the reciprocal accountability to living beings on the land, social conduct across generations and within generations.

Pípsell is a cultural keystone area with significant spiritual and historical importance. The Secwepemc law concept of x7ensq't (the land and sky turning on you) is directly connected to this area because it is imbued with spiritual power due to past events and where we have a special responsibility to safeguard the respectful relationship with the land, lest the land and sky turn on you. All activities and developments on SSN Territory must be consistent with SSN Laws.

Trout Children Story Link: <http://stkemlups.ca/files/2013/11/SSN-Community-Information-Article-3-Trout-Children.pdf>

2. Stk'emlúpsemc te Secwepemc Nation (SSN) has always been caretakers of these lands and we want to ensure the future enjoyment of Pípsell as it is uniquely situated to serve as a place of sharing between Indigenous and non-Indigenous people.

Our relationship of ownership and caretaking of Secwepemcúlecw, our homeland, goes back more than 10,000 years. In accordance with Secwepemc laws, customs, and traditions, members of the Stk'emlúpsemc te Secwepemc Nation (SSN) are the caretakers and stewards of specific lands within Secwepemcúlecw; we've always been caretakers of these lands. That caretaking is based on living laws that guide us in regards to all that we do: with the land, in relationship with outsiders, boundaries of our lands and our reciprocal relationship with all living things.

It is our belief that, if we as people violate the relationship of reciprocity, respect, kinship and accountability with the living land, we will face consequences. Yirí7 re stsq'ey's-kucw (our laws and customs) were given to us by Sk'elép (Coyote) as laid out in our ancient oral histories, the stseptékwll.



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Secwepemc laws govern the Secwepemc Nation building a moral and spiritual foundational of Secwepemc society which is inherently connected to the land and our history. The ancient oral history of Sk'elép and the transformers lay down three fundamental laws for the Secwepemc:

- (1) Secwepemc law of sovereignty (including the authority to make treaties);
- (2) Secwepemc law that defines rights and access to resources and;
- (3) Secwepemc laws of social and environmental responsibility (caretakership).

Secwepemc ancestors have handed down these laws inside our ancient oral histories, leaving a legacy of experience and knowledge which show us how to act toward one another and with respect to all living beings. Secwepemc stseptékwll have given Secwepemc the knowledge necessary for living in harmony with Secwepemc law as they demonstrate these laws, reminding generations of social, moral and natural consequences of Secwepemc ancestors and the breaking of these laws. They remind generations of the names, history and places throughout Secwepemcúlecw and connects these to manifestations of these deeds on the land. These laws are the lessons learned from countless generations of Secwepemc ancestors.

A fundamental principle of Secwepemc law is that each nation collectively holds its respective homeland and its resources to the exclusion of outsiders. Secwepemc Ancestors told of this through the following stseptékwll "Coyote sitting on a rock" about a group of outsiders who came into Secwepemcúlecw. This telling is also the foundation for the Stk'emplúsemc te Secwepemc logo as a reminder of the authority and jurisdiction of the Secwepemc People.

We say no to this project in order to say yes to the health of our community members and our neighbours in Kamloops and surrounding area. It does not make sense to sacrifice for all time all that we have in Pípsell to obtain limited benefits which will last for only 25 years. Many impacts were not and cannot be monetized including the adverse impacts on our cultural heritage as well as impacts on the environment.

3. Federally- the current government admitted to the inadequacy of the current federal assessment process and conducted their own expert review and BC is following suit.

There are now clearly identified inadequacies regarding EA Process and legislation at the federal level and the Provincial government is in agreement. In the newly released (April 5, 2017), "Building Common Ground: A New Vision for Impact Assessment in Canada, The Final Report of the Expert Panel for the Review of Environmental Assessment Processes," the Expert Panel stated that, in British Columbia, they "found a hot-bed of concern around oil and gas pipelines, as well as mining projects, hydro-electrical projects and ports."

The Stk'emplúsemc te Secwépemc (SSN) Joint Council was pleased to see a reflection of the many points they and other Indigenous groups raised with the Expert Panel. Of particular interest to Stk'emplúsemc





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te Secwépemc were the following recommendations as it directly relates to the challenges that SSN currently faces in their KGHM-Ajax Project Review Assessment.

Instead of advancing reconciliation, EA processes have increased the potential for conflict, increased the capacity burden on under-resourced Indigenous Groups and minimized Indigenous concerns and jurisdiction. (page 27)

The SSN Review Process has been showcased as a call out for reform to the federal environmental assessment law in Canada. Stating that flaws in Canada's environmental assessment law required SSN to conduct its own Indigenous-grounded assessment of an open pit mine. The call to Canadians is out to make a once in a generation chance to achieve a legacy of law that Canadians can be proud of and Get-EA-Right!

