



The Snayckstx (Sinixt)  
Confederacy

P.O. Box 150, Nespelem, WA 99155



The Confederated Tribes of  
the Colville Reservation

May 7, 2025

VIA EMAIL – [ENV.Minister@gov.bc.ca](mailto:ENV.Minister@gov.bc.ca)

Honourable Tamara Davidson  
Minister of Environment and Parks  
PO Box 9047 Stn Prov Gov  
Victoria, BC V8W 9E2

Dear Minister Davidson:

**Re: Application to have the Record Ridge mine project located on Sinixt traditional territory to be designated as a reviewable project**

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I write on behalf of the Confederated Tribes of the Colville Reservation (CTCR) and the Sinixt Confederacy to apply to the Minister to have the Record Ridge mine project designated a reviewable project under s. 11 of the *Environmental Assessment Act*, S.B.C. 2018, c. 51 [EAA].

### ***The Proposed Project***

By way of background, on April 23, 2021, the Supreme Court of Canada handed down its decision in *R. v. Desautel* recognizing the SŃŃayckstx (Sinixt/Arrow Lakes) as an Aboriginal people of Canada with a constitutionally protected right to use their territory as they did at the time of first contact, and to be duly consulted on anything that can impact their use of the territory. As the Supreme Court specifically confirmed, that territory “ran as far south as an island just above Kettle Falls, in what is now Washington State, and as far north as the Big Bend of the Columbia River, north of Revelstoke in what is now British Columbia”.<sup>1</sup> The Court also recognized the Arrow Lakes tribe, one of the twelve constituent tribes of the CTCR with approximately 3,500 members, as a successor group to the Sinixt.

The CTCR has formed the Sinixt (Arrow Lakes) Confederacy, formerly known as the Arrow Lakes Aboriginal Society, to represent Sinixt people on both sides of the international border, regardless of tribal or band affiliation, in a manner consistent with Indigenous law and traditions.<sup>2</sup>

WHY Resources Inc. proposes to build a large mineral mine (the “Proposed Project”) right in the heart of Sinixt territory, near Rossland.

The Sinixt have rights protected under s. 35(1) of *Constitution Act, 1982* to use their territory as they did at the time of first contact, as the country’s highest court has recognized. The Proposed Project poses a very real threat to the exercise of these rights. However, the precise scope of the Proposed Project’s potential impact on Sinixt rights

<sup>1</sup> *R. v. Desautel*, 2021 SCC 17 at para. 4

<sup>2</sup> The CTCR are not represented by any other entity in Canada. Note that the submission of the Save Record Ridge Action Committee Society (SSRAC) dated April 7, 2025 identifies the CTCR as a member of the Okanagan Nation Alliance. This is an error: the CTCR is not a member of the ONA.

has not been presently assessed and will not be understood absent a proper process—i.e., an assessment under the *EAA*.

The Sinixt agree with the submission of the Save Record Ridge Action Committee Society (SSRAC) dated April 7, 2025 that properly understood, the Proposed Project does trigger the production capacity threshold in the *Reviewable Projects Regulation* such that an environmental assessment should be required by law. The proponent has decreased the figure of its intended production to avoid an environmental assessment, but as your Ministry has acknowledged, very little else about the project has changed,<sup>3</sup> meaning very little else about its potential environmental impact and the need for an environmental assessment has changed.

However, even if the Minister concludes the Proposed Project falls below the threshold in the *Regulation*, it is plainly in the public interest that the project be subject to an environmental assessment regardless. We have reviewed the SSRAC application dated April 7, 2025, and agree with many of the concerns SSRAC has raised. We add the following submissions on the factors the Minister must consider under s. 11(4) of the *EAA* in determining whether an assessment is in the public interest under s. 11(6) of the *EAA*.

### **Section 11(4)(a): The applicant is an Indigenous nation**

The Sinixt people, as an Aboriginal people of Canada, are an Indigenous nation with constitutionally protected rights to continue to use their traditional territory as their ancestors did. The Sinixt require an environmental assessment under the *EAA* to be conducted to ensure the potential effects of the Proposed Project are adequately understood and, if necessary, mitigated. An environmental assessment is required to respect and protect the Sinixt's s. 35 rights, which it will do by creating consensus-seeking opportunities between the Province and the Sinixt and ensuring the Sinixt have access to capacity funding to meaningfully participate in the process.

The 2018 *EAA* is designed to support reconciliation with Indigenous peoples, including through the implementation of the United Nations Declaration on the Rights of Indigenous Peoples.<sup>4</sup> One of its guiding purposes is to “recogniz[e] the inherent jurisdiction of Indigenous nations and their right to participate in decision making in matter that would affect their rights” and to “collaborat[e] with Indigenous nations in relation to reviewable projects”.<sup>5</sup>

Part of how the *EAA* achieves this goal is by requiring the Province to seek the consent of Indigenous nations in major decisions for projects with potentially significant environmental impacts.<sup>6</sup> Indigenous nations whose rights might be affected by a proposed project are given the opportunity to participate in an environmental assessment process once initiated, which both respects the jurisdiction of Indigenous Nations over their lands and resources and ensures the Province's decision-making is informed by Indigenous knowledge and expertise.

Importantly, when an environmental assessment is initiated, the EAO provides capacity funding to participating Indigenous nations to support their meaningful engagement in an assessment process.<sup>7</sup>

Requiring an environmental assessment for this project is necessary to support reconciliation, to meaningfully engage with the Sinixt and to meaningfully understand the potential impact of the project on our constitutionally protected rights.

<sup>3</sup> See “Recommendations for Record Ridge v3 feb 19 2025”, a document shared with the Confederacy by the Ministry in February 2025, which states in s. 1.2: “After the decision by the EAO, the company made another revision in their application to reduce their tonnage to 63,500 tons per year in September 2024. There were not many other changes. Infrastructure, mine plan, reclamation and mitigation plans were essentially the same. . . .”

