

Memo

Date: 12 December 2016

To: KGHM Ajax Mining Inc.

From: Amec Foster Wheeler Environment & Infrastructure

Ref: KGHM Ajax Project
Environmental Assessment Application/Environmental Impact Statement

Re: Round 2 Federal Information Requests – Response to CEAA-055.1

1.0 INTRODUCTION

The KGHM Ajax Project Environmental Assessment Application/Environmental Impact Statement (Application/EIS) for a Comprehensive Study was formally submitted for review to the British Columbia Environmental Assessment Office and the Canadian Environmental Assessment Agency (CEAA) on January 18, 2016. CEAA provided KGHM Ajax Mining Inc. (KAM) with Information Request (IRs). Amec Foster Wheeler Environment & Infrastructure has prepared this memorandum in response to IR number CEAA-055.1.

2.0 INFORMATION REQUEST

There are two IRs submitted by CEAA on the topic of engaging the Stk'emlupsemc te Secwepemc Nation (SSN) in a discussion regarding the Trout Children Story and how related potential effects will be assessed in the Application/EIS. The two IRs are presented below.

CEAA-055

“Describe the efforts made to engage the SSN in discussion regarding the Trout Children Story and how related potential effects will be assessed in the EIS. Provide a description of any comments received from the SSN through these efforts and any further efforts taken to address the comments received.”

Describe how any assessments of potential effects, as described in the EIS were updated to reflect the consideration of the Trout Children Story and the results of those updated assessments.”

The response to this IR was submitted in memorandum 0715_KAM_Response to CEAA IR 055. This memorandum described KAM's efforts to engage the SSN regarding the Trout Children Story assessment and explained the updates made to the Application/EIS in consideration of the Trout Children Story.

CEAA-055.1

“Per the original IR, describe how any assessments of potential effects, as described in the EIS, were updated to reflect the consideration of the Trout Children Story. Describe the outcomes of any assessments that were updated to reflect consideration of the Trout Children Story.”

3.0 RESPONSE

The following information has been prepared to address the IR CEAA-055.1, presented above.

CEAA-055.1 Response

The results of the assessment presented in Addendum #3 Trout Children Story Assessment do not trigger the need to update the assessment of effects on other Valued Components (VCs). Addendum #3 presents an assessment of effects on five components of the Trout Children Story, as follows:

- Ritual Fasting;
- Offerings;
- Prayers;
- Chickadee Song; and
- Root Digging.

The assessment presented in Addendum #3 draws on results from various VCs within the Application/EIS; including the following:

- Current use of land and resources for traditional purposes (CULRTP) (Section 8.5);
- Surface water quality and quantity (Section 6.3 and 6.4);
- Fish populations and fish habitat (Section 6.7);
- Vegetation VCs, such as rare plants (Section 6.8);
- Wildlife VCs, including non-migratory gamebirds (Section 6.16) and mammals (Section 6.17);
- Social VCs, including land and resource use (Section 8.4);
- Archaeological sites and heritage sites (Section 9.1 and 9.2); and
- Health VCs, including air quality (Section 10.1), noise and vibration (Section 10.5).

Where applicable, relevant information from these sections of the Application/EIS was used to inform how the five components of the Trout Children Story may be affected by the development of the Project. During the screening and Application/EIS Review phases of the Application/EIS, the Trout Children Story assessment has been taken into account to address comments related to the some of the above listed VCs, and additional mitigation and management measures have been proposed, as explained below:

- The Trout Children Story assessment was considered in the preparation of Addendum #2 SSN Governance, because it explains the deeds of Secwépemc people on the land, water,

and sky as inseparable. Also, the SSN state that their rights to governance as presented in the Trout Children Story include their ability to be stewards of land and resource management. To mitigate effects on SSN stewardship, KAM will work with the SSN to document past, present and future land uses in the areas surrounding the Project and in the larger traditional territory. As stated in the Application/EIS and re-stated in response to Round 2 Comment SSN-DD (KAM, 2016), KAM is committed to implementing a collaborative approach to reclamation and mine closure planning with the SSN, and information about past, present and future land uses will support the SSN's involvement in future land use planning for consideration in the Reclamation and Closure Plan.

