

Honouring Our Sacred Connection to Pípsell

Stk'emlúpsemc te Secwépemc Says Yes to Healthy People and Environment

Stk'emlúpsemc te Secwépemc Nation (SSN) does not give its free, prior and informed consent to the development of the lands and resources at Pípsell (Jacko Lake and Area) for the purposes of the Ajax Mine Project.

The Ajax Mine Project in its proposed location at Pípsell is in opposition to the SSN land use objective for this profoundly sacred, culturally important, and historically significant keystone site which significance is fundamental and undiminished.

The SSN Joint Council, composed of the elected leadership of Tk'emlúps te Secwépemc and Skeetchestn Indian Band, made this decision in accordance with SSN's laws, traditions, customs and land tenure systems supported by the evidence and assessments as presented in the Pípsell Report and SSN Panel Recommendations Report.

Our decision to preserve and sustain Pípsell is for the long-term benefit of all Canadians; ensuring the future enjoyment of this special place serves to further reconciliation, so that we may all be great and good.





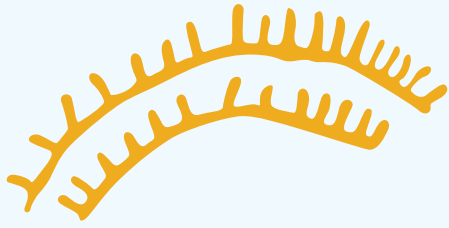
Secwépemc Governance

The Secwépemc laws, customs and traditions establish the obligation of Secwépemc people to care for and be responsible for

the protection and management of land, water and sky worlds within our Secwépemc territory. The oral histories associated with Pípsell are foundationally connected to our Secwépemc laws that deal with the reciprocal and mutually accountable relationships between humans and the environment. Under Secwépemc law, Stk'emlúps'emc te Secwépemc are yecwemínem (caretakers and stewards) of Pípsell.

Secwépemc Indigenous law determines the sustainable use of this land for the harmony and balance of all our relations. We assert the right to maintain and exercise our traditional and contemporary cultural practices, and carry on our customs and spiritual activities in the distinct locations marked by our Ancestors.





Lessons from the Land—the SSN Project Assessment Process

Given the current inadequacies of the Canadian Environmental Assessment and BC Environmental Assessment processes, we were required to undertake a precedent setting and North American historic first Indigenous-grounded project assessment panel review process regarding the proposed KGHM- Ajax open pit mine. We exercised our Indigenous environmental governance by conducting our own assessment of the proposed mining development, to protect Indigenous Peoples, the environment, but also all other people living in Secwépemcúl'ecw, including residents of the City of Kamloops.

SSN have been involved with both the federal and provincial governments since BC's 2011 section 10 order and CEAA's 2011 Notice of Determination identifying a Comprehensive Study approach. As our health depends on the health of our communities and Nation, through our panel, the Elders, young people, and many families that form our two communities, each have representatives at the panel table. The Review Panel is comprised of the elected Chiefs and Councillors as well as 26 individuals made up of Elders, youth and individuals who are appointed by their family. They were provided the very best information from our Elders, cultural Knowledge Keepers

such as our hunters and medicine people, as well as Western science experts.

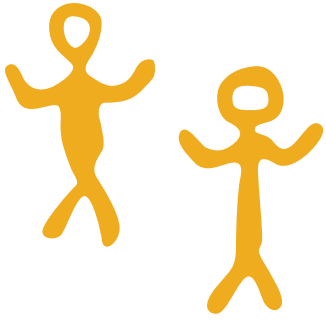
Our Review Process was:

- Founded on our laws and traditional governance structures that transcend time.
- Centered on our rich cultural perspectives, collective knowledge and history that goes back millennia.
- Built on the principle of Walking on Two Legs—Secwépemc and Western support. Information was provided both in oral and written format.
- A long view that delved into the long-term intergenerational impacts as well as the precontact past to address the legacy of wrongs that our people have faced since Canada and British Columbia's foundation.
- In-depth, examining aspects that are currently lost in the BC and Canadian Environmental processes and inclusive of information regarding the “intangible” impacts to spirit, culture & immeasurable impacts.

The SSN's Project Assessment Process was developed to:

“Facilitate informed decision-making by the SSN Communities in a manner which is consistent with our laws, traditions, and customs and assesses project impacts in a way that respects our knowledge and perspectives”



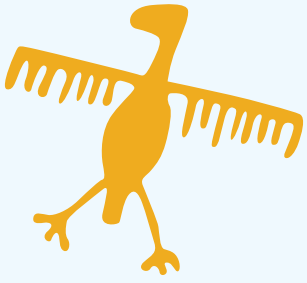


Trout Children Stseptékwll – Irreplaceable Historical, Cultural and Spiritual connection to Pípsell

We, as Stk'emlúpsenc te Secwépenc, have an irreplaceable historical, cultural and spiritual connection to Pípsell which derives from 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 our human connection, as Stk'emlúpsenc te Secwépenc, to Pípsell. It sustains our Indigenous law about our conduct on the land and our reciprocal accountability to living beings on the land, our social conduct across generations and within generations. It also gives us spiritual, cultural, and environmental teachings and guidance.