<sup>4</sup> *EAA*, s. 2(2)(b)(i)(A)

<sup>5</sup> *EAA*, s. 2(2)(b)(i)(B), (C)

<sup>6</sup> See e.g. *EAA*, ss. 16(1), 19(1), 19(2)(b)(i), 27(5), 28(3), 29(3)

<sup>7</sup> See e.g. EAO, “Early Engagement Policy” (June 19, 2024), p. 13 (“The EAO will ensure participating Indigenous nations have capacity funding to support participation . . .”), 14 (“Participating Indigenous nations are afforded specific procedural rights within the Act, including capacity funding . . .”), 27 (“Proponents are expected to support engagement activities with Indigenous nations by providing capacity funding . . .”)

Requiring an environmental assessment for the Proposed Project will give a clear and defined process by which the project's impacts can be assessed and understood. While the Ministry of Mining and Critical Minerals (MMRC) has engaged in a limited consultation process, this process has lacked transparency and clarity, and the limited materials shared with the Sinixt have included missing and incomplete information.<sup>8</sup> MMRC has not defined the process it is following to decide on a permit for the project in a thorough, timely, or transparent way; has not sought to build consensus with the Sinixt; and has not provided the Sinixt Confederacy with capacity funding, despite the fact that since initially learning of the Proposed Project in 2024, the Sinixt Confederacy has repeatedly identified that it needs capacity funding in order to meaningfully review the project and provide Sinixt expertise on its anticipated effects.<sup>9</sup>

Crucially, the MMRC process is simply not an environmental assessment, and cannot be an adequate substitute for one. It is designed to determine if a permit should be granted for the Proposed Project and if so, what conditions should be included on that permit. It is not designed to holistically and cumulatively assess the Proposed Project's environmental, economic, social, cultural and health effects, and to coordinate that assessment with Indigenous nations in a way that facilitates reconciliation. The Province designed a specific process in which to do this: the 2018 *EAA*. Reconciliation demands it be utilized.

**Section 11(4)(b): The Proposed Project could have effects on the applicant Indigenous nation and its rights recognized and affirmed by s. 35 of the *Constitution Act, 1982***

Section 35(1) recognizes and protects the rights of Aboriginal peoples of Canada to use their traditional territories as they have since long before the arrival of Europeans or the assertion of British sovereignty.<sup>10</sup> The Court recognized in *Desautel* that the Sinixt, despite their displacement, are an Aboriginal people of Canada within the meaning of s. 35 and their traditional use of the land is constitutionally protected. That case went on to specifically recognize the Sinixt right to hunt on their traditional territory, but the protection of s. 35(1) extends to all of the Sinixt's pre-contact practices, traditions, and customs, as well as protecting the Sinixt's right to use and govern the land they exclusively occupied at the time of the assertion of sovereignty.

It is apparent the Proposed Project could affect both the Sinixt and their s. 35 rights, which the Province has ample knowledge of. To highlight just three examples:

- The Proposed Project has the potential to impact ungulate habitat, which affects both the Sinixt's interests in managing and safeguarding the ungulate resources to which they have long been connected, and the Sinixt's court-recognized s. 35(1) right to hunt. The scope of the potential impact, the risks of the project, and any potential mitigation measures should all be studied and addressed through an assessment under the *EAA*. As the Sinixt have highlighted, the work done by MMRC so far does not even include a summary of potential ungulate habitat loss, potential effects of that loss, and mitigation strategies. This research must be done, and must be done in collaboration with the Sinixt.
- The Proposed Project has the potential to impact fish, plants, wildlife, and other key resources relied on by the Sinixt. These impacts have similarly not been studied, and cannot be studied without a robust process including capacity funding to allow the Sinixt to be part of that process.
- The Proposed Project has the potential to impact archaeological and cultural sites. These impacts, again, require the funding and structure of a proper process to be studied by the Sinixt so that any potential impacts can be accurately and appropriately weighed by the decision maker.

These potential impacts are also highlighted in the correspondence the Sinixt have had with MMRC (enclosed).<sup>11</sup>

<sup>8</sup> See March 14, 2025 letter from Chairman Erickson to Katherine Wagar, Regional Director at MMCM highlighting some of these issues.

<sup>9</sup> See e.g. May 29, 2024 letter from Chairman Erickson to Tracy James, Executive Project Director at the EAO; June 12, 2024 letter from Chairman Erickson to Katherine Wagar, Regional Director at MMCM; June 17, 2024 letter from Chairman Erickson to Tracy James, Executive Project Director at the EAO; March 14, 2025 letter from Chairman Erickson to Katherine Wagar, Regional Director at MMCM

<sup>10</sup> See e.g. *Desautel* at para. 27

<sup>11</sup> January 24, 2025 Email from James Baxter, Sinixt Confederacy and CTCR, to Katherine Wagar, Regional Director at MMCM; March 14, 2024 letter from Chairman Erickson to Katherine Wagar, Regional Director at MMCM

**Section 11(4)(c): The potential effects of the Proposed Project will be greater than or equivalent to the potential effects of a mine extracting 75,000 tonnes a year**

The Sinixt Confederacy relies on and adopts the submissions of SSRAC with respect to s. 11(4)(c) of the *EAA*. Given very little has changed about the design, and therefore the potential effects, of the Proposed Project since its intended production was set at 249,000 tonnes—well above the threshold at which an *EAA* is required—there is compelling evidence to suggest the potential effects of the project will be well above that of a 75,000 tonne mine.

**Section 11(4)(d): The purposes set out in s. 2 of the *EAA* support an assessment of the Proposed Project being required**

Section 2 of the *EAA* sets out the purposes that guide the legislation, which have been highlighted throughout this letter. Environmental assessments are designed to fulfill two needs: under s. 2(2)(b)(i), to promote sustainability by protecting the environment and fostering a sound economy; and under s. 2(2)(b)(ii), to support reconciliation with the Indigenous peoples of British Columbia.