The newly formed BC government also recognize the importance of examining and revising the EA process in BC and its revitalization is a key aspect of the Confidence and Supply Agreement.

Link to Federal Expert Panel report:

<https://www.canada.ca/en/services/environment/conservation/assessments/environmental-reviews/environmental-assessment-processes/building-common-ground.html>

SSN Submission to CEAA Expert Review Panel: "SSN Lessons from the Land: Written Submission"

Link to report: http://eareview-examenee.ca/wp-content/uploads/uploaded_files/dec-22-ssn-lessons-from-the-land-ceaa-expert-panel-report.pdf

Link to the Get-EA-Right website:

<https://www.getearight.eco>

4. Experts express serious concerns about KGHM-Ajax possible effects on our air, water and health

The B.C. Environment Assessment Organization has recently posted some new information from our government scientists regarding the KGHM Ajax proposal to put an open-pit mine on the edge of Kamloops. The experts express serious concerns about the possible effects on our air, water and groundwater.

One of Kamloops Physicians for a Healthy Environment Society's primary concerns has been regarding air quality, and from the new information we focused on the topic of air quality. In his review, Mr. Ralph Adams, Air Quality Meteorologist says, " ... there is still large uncertainty in the model output. I am unable to supply upper bounds for the uncertainty except to say that it is larger than the accepted factor of two that is used for the Calpuff model."





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He goes on to say “In my opinion, the uncertainty in the model output for the Ajax is far larger due to the uncertainty in the emission factors than that due to the dispersion model.” So, if you cannot define these emission factors more clearly, the output by the mine operation could be much higher than predicted. Models have uncertainties – as KPHES has been saying all through the stages of this application – they are not studies of a working mine, but mathematical predictions.

The review also states that KGHM has not accounted for the likelihood that dust production will be different in the summer and the winter, during blasts and piling waste rock. These differences mean that we still do not have good information about what could be produced by the proposed mine.

Mr. Adams points out that Air Quality Objectives have been written based on 24 hour averages because most monitoring data is reported in that format. But he is careful to say, “This does not mean that there is not a health effect due to shorter periods of high concentrations, but that scientific studies are not yet able to evaluate it.” This is why we have to pay attention to short-term changes in weather conditions that could lead to spikes of air pollution in the city.

KGHM Ajax has assumed “...that the suppression of dust on the haul roads will never fall to less than 90%.” However, Mr. Adams states that “...neither I nor my colleagues at Environment Canada agree that the study supplies adequate evidence that 90% dust mitigation can be maintained in the conditions expected at the proposed Ajax mine.” He goes on to say that a reduction from 90% to 80% would result in double the emissions.

The review explains that it is not certain that the company can actually achieve the 90% target as it has not been demonstrated that they can do this in a dry environment like the one in which we live. In the summary, he states: “Short term dust events are likely to occur under dry summer conditions. These are common at other mines and similar facilities. It is unlikely that these events will have a significant effect on air quality statistics as they are so short-lived, but they will be noticeable and are considered a significant nuisance by the public.”

This information is very important for Kamloops residents who have been assured that there will be no impact by the mining company.

We strongly urge everyone to read these documents, to learn what the Ministry of the Environment experts have to say about the application, and then draw their own conclusions.

Link to Documents <https://projects.eao.gov.bc.ca/api/document/58dd2ac67fe5730019c2c5b6/fetch>

Link to story: <https://armchairmayor.ca/2017/05/02/letter-experts-express-environmental-concerns-about-ajax/>





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5. Biodiversity & sustainability of sensitive and endangered species & ecosystems

The BC Assessment Report acknowledges that grasslands are fragile ecosystems that are one of the rarest habitat classes in BC and provide habitat for over 30% of BC's listed and at risk plant species. The Ajax footprint and local study area also contain priority riparian areas that provide important features for wildlife such as water-associated migratory birds and plant communities, and habitat for rare plants and for wildlife, including at-risk and migratory birds and amphibians.

While admitting that there are uncertainties regarding the ability of KAM to off-set these impacts and the deficiencies within the baseline information the EA simply states that areas have been impacted in the past through activities such as ranching and mining. The impacts of the project on these sensitive ecosystems and species are not measured against any sustainability outcomes as recommended in Canada's Expert Panel report on Environmental Assessment.

