



**Krista Robertson**  
Direct: 604.566.8564  
Email: [krista@mandellpinder.com](mailto:krista@mandellpinder.com)

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VIA EMAIL - [EMPR.Minister@gov.bc.ca](mailto:EMPR.Minister@gov.bc.ca)

Minister of Energy, Mines, and Low Carbon Innovation  
Parliament Buildings  
Victoria, BC V8V 1X4

**Attention: Honourable Josie Osborne**

Dear Minister Osborne:

**Re: Request to Designate New Ingerbelle Project as Reviewable Project proposed by Copper Mountain Mining Company**

Please accept this letter as a formal request to designate the New Ingerbelle Project (“**New Project**”) proposed by the Copper Mountain Mining Company (“**CMMC**”) pursuant to section 11 of the *Environmental Assessment Act* on behalf of our client the Lower Similkameen Indian Band (“**LSIB**”). The request is made to advance reconciliation with Indigenous peoples by respecting Smilq’mixw People of the Syilx Nation’s inherent Indigenous rights and Aboriginal title and rights, including the right to make land use decisions about unceded traditional lands.

The New Project is proposed within unceded Syilx Territory and within the area for which the Smilq’mixw People of the Syilx Nation and where LSIB on behalf of the Smilq’mixw People of the Syilx Nation exercise Aboriginal rights and title guaranteed by s.35 of the *Constitution Act, 1982* and Indigenous rights protected by the *United Nations Declaration of the Rights of Indigenous People* (“**UNDRIP**”) and the *Declaration of the Rights of Indigenous People Act* (“**DRIPA**”). The New Project will undeniably have effects on the Smilq’mixw and their rights recognized and affirmed by [section 35](#) of the [Constitution Act, 1982](#).

This government has now passed the *DRIPA* which affirms BC’s commitment to the implementation of UNDRIP into BC law. UNDRIP provides the minimum standards for the survival, dignity and well-being of Indigenous people. DRIPA acknowledges the following minimum rights, among others:

- the right to self-determination, including freely determine pursue our economic, social and cultural development (Article 3);
- the right not to be subjected to forced assimilation or destruction of our culture (Article 8);
- the right not to be forcibly removed from our lands or territories. No relocation shall take place without the free, prior and informed consent and after agreement on just and fair compensation and, where possible, with the option of return (Article 10);

- the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use and states shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the Indigenous peoples concerned (Article 26);
- the right to determine and develop priorities and strategies for the development or use of our lands or territories and other resources (Article 32.1); and
- the right to have the state cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain our free and informed consent prior to the approval of any project affecting their lands or territories and other resources (Article 32.2).

LSIB's request to an environmental assessment for the New Project as an integral component of the requirement for free, prior and informed consent to the New Project. LSIB is concerned with and objects to the New Project proceeding through the provincial regulatory process without a firmly established Government to Government agreement on the process which will be used to obtain Syilx Nation's free, prior and informed consent to the New Project in accordance with *UNDRIP*, *DRIPA*, and Syilx Aboriginal title and rights. It is LSIB's view that such formal process can be initiated through the designation of the New Project as a reviewable project under the *Environmental Assessment Act* as a means to identify and be informed about the Project impacts. LSIB is prepared to engage with BC in the development of an appropriate assessment process.

#### **Effects on Indigenous Nation and Rights Recognized and Affirmed by the Constitution Act, 1982**

The New Project is at its very preliminary stages but it is understood that it is targeted to produce through open pit mining methods nearly 200 million lbs of copper and gold, in close proximity to CMMC's existing mine development at Copper Mountain. As such, the New Project will cause and add to the cumulative effects on Syilx title and rights through the following impacts:

- Tailings production and its related impacts surface and ground water quality;
- Potential fish and fish habitat impacts;
- Air pollution, including dust impacts;
- Health and safety impacts from accidents and malfunctions;
- Impacts to wildlife including culturally important and threatened at risk species;
- Loss of vegetation and deterioration if important cultural use plants;
- Access impacts; and
- Closure and reclamation uncertainty including legacy contamination issues.

The Four Food Chiefs Captiklw contains the law which defines the relationship between the Tmixw and Tmxulaxw and the Smilq'mixw of the Syilx Nation, as one of equality, harmony and reciprocity, which includes the principles of sustainability, ongoing use, minimal harm, reparation and restoration. Smilq'mixw of the Syilx Nation Indigenous Rights title rights include the right to make decisions about its unceded territory in accordance with its Indigenous laws and customs. As such, the designation will support the purposes set out in section 2 of the *Environmental Assessment Act*.

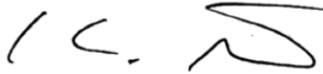
Much of Syilx lands have been exploited without the consent, participation, compensation or benefit of the Syilx Nation. There are only a few remaining places left where Smilq'mixw of the Syilx

Nation can practice their ancestral way of life, including their governance and stewardship practices and customs. The BC Crown is obligated to assess and manage through an ongoing and effective process the cumulative effects of development on Syilx title and rights (*Yahey*, 2021 BCSC 1287). An appropriate and adequate cumulative effects assessment is necessary for the New Project, which can be completed only through an environmental assessment under the Act with LSIB's full participation.

Thank you for the consideration. We look forward to your positive response.

Yours truly,

MANDELL PINDER LLP

A handwritten signature in black ink, appearing to read 'K. Robertson', with a stylized flourish at the end.

Krista Robertson\*

\*Law Corporation

KR/ct

cc: [Alex.terbasket@lsib.net](mailto:Alex.terbasket@lsib.net)