Neither of these needs will be met without the comprehensive and structured process set out under the *EAA*. The objectives under s. 2 further support designating the Proposed Project as reviewable.

The Sinixt Confederacy would be pleased to meet to discuss any questions you may have about this application.

Sincerely,



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Jarred-Michael Erickson, Chairman

Encl: letter dated 6/12/24



The Sḥáʔckstx (Sinixt)  
Confederacy

P.O. Box 150, Nespelem, WA 99155



The Confederated Tribes of  
the Colville Reservation

Katherine Wagar, P.Ag  
Regional Director, South East (Kootenay Boundary)  
Ministry of Energy, Mines and Low Carbon Innovation  
202 100 N Cranbrook Street  
Cranbrook, BC

VIA E-MAIL: [Kathie.wagar@gov.bc.ca](mailto:Kathie.wagar@gov.bc.ca)

June 12, 2024

Dear Ms. Wagar:

*Re: Record Ridge Project - RRIMM MDRC Review*

I am the Chairman of the Confederated Tribes of the Colville Reservation (CTCR) and the Sinixt (Arrow Lakes) Confederacy. I write in respect to your June 3, 2024 email requesting comments as to the above-captioned matter by June 20, 2024.

By way of background, on April 23, 2021, the Supreme Court of Canada handed down its decision in *R. v. Desautel*, recognizing the Sḥáʔckstx (Sinixt/Arrow Lakes) as an Aboriginal Peoples of Canada with a constitutionally protected right to hunt in their traditional territory in British Columbia, and to be duly consulted on anything that can impact that right. As the Supreme Court specifically confirmed, that territory “ran as far south as an island just above Kettle Falls, in what is now Washington State, and as far north as the Big Bend of the Columbia River, north of Revelstoke in what is now British Columbia” (for visual depictions of Sinixt territory, see the attached place names map and a map prepared by provincial experts in 1956 depicting Indigenous territories in 1850). The Court also recognized the Arrow Lakes tribe, one of the twelve constituent tribes of the CTCR with approximately 3,500 members, as a successor group to the Sinixt.

CTCR has formed the Sinixt (Arrow Lakes) Confederacy, formerly known as the Arrow Lakes Aboriginal Society, to represent Sinixt people on both sides of the international border, regardless of tribal or band affiliation, in a manner consistent with Indigenous law and traditions. As the enclosed maps make clear, this proposed project falls squarely in Sinixt Traditional Territory, and we require full engagement on this project as the lead First Nation moving forward.

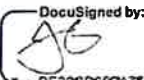
Unfortunately, however, we are not in a position to provide comments by the requested deadline of June 20, 2024. Notwithstanding that the Supreme Court of Canada issued its decision in the *Desautel* case over three years ago, we have yet to receive any capacity funding from the Province of British Columbia to address the many consultation referrals arising out of provincial decision-making within Sinixt traditional territory. We had expected the funding to be in place to allow us to deal with this specific referral, but it has not materialized to date.

To be clear, this project raises a number of potential issues affecting our section 35 rights which require careful consideration, including impacts on cultural plants, wildlife and water quality. While CTCR does have considerable expertise on these matters within its staff and external consultants, in light of pre-existing funding and budgetary constraints, we are not able to deploy that expertise without capacity funding from the Province.

We are therefore requesting an urgent meeting to discuss how capacity funding can be provided by EMLI or another provincial ministry. ***In the interim, no decision should be taken by the EMLI on this project until we are in a position to provide you with our comments.*** Such a decision would be contrary to the Province's constitutional obligations to the Sinixt and inconsistent with the honour of the Crown.

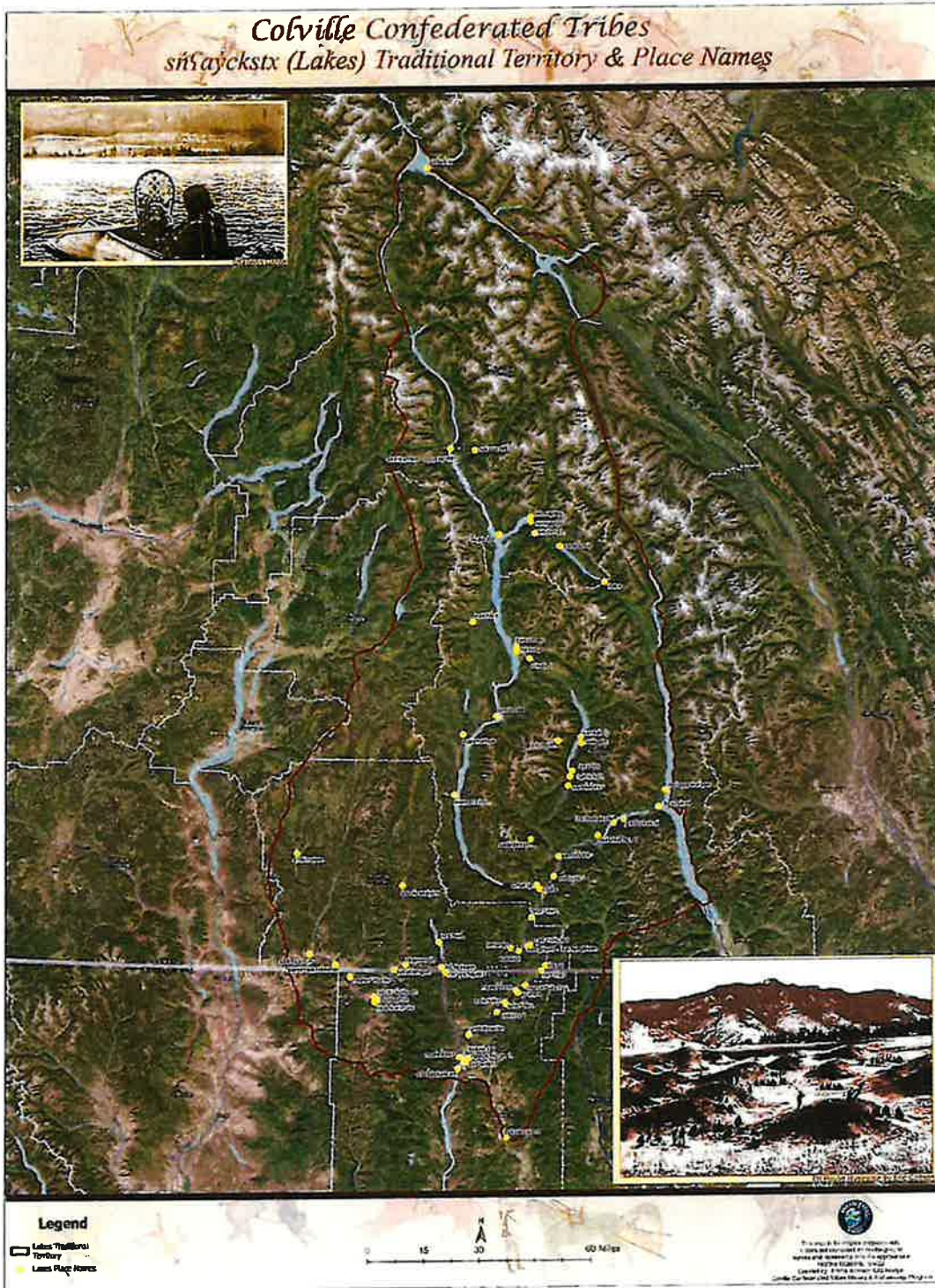
Please contact James Baxter in our Nelson office to arrange that meeting. He can be reached by telephone at 509-419-9804 or via email at [james.baxter.fnw@colvilletribes.com](mailto:james.baxter.fnw@colvilletribes.com)