SSN's experts found that pre-contact the Pípsell area was home to over 1/3 of all grasslands in the Kamloops region with one of the largest remaining intact grassland areas. This study showed that there has been a 67% loss in the integrity of grasslands in the Kamloops region and an intensified 72% loss within the Jacko Lake area. The project itself would result in an additional and accelerated loss of intact grasslands, however the EA Report deemed these to be residual effects which are not significant because of the conditional re-creation of grasslands and sharp-tailed grouse leks "may" off-set these impacts. Neither of SSN's experts Dr. John Thistle and Dr. Nancy Turner could reference to a case of grasslands restoration which resulted in successful recreation of this sensitive ecosystem and the biodiversity they support.

6. Water withdrawal on an Endangered River in perpetuity?

Canada's Expert Panel recommended the development of regional and strategic impact assessments in order to examine the cumulative impacts of industry in areas of concern. Within the SSN Process we called on the development of a cumulative impact model for the use of waters connected to Kamloops Lake and the Thompson River system. These systems connected through aquifers, which are home to the Xqelmecwétkwe (Water People), have been impacted in a piecemeal and poorly understood manner. BC's Water Sustainability Act reported that from 2016 onwards it would focus on the development of Water Objectives and Sustainability Plans. This has not been done or complete for the Thompson system and there aren't any water sustainability objectives or plans which the proposed 1505m³/hour of water withdrawal from Kamloops Lake, or impacts to Peterson Creek can be assessed against in order to determine the significance of this impact into the future. With Fraser River sockeye salmon stocks at a historic low, the designation of the Thompson River as an endangered river, and climate change impacts looming this is a risk we should not take.

SSN instead requested the assessment of alternatives such as using Kamloops tertiary treated water instead of fresh water from Kamloops Lake. Upon completion of this assessment KGHM which included





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an assessment of metal recovery using this water KGHM stated that “The economics of the Ajax Project are critically dependent upon the percentage of copper and gold recovered from mined ore as part of the metallurgical flotation processing circuit... and that... The significant loss of recovery alone makes the use of effluent an unviable option.” If economic sensitivity of the project does not allow for even these small variations in metal recovery, what will happen when the construction or operational costs of the project exceed those projected and the project becomes un-profitable? Which environmental, social or economic mitigation plans and activities will be to be “optional” and who will be there to ensure they are being delivered?

7. BC Auditor General Carol Bellringer Reports that BC government management of mining industry is failing to protect the environment against significant risk.

The EA Report depends on mine permit conditions and the application of legally binding mitigation measures to reduce the significance of impacts, but on May 3, 2016, BC Auditor General Carol Bellringer released “An Audit of Compliance and Enforcement of the Mining Sector” and concluded that the BC government’s management of the mining industry is failing to protect the environment against significant risk. She based her decision after a two-year investigation that found a regulatory regime defined by too few resources, infrequent inspections and a lack of enforcement.

Link to report:

<http://www.bcauditor.com/sites/default/files/publications/reports/OAGBC%20Mining%20Report%20FINAL.pdf>

Fair Mining Collaborative recently (March 8, 2017) called for a Commission of Public Inquiry to investigate and report on the Province’s regulation of the mining industry and make recommendations to improve regulation based on evidence that the provincial mine regulatory system is in a state of profound dysfunction. The report recommends inquiry is made into and recommendations on questions such as how can the Province best ensure that mining companies – not taxpayers – pay to reclaim mines and protect taxpayers and others from the current massive potential liability identified by the Auditor General.

Link to Report

http://www.elc.uvic.ca/wordpress/wp-content/uploads/2017/03/2016-03-02-MiningPublicInquiry_2017Mar8.pdf

8. Net Benefits to SSN, British Columbians and Canadians?

The EA Report states that the Statistics Canada Input-Output model is an industry accepted model for estimating economic impacts of a project. Dr. Chris Joseph who specialized in economic valuation in



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environmental assessment provided his independent expert opinion to SSN showing that the Application and KGHM present a skewed and partial picture of the incremental or net benefits of the project. These are presented as gross benefits not net benefits or what you can think of as your “take home” after deductions from a paycheck. Dr. Joseph recommended a cost benefit analysis which is standard in the world for many jurisdictions including the World Bank. His assessment valued the project from a net benefit of -\$650 million to +\$110 million utilizing a cost benefit analysis with costs he was able to price however other costs could not monetize stating it is not clear from his cost benefit assessment that the project will provide a net benefit to SSN or Canada.