- Addendum #3 Trout Children Story Assessment allows for a deeper understanding of the ceremonial practices that are important for the SSN, including ritual fasting, offerings, prayers, Chickadee Song and root digging. In response to this assessment and to other comments provided by the SSN during the Application/EIS Review Phase (e.g., Round 2 Comment #DD), KAM has updated the objectives for the closure and reclamation plan. KAM now proposes that the closure objectives in the next version of the closure plan, which will be submitted with the *Mines Act* permit application, be expanded to also include incorporation of SSN traditional knowledge into reclamation and restoration planning. This will involve restoration of areas to support traditional uses of the land, including such ceremonial uses as those identified in the Trout Children Story assessment.
- Addendum #3 Trout Children Story Assessment considers the commitments presented in the Application/EIS and proposes additional measures including that KAM, in collaboration with the SSN, develop a plan to monitor cultural practices, considering the practice of ritual fasting, prayers, offerings, Chickadee Song and root digging in Pipsell. Potential strategies for that plan could include voluntary reporting, community meetings or traditional land user interviews.
- In response to Round 1 comments during the Application/EIS Review Phase, additional terrestrial-wildlife mitigation measures were developed with specific objectives of further avoiding, minimizing or restoring conditions for wetland and grassland habitats and the associated plants and wildlife species that rely on them. This includes species of importance for activities that are mentioned in the Trout Children Story, such as plant gathering and other ceremonial activities.

Finally, it should be noted that the outcome of Addendum #3 Trout Children Story Assessment is consistent with what is presented in the Application/EIS in Section 8.5 CULRTP and Section 13 Aboriginal Interests (Rights and Title). As stated in the response to IR CEAA-051, Addendum #3 complements and expands on the analysis of potential effects of the Project on the practice of ceremonial use right described in Section 13 of the Application/EIS, in particular as they relate to cultural practices associated to the geographical components of Pipsell. The five components of the Trout Children Story that were included in the scope of the assessment in Addendum #3 correspond to additional "Ceremonial or Other Cultural Uses," which are an indicator for CULRTP, which informed the assessment presented in Section 13. Following this logic, the determination of seriousness of residual effects for the five components of the Trout Children Story was compared with the determination of significance of residual effects on Ceremonial and Other Cultural Uses, as presented in the table below.

Table 1: Comparison of Seriousness of Residual Effects for Components of the Trout Children Story and Significance of Residual Effects for Indicator of Current Use of Lands and Resources for Traditional Purposes

Components	Residual Effect	Seriousness of Adverse Residual Effects (1)
Ritual Fasting	Disruption of the SSN's ability to experience ritual fasting	Minor
Offerings	Disruption of the SSN's ability to experience offerings	Moderate
Prayers	Disruption of the SSN's ability to experience prayers	Moderate
Chickadee Song	Disruption of the SSN's ability to experience the Chickadee Song	Minor
Root Digging	Disruption of the SSN's ability to exercise root digging	Moderate
Indicator	Residual Effect	Significance of Adverse Residual Effects (2)
Ceremonial and Other Uses	Disruption of Ceremonial Use	Not Significant (Moderate)

Notes:

1. Table 7.1-1 Summary of Residual Effects in Addendum #3 Trout Children Story Assessment
2. Table 8.5-27 Characterization of Residual Effects, Significance, Likelihood and Confidence on Current Use of Land and Resources for Traditional Purposes in Section 8.5 of Application/EIS

As shown in the table above, the conclusions of the assessments presented in Section 8.5 and Addendum #3 Trout Children Story Assessment are consistent. Section 8.5 of the Application/EIS does not need to be updated in light of the results of the Trout Children Story assessment; rather, Addendum #3 is to be considered as an expansion of the assessment originally presented in Section 8.5, with focus on specific ceremonial practices related to the Trout Children Story.

4.0 CONCLUSION

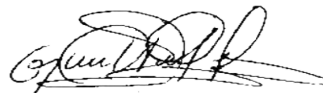
We trust that the information provided in this letter addresses the question or concern noted in Section 2.

Respectfully submitted,

**Amec Foster Wheeler Environment & Infrastructure,
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5.0 REFERENCES

KGHM Ajax Mining Inc. (KAM). (2016). *Memorandum: Response to Ajax Project Application/EIS Panel Report: MINE CLOSURE PLANNING WITH FIRST NATIONS COMMUNITIES: THE STK'EMLUPSEMC TE SECWPEMC NATION AND THE NEW AFTON MINE* by Benjamin Collins. From KAM to SSN, 7 November 2016.