Yours Sincerely,

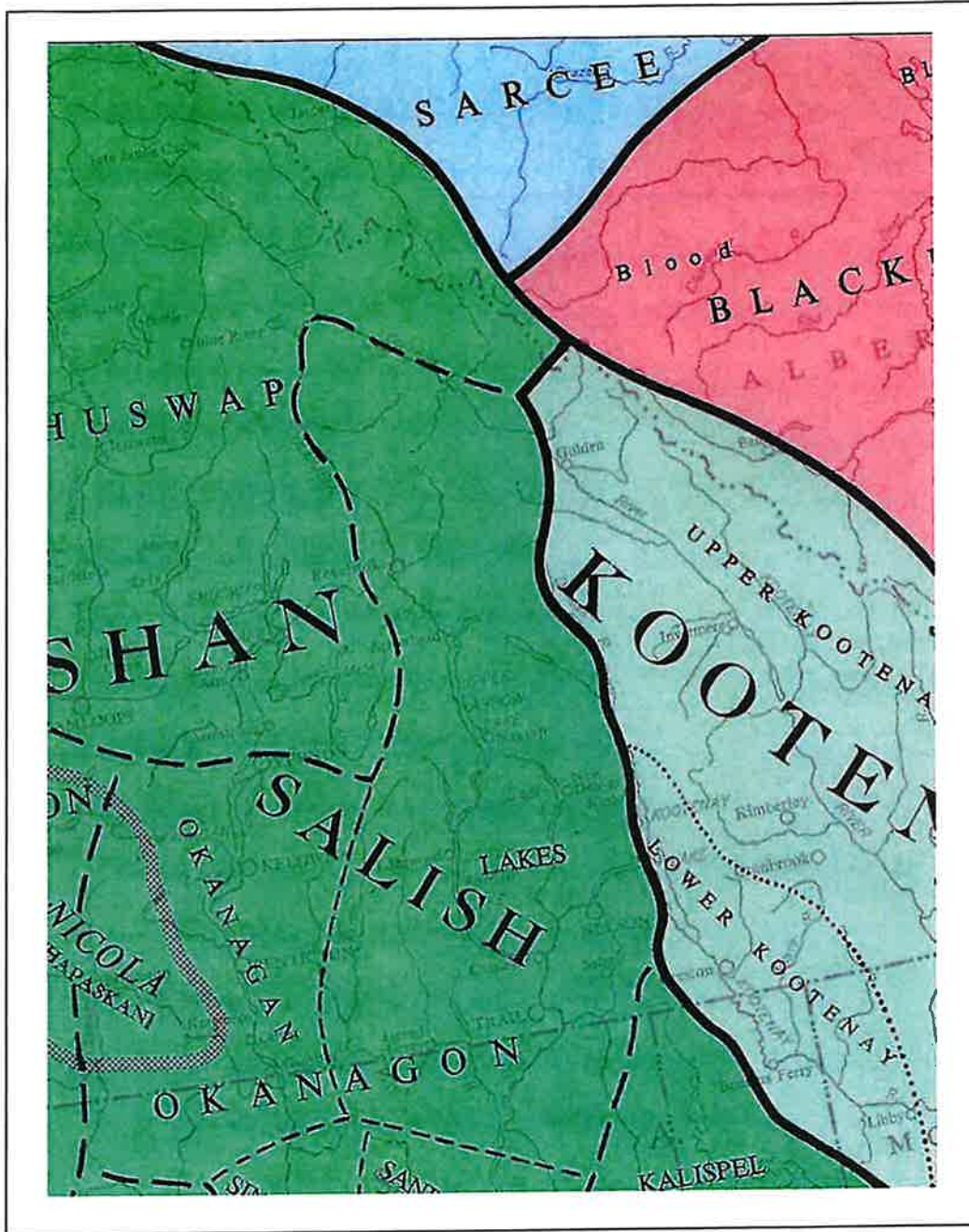
DocuSigned by:  


Jared Michael Erickson, Chairman  
Confederated Tribes of the Colville Reservation  
Sinixt Confederacy

Cc: Cody Desautel, Rebecca Hunt, James Baxter  
Wayne Giles – [wayne.giles@gov.bc.ca](mailto:wayne.giles@gov.bc.ca)  
Warren Neuvonen – [Warren.Neuvonen@gov.bc.ca](mailto:Warren.Neuvonen@gov.bc.ca)  
Leanne Colombo – [Leanne.T.Colombo@gov.bc.ca](mailto:Leanne.T.Colombo@gov.bc.ca)



Sñfayckstx (Sinixt/Lakes) traditional territory map and place names.