KGHM's claims regarding Economic Benefits in the EA Report are based on the KGHM Feasibility study dated February 19, 2017. Mr. Tim Oliver, a qualified professional with over 40 years of experience, provided his expert opinion as a feasibility study manager and speaks regularly on BNN in his field. His assessment of the KGHM feasibility study which is used to build a prospective case for a mining operation so that an investment decision can be made by the management of the company. This is based on engineering, economics and environmental information. In his analysis, he found that even at the reported Internal Rate of Return of 11.1% for investors is less than what most companies view as able to support an investment decision to go for a project stating that most boards of directors in industrial projects look for a minimum of 15% return on their investment. He also found that both the qualified personal was and economic model were lacking in detail and could not be tested or confirmed regarding revenue elevations when costs were not also elevated.

9. Experts Conclude that KGHM-Ajax Represents an Unconscionable Risk to Investors, Governments and the Public

A report by Mining Watch Canada concludes that the Ajax open pit mine project, “does not make economic sense” and “represents an unconscionable risk to investors, governments and the public.” The watchdog organization recommended that the mine should not be permitted and that an investigation be undertaken by the BC Securities Commission for inadequate disclosure of risks and costs.

“It is our considered opinion that Ajax's Feasibility Study and EIS severely underestimate costs and risks of production, use over optimistic copper prices, and do not cover a number of externalized community and environmental costs” said the report's author Joan Kuyek.

The report highlights a number of social and environmental costs externalized to Kamloops and BC taxpayers and not monetized in Ajax's studies. These include as much as \$524 million in power subsidy (\$30million/year), \$216 million or more for air pollution (over \$12million/year), \$155 million in loss of property value (using 5% decrease), \$135 million on loss of tourism (using a 5% decrease) and \$23 million in municipal taxes.





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Report Link: http://miningwatch.ca/sites/default/files/2016-04_ajax_application_review-miningwatch_canada.pdf

In May 2016, the UBCIC's Report *Towards Financial Responsibility* by economist Robyn Allan showed that the BC Government is enabling a dangerous disregard for environmental monitoring, reporting and protection among mining companies by letting them off the hook for the full costs of environmental reclamation – leaving taxpayers liable for more than \$1.5 billion.

Report Link http://miningwatch.ca/sites/default/files/toward_financial_responsibility.pdf

10. SSN Employment Benefits Reality Check

The SSN Employment & Training Department has over 8 years' experience bringing together industry, educational and First Nations partners to build a skilled Indigenous workforce who fit labour market and employer needs. The following was their professional observations:

SSN has respectful agreements in place with some progressive mines. Less than 10% of those mines total employment are our members (Skeetchestn and Tk'emlúps) and just over 20% Aboriginal hires in general. It is unlikely that there would be higher numbers from KGHM.

Also, as far as salary, the current numbers that KGHM is touting as reality do not match with the study conducted by PricewaterhouseCoopers LLP (PwC) for the British Columbia Aboriginal Mine Training Association (BC AMTA). The average salary was found to be \$52,959, not \$90,000 as presented by KGHM.

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BACKGROUND:

- **PÍPSELL DESIGNATION AS A SECWEPEMC NATION CULTURAL HERITAGE SITE**

June 20, 2017 Media Release: Stk'emplúsemc te Secwepemc Nation and Allies Celebrate Pípsell Designation as Secwépemc Nation Cultural Heritage Site and New Exhibit at the Secwépemc Museum and Heritage Park

Video Link: <https://vimeo.com/222291883>

PDF of Media Release:

http://stkemlups.ca/files/2013/11/June20_2017_Media-Release_final.pdf

- **SSN DECISION RE: KGHM-AJAX**

Video Link: <https://vimeo.com/210983969>

PDF of 12-page Decision Summary Booklet:

http://stkemlups.ca/files/2013/11/2017-03-ssnajaxdecisionsummary_0.pdf

- **SSN ALLIES FORMALISE THEIR SUPPORT FOR SSN DECISION**

April 1, 2017 Media Release: *SSN Allies* Declare their support for the SSN Pípsell Decision to say No to KGHM Ajax and Yes to Health People and Environment

PDF of Media Release

<http://stkemlups.ca/files/2013/11/2017.04.01-SSN-Media-Release-Allies-Event.pdf>

- **SSN SUBMISSION TO CEEA EXPERT PANEL**

Lessons from the Land: Written Submission, Prepared for the CEEA Expert Panel by Stk'emplúsemc Te Secwepemc Nation, December 22, 2016

PDF of Report

http://eareview-examenee.ca/wp-content/uploads/uploaded_files/dec-22-ssn-lessons-from-the-land-ceaa-expert-panel-report.pdf

- **SSN PROJECT REVIEW PROCESS**

Video Link: <https://vimeo.com/194534066>

PDF of 4-Page Process Booklet: http://stkemlups.ca/files/2013/11/SSN_4Pager-v13-12.02-WEB.pdf