Sinixt (Lakes) as shown in Map 12 on pages 25-26 of the 1956 atlas created by the British Columbia Natural Resources Conference. The caption notes the territory of the Lakes (Sinixt) is mapped as it existed in 1850.



The Sḡayckstx (Sinixt)  
Confederacy

P.O. Box 150, Nespelem, WA 99155

The Confederated Tribes of  
the Colville Reservation

June 17, 2024

Tracey Janes  
Project Assessment Director  
Environmental Assessment Office  
[Tracey.Janes@gov.bc.ca](mailto:Tracey.Janes@gov.bc.ca)

Dear Ms. Janes:

*Re: 410314 - Record Ridge Industrial Mine Project-EAO Request for Information*

I am the Chairman of the Confederated Tribes of the Colville Reservation (CTCR) and the Sinixt (Arrow Lakes) Confederacy. I write further to my letter of May 29, 2024, and your follow up meeting with Cody Desautel, James Baxter and Herb Alex on June 6, 2024.

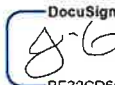
As I outlined in my May 29 letter, this project falls squarely within Sinixt traditional territory as confirmed by the Province's own ethnohistorical report, linked here for ease of reference: [https://sinixt.com/wp-content/uploads/Sinixt-Ethnohistorical-Report-3P\\_2023\\_10\\_23\\_sm.pdf](https://sinixt.com/wp-content/uploads/Sinixt-Ethnohistorical-Report-3P_2023_10_23_sm.pdf) Despite recent representations from other First Nations, including the Osoyoos Indian Band, we confirm that we are the primary Nation impacted by this project, and expect to be treated by the EAO as the lead Nation in any review process going forward.

I explained in my previous letter that we have not received provincial capacity funding that would enable us to do a detailed review of this project, including potential impacts to the environment and our constitutionally protected rights. You have advised that the EAO is not able to provide capacity funding unless and until a formal environmental assessment is conducted.

That leaves us in a position where we must insist that a formal environmental assessment be undertaken, given the preliminary concerns we have about impacts of the project which could affect our section 35 rights, including impacts on heritage resources, cultural plants, wildlife and water quality. This includes concerns about potential transboundary impacts that could impact restoration work for salmon and other freshwater fish species. We reiterate that we will require full capacity funding to participate in the formal assessment process.

James Baxter will remain the primary contact on this matter. He can be reached by telephone at 509-419-9804 or via email at [james.baxter.fnw@colvilletribes.com](mailto:james.baxter.fnw@colvilletribes.com)

Yours sincerely,

DocuSigned by:  


BE32CD65EA774EB · Erickson, Chairman  
Confederated Tribes of the Colville Reservation

Sinixt Confederacy

Cc: Cody Desautel, Rebecca Hunt, James Baxter  
Wayne Giles

**From:** [Mark Underhill](#)  
**To:** [Nicoleta Badea](#)  
**Subject:** FW: RRIMM MDRC Reminder & Update  
**Date:** Friday, January 24, 2025 10:36:57 AM

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For the record ridge folder in 10245 consultation referrals....

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## ARVAY FINLAY LLP

**Mark G. Underhill, K.C.\*** *he/him*  
PARTNER  
1512 – 808 Nelson Street, Vancouver, BC V6Z 2H2  
D: 604-283-2912 | T: 604-696-9828 ext. 1  
[www.arvayfinlay.ca](http://www.arvayfinlay.ca)

\* Denotes Law Corporation

*We acknowledge that the land on which we live and work is the traditional and unceded territory of the Coast Salish peoples whose historical relationship with and presence on this land continues today.*

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**From:** James Baxter <james.baxter.fnw@colvilletribes.com>  
**Sent:** Friday, January 24, 2025 10:14 AM  
**To:** Mark Underhill <munderhill@arvayfinlay.ca>; MARTY Raap <Marty.Raap.ORA@colvilletribes.com>; Shelly Boyd <ndnboyd@gmail.com>  
**Subject:** Fwd: RRIMM MDRC Reminder & Update

FYI and record of what I sent to MCM on Record Ridge.

James

----- Forwarded message -----

From: **James Baxter** <[james.baxter.fnw@colvilletribes.com](mailto:james.baxter.fnw@colvilletribes.com)>  
Date: Fri, Jan 24, 2025 at 10:12 AM  
Subject: Re: RRIMM MDRC Reminder & Update  
To: Colombo, Leanne T EMLI:EX <[Leanne.T.Colombo@gov.bc.ca](mailto:Leanne.T.Colombo@gov.bc.ca)>, Wagar, Kathie L EMLI:EX <[Kathie.Wagar@gov.bc.ca](mailto:Kathie.Wagar@gov.bc.ca)>

Dear Kathie and Leanne,

Please find below the Sinixt Confederacy comments regarding the Summary of Issues for the Record Ridge Industrial Mineral Mine Project by the MDRC dated January 14, 2025, and from a very preliminary review of the current version of the issue tracker.

As we have informed you on multiple occasions, the Sinixt Confederacy is not presently able to access the technical capacity to do a detailed review of this proposed project. In light of the government's refusal to provide capacity funding, we reiterate that there has not been a meaningful consultation process on this project to date.

We have provided some general comments below, which we also outlined in our meeting on November 12, 2024.

First, as a preliminary matter, we wish to make clear that we share the concerns of SRRAC (Save Record Ridge Action Committee Society) regarding the important threshold issue of production capacity and whether the project ought to be subjected to environmental assessment.

Secondly, our concerns about this project and its potential impacts focus on three main issues. Water. Fish, wildlife, and plants. Cultural.

### **1. Water**

This water ends up ultimately in the Columbia River and can impact downstream users. It appears that the project will result in the discharge of runoff, seepage, and treated effluent which will likely result in long term, increased concentrations of pollutants in downstream surface waters within Washington State. We have concerns about potential watershed impacts from sedimentation and contaminants from mine waste (as do others; see WA Dept of Ecology letter). There are also comments from the province's reviewers in the issue tracker that suggest that some parameters are at risk of exceeding safe levels or show concerning trends.

### **2. Fish, Wildlife, and Plants**

Sinixt section 35 rights to hunt and harvest will be directly impacted by this proposed mine.

Specifically mule deer habitat and migration routes will be destroyed. This will impact not just Sinixt people, but the public as well. There are potential impacts also to other ungulates (elk, moose, white tail deer). What are the company's mitigation/compensation plans for habitat of ungulates that will be destroyed?

We are also deeply concerned about potential impacts to red-listed species and species at risk (both plants and ecosystems). Once it is gone it is gone forever. This is acknowledged in the proponent's own reports. How will critical habitat be protected? If critical habitat is impacted or destroyed, how will those impacts be offset?

Potential impacts to Grizzly Bear and Wolverine would include migration barriers to these animals between the US and Canada. We have talked to experts in the field and they support these concerns, particularly for wolverines. Have you engaged provincial carnivore specialists within government to comment on this project or relied on the proponent's consultants?

This area will impact a red-listed ecosystem that contains mainly important plants culturally and also many species that haven't been considered (e.g., bees). Once it is gone it is gone forever. And the species that are found there as well at this site. There is a high likelihood that this site was historically utilized for medicines and culturally important plants, and further studies are required. If this red-listed ecosystem is impacted or destroyed, what will the compensation/mitigation for this loss be?

Moreover, the potential for exposure to heavy metals, asbestos, and other contaminants in the area poses significant risks to Sinixt people engaging in traditional activities today, such as gathering plants, harvesting medicines, and hunting. Disturbance of asbestos-containing materials during mine operations increases the risk of airborne fibers being released, potentially exposing those who use the area for cultural and subsistence purposes. Additionally, heavy metals like lead and chromium, nitrogen-based residuals from explosives, and elevated levels of total suspended solids (TSS) could contaminate water, soil, and vegetation. This raises serious concerns about the contamination of traditional foods and medicines, which may then be consumed by Indigenous peoples, putting their health and safety at risk. These risks must be fully assessed, and robust mitigation measures must be implemented and verified as effective before any permitting is considered.

You mention that there is an updated Wildlife Management Plan. Please provide that to us for review.

### **3. Cultural**

As mentioned above, we have not yet had the opportunity to do a proper study with our qualified personnel given the lack of funding, but we expect that there are cultural and archaeology values at this site.

You also mention that an onsite survey by an Archaeologist will be required prior to disturbance. This should be done prior to any permits being issued, and the Sinixt must be directly involved.

We have also reviewed the issue tracker and the summary report and find that there are a number of issues in the issue tracker where it has been noted that there is a requirement for a permit condition but that didn't make the summary report in terms of permit conditions. These should be included and updated in the summary report, and this summary report resubmitted to MDRC members and members of the public for review.

On the point of public input, several NGOs and the public have reached out to us on a number of important issues and concerns, and we believe that these concerns have been relayed to you. Is there an issue tracker of public and NGO concerns? We feel that public and NGO comments on the Record Ridge Mine project must be recognized as extremely valuable because they provide critical insights into local conditions and realities. Comprehensive, transparent, and meaningful engagement with public and NGO concerns ensures that regulatory decisions are informed by a fully informed perspective grounded in the unique characteristics of the area, and aligned with the long-term public interest.

Thank you and we look forward to hearing from you

James

On Thu, Jan 23, 2025 at 4:51 PM Colombo, Leanne T EMLI:EX <[Leanne.T.Colombo@gov.bc.ca](mailto:Leanne.T.Colombo@gov.bc.ca)> wrote:

Good afternoon RRIMM MDRC,  
This is a friendly reminder to complete your review of the Summary of Issues by Friday, January 24<sup>th</sup> unless you have already advised of an extension request.

I also want to provide an informational update for the committee that the public meeting for RRIMM Project will not occur on January 28<sup>th</sup> and will be postponed to a date TBD in February. This will not impact the work of the MDRC.

Please let Kathie or I know if you have any further questions, and we will be in touch soon with a date for the next MDRC meeting.

Thanks,  
Leanne

*Leanne T. Colombo*

Mines Authorizations Analyst  
Responsible Mining & Competitiveness Division  
**Ministry of Mining and Critical Minerals**  
Tel: 250-420-6379 | Email: [Leanne.T.Colombo@gov.bc.ca](mailto:Leanne.T.Colombo@gov.bc.ca)

*I respectfully acknowledge that I live and work on the traditional territory of the ʔamakʔis Ktunaxa.*

**\*Please Note:** As of April 1<sup>st</sup>, 2025 the Ministry of Mines and Critical Minerals will no longer be accepting Code or Permit required reports by email or letter mail, these must be submitted via MineSpace. Please visit <https://minespace.gov.bc.ca/> for more information.

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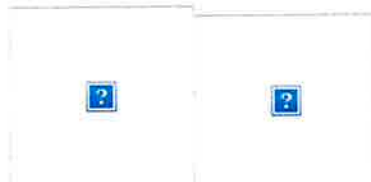
James Baxter, M.Sc., RPBio.  
Principal Biologist/Senior Manager  
Sinixt Confederacy  
Confederated Tribes of the Colville Reservation  
Nelson, BC  
[james.baxter.fnw@colvilletribes.com](mailto:james.baxter.fnw@colvilletribes.com)  
work cell 509-419-9804  
personal cell 250-354-3000



[Sñšáyckstx Confederacy - Sinixt  
Ethnohistorical Report - Sinixt](#)

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James Baxter, M.Sc., RPBio.  
Principal Biologist/Senior Manager  
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Confederated Tribes of the Colville Reservation  
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work cell 509-419-9804  
personal cell 250-354-3000



[Sñšáyckstx Confederacy - Sinixt  
Ethnohistorical Report - Sinixt](#)

From: **James Baxter** <[james.baxter.fnw@colvilletribes.com](mailto:james.baxter.fnw@colvilletribes.com)>

Date: Fri, Jan 24, 2025 at 10:12 AM

Subject: Re: RRIMM MDRC Reminder & Update

To: Colombo, Leanne T EMLI:EX <[Leanne.T.Colombo@gov.bc.ca](mailto:Leanne.T.Colombo@gov.bc.ca)>, Wagar, Kathie L EMLI:EX <[Kathie.Wagar@gov.bc.ca](mailto:Kathie.Wagar@gov.bc.ca)>

Dear Kathie and Leanne,

Please find below the Sinixt Confederacy comments regarding the Summary of Issues for the Record Ridge Industrial Mineral Mine Project by the MDRC dated January 14, 2025, and from a very preliminary review of the current version of the issue tracker.

As we have informed you on multiple occasions, the Sinixt Confederacy is not presently able to access the technical capacity to do a detailed review of this proposed project. In light of the government's refusal to provide capacity funding, we reiterate that there has not been a meaningful consultation process on this project to date.

We have provided some general comments below, which we also outlined in our meeting on November 12, 2024.

First, as a preliminary matter, we wish to make clear that we share the concerns of SRRAC (Save Record Ridge Action Committee Society) regarding the important threshold issue of production capacity and whether the project ought to be subjected to environmental assessment.

Secondly, our concerns about this project and its potential impacts focus on three main issues. Water. Fish, wildlife, and plants. Cultural.

### **1. Water**

This water ends up ultimately in the Columbia River and can impact downstream users. It appears that the project will result in the discharge of runoff, seepage, and treated effluent which will likely result in long term, increased concentrations of pollutants in downstream surface waters within Washington State. We have concerns about potential watershed impacts from sedimentation and contaminants from mine waste (as do others; see WA Dept of Ecology letter). There are also comments from the province's reviewers in the issue tracker that suggest that some parameters are at risk of exceeding safe levels or show concerning trends.

### **2. Fish, Wildlife, and Plants**

Sinixt section 35 rights to hunt and harvest will be directly impacted by this proposed mine.

Specifically mule deer habitat and migration routes will be destroyed. This will impact not just Sinixt people, but the public as well. There are potential impacts also to other ungulates (elk, moose, white tail deer). What are the company's mitigation/compensation plans for habitat of ungulates that will be destroyed?

We are also deeply concerned about potential impacts to red-listed species and species at risk (both plants and ecosystems). Once it is gone it is gone forever. This is acknowledged in the proponent's own reports. How will critical habitat be protected? If critical habitat is impacted or destroyed, how will those impacts be offset?

Potential impacts to Grizzly Bear and Wolverine would include migration barriers to these animals between the US and Canada. We have talked to experts in the field and they support these concerns, particularly for wolverines. Have you engaged provincial carnivore specialists within government to comment on this project or relied on the proponent's consultants?

This area will impact a red-listed ecosystem that contains mainly important plants culturally and also many species that haven't been considered (e.g., bees). Once it is gone it is gone forever. And the species that are found there as well at this site. There is a high likelihood that this site was historically utilized for medicines and culturally important plants, and further studies are required. If this red-listed ecosystem is impacted or destroyed, what will the compensation/mitigation for this loss be?

Moreover, the potential for exposure to heavy metals, asbestos, and other contaminants in the area poses significant risks to Sinixt people engaging in traditional activities today, such as gathering plants, harvesting medicines, and hunting. Disturbance of asbestos-containing materials during mine operations increases the risk of airborne fibers being released, potentially exposing those who use the area for cultural and subsistence purposes. Additionally, heavy metals like lead and chromium, nitrogen-based residuals from explosives, and elevated levels of total suspended solids (TSS) could contaminate water, soil, and vegetation. This raises serious concerns about the contamination of traditional foods and medicines, which may then be consumed by Indigenous peoples, putting their health and safety at risk. These risks must be fully assessed, and robust mitigation measures must be implemented and verified as effective before any permitting is considered.

You mention that there is an updated Wildlife Management Plan. Please provide that to us for review.

### **3. Cultural**

As mentioned above, we have not yet had the opportunity to do a proper study with our qualified personnel given the lack of funding, but we expect that there are cultural and archaeology values at this site.

You also mention that an onsite survey by an Archaeologist will be required prior to disturbance. This should be done prior to any permits being issued, and the Sinixt must be directly involved.

We have also reviewed the issue tracker and the summary report and find that there are a number of issues in the issue tracker where it has been noted that there is a requirement for a permit condition but that didn't make the summary report in terms of permit conditions. These should be included and updated in the summary report, and this summary report resubmitted to MDRC members and members of the public for review.

On the point of public input, several NGOs and the public have reached out to us on a number of important issues and concerns, and we believe that these concerns have been relayed to you. Is there an issue tracker of public and NGO concerns? We feel that public and NGO comments on the Record Ridge Mine project must be recognized as extremely valuable because they provide critical insights into local conditions and realities. Comprehensive, transparent, and meaningful engagement with public and NGO concerns ensures that regulatory decisions are informed by a fully informed perspective grounded in the unique characteristics of the area, and aligned with the long-term public interest.

Thank you and we look forward to hearing from you

James

On Thu, Jan 23, 2025 at 4:51 PM Colombo, Leanne T EMLI:EX <[Leanne.T.Colombo@gov.bc.ca](mailto:Leanne.T.Colombo@gov.bc.ca)> wrote:

Good afternoon RRIMM MDRC,  
This is a friendly reminder to complete your review of the Summary of Issues by Friday, January 24<sup>th</sup> unless you have already advised of an extension request.

I also want to provide an informational update for the committee that the public meeting for RRIMM Project will not occur on January 28<sup>th</sup> and will be postponed to a date TBD in February. This will not impact the work of the MDRC.

Please let Kathie or I know if you have any further questions, and we will be in touch soon with a date for the next MDRC meeting.

Thanks,  
Leanne

*Leanne T. Colombo*

Mines Authorizations Analyst

Responsible Mining & Competitiveness Division

**Ministry of Mining and Critical Minerals**

Tel: 250-420-6379 | Email: [Leanne.T.Colombo@gov.bc.ca](mailto:Leanne.T.Colombo@gov.bc.ca)

*I respectfully acknowledge that I live and work on the traditional territory of the ʔamakʔis Ktunaxa.*

**\*Please Note:** As of April 1<sup>st</sup>, 2025 the Ministry of Mines and Critical Minerals will no longer be accepting Code or Permit required reports by email or letter mail, these must be submitted via MineSpace. Please visit <https://minespace.gov.bc.ca/> for more information.

*All information (including attachments) in this email is confidential. If you are not the recipient, please notify the sender immediately and delete this email from your system.*

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The Sinixt Confederacy

202-514 Vernon Street, Nelson B.C., V1N 2Z3



The Confederated Tribes of  
the Colville Reservation

March 14, 2025

Katherine Wagar  
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Dear Ms. Wagar and Ms. Colombo,

*Re: Draft Recommendations for Review - RRIMM MDRC (provided February 20, 2025)*

I am the Chairman of the Confederated Tribes of the Colville Reservation (CTCR) and the Sinixt Confederacy (SC), and write regarding the above captioned matter. Our staff have reviewed the three documents that were provided for review:

- Draft Recommendations document v.3 dated Feb. 19, 2025
- Appendix A - Issue Tracker, dated Feb. 19, 2025
- Appendix C – Common Issues and documents related

At the outset, and as we have previously outlined, our ability to do a detailed review of this project, including the documents provided, has been significantly constrained by the lack of capacity funding, despite the Province being well aware that this project lies within Sinixt traditional territory (see [https://sinixt.com/wp-content/uploads/Sinixt-Ethnohistorical-Report-3P\\_2023\\_10\\_23\\_sm.pdf](https://sinixt.com/wp-content/uploads/Sinixt-Ethnohistorical-Report-3P_2023_10_23_sm.pdf))

We also reiterate our position that this project is required to undergo an environmental assessment.

#### 1. Draft Recommendations

We have reviewed the Draft Recommendations provided. Given that the report is extremely rough, and some sections are incomplete, we are not able to support the report being finalized

until our comments and the incomplete sections are updated for further review. We have attached some limited comments on the word document provided. In particular, we will need to review Sections 4 and 5.2 which are currently incomplete. Our view is that MCM should incorporate comments from reviewers on the Draft Recommendations document v.3, complete the unfinished sections, and then send out another complete version to reviewers.

One specific item that was noticed by staff is that there is not a quantification of the amount of ungulate habitat or fish habitat that will be lost if this project proceeds. This should be included in the report, and if there is ungulate and fish habitat lost, habitat compensation should be outlined and included in permit conditions if applicable. Please provide us with a summary of the ungulate and fish habitat that will be lost, and compensation options to offset those losses. There should also be a summary of all environmental impacts that this proposed project will have if it proceeds, and a summary of how those impacts will be mitigated or compensated for. These issues should be added to the Issue Tracker and addressed.

## **2. Appendix A - Issue Tracker**

We have only been able to review the Sinixt Confederacy comments in the Issue Tracker (again due to capacity and funding constraints), and note that the summary of our issues is incomplete. There were many issues that were brought up with MCM and EAO in discussions, emails, and meetings prior to January 25, 2025. Please summarize these issues and update the Issue Tracker and submit to us for review.

We also note that Column I of the Issue Tracker is incomplete with sections marked as "See Comments" or "Response Required", but there are no comments or responses in the Issue Tracker. Please update and submit to us again for review.

Finally, please update the Issue Tracker with our concerns about ungulate and fish habitat as set out above, and submit to us for review.

We have also attached some limited comments on the excel document provided (attached as excel document to this email).

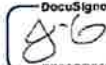
## **3. Appendix C – Common Issues**

This Appendix is not complete and needs to be updated. Please update with our comments and submit to us for review.

We have attached some limited comments on the word document provided.

In summary, although we have provided some limited comments on these documents, we do not feel the report or package is complete and does not summarize all of the issues such that the MDRC can move to the discussion and review stage. As set out above, the report and attachments should be updated with reviewer comments, and forwarded out to the MDRC for a second review. Please contact James Baxter in our Nelson office if you have any questions regarding this letter.

Sincerely,

DocuSigned by:  
  
BE32CD85EA774EB

Jarred Erickson  
Chairman  
The Confederated Tribes of the Colville Reservation and Sinixt Confederacy

Cc: James Baxter, Herb Alex, Remy LaCombe, Shelly Boyd, Cody Desautel, Rebecca Hunt  
Wayne ([Wayne.Giles@gov.bc.ca](mailto:Wayne.Giles@gov.bc.ca))