The Trout Children Oral History exemplifies the interconnectedness between beings and place as it involves landscape, humans across generations, animals, and natural elements. For us, Pípsell is known for its “water and land mysteries” or powers of place. This is connected in a narrower western scientific frame as explained through earth science and hydrology. Yet, the “power of place” also entails the entire spiritual memory of the past events at Pípsell narrated in the oral history and the teachings we have for present and future generations.





Pípsell is a Cultural Keystone Place

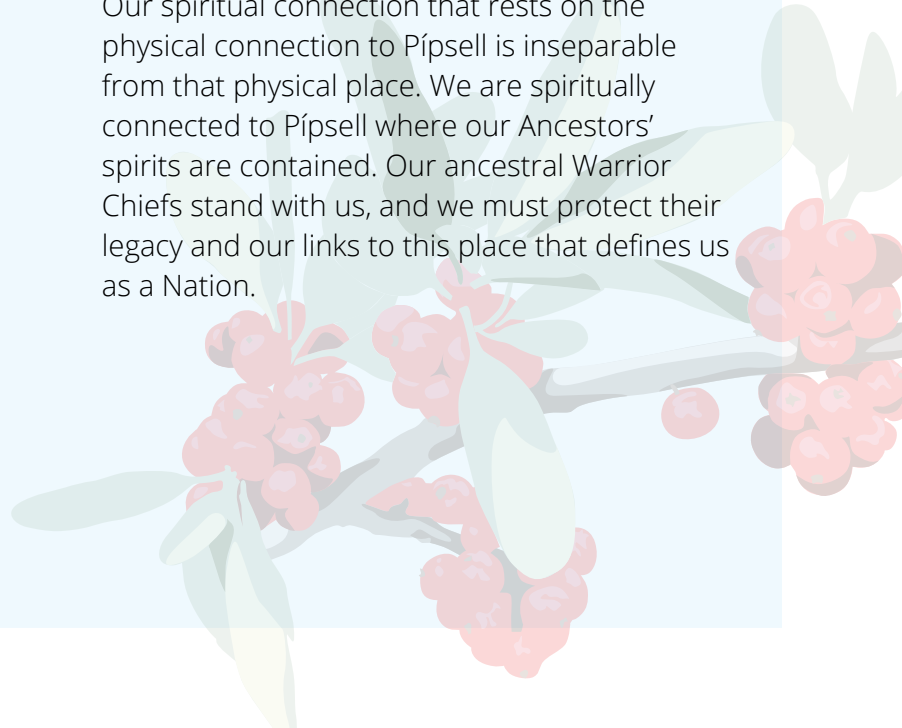
Since time immemorial (10,000 years+), cultural, spiritual and historical connection to the place that our Secwépemc Elders and Ancestors – and present and future generations – have with Pípsell identifies this place as a “cultural keystone place.”

I propose that in every place-based cultural tradition, there are also “cultural keystone places”: locales that are exceptionally well known, and that are critical to a community’s identity and well-being. They are places where people gather, often at “ecological edges” and hotspots of biological diversity, where they can access important resources. Many have deep spiritual values associated with them, and have featured in ceremonial traditions, although many have been impacted by settlement and industrial activities. In this paper, I propose “cultural keystone places” as a concept, describe the characteristics of such places, and discuss their potential in conservation, ethnoecological restoration and cultural renewal.
— Dr. Nancy Turner, U. Vic

We assert that the Trout Children Oral History area including (but not limited to) Pípsell (Jacko Lake & Area), and its Water People, World and associated aquifers, K’ecúseu (the Prayer Tree), X7ensq’t (the land and sky will turn on you, SSN Law), the red-headed woodpecker and chickadee habitats, the hunting blind complex and associated grasslands, and Sky World constitute a cultural keystone area which must be recognized and protected as a federally identified and cultural heritage site and landscape.

The Project will result in significant environmental effects and irreversible changes to this cultural heritage landscape. Elements of the Project of concern include the development of the open pit (dewatering northeast arm of Jacko Lake, diverting Peterson Creek, destruction of hunting blind and associated grasslands), development of tailings facility (destruction of trails and area with underground connection to Jacko Lake), waste rock storage facilities and associated infrastructure in the cultural landscape associated with the Trout Children Oral History (destruction of grassland and habitat).

Our spiritual connection that rests on the physical connection to Pípsell is inseparable from that physical place. We are spiritually connected to Pípsell where our Ancestors’ spirits are contained. Our ancestral Warrior Chiefs stand with us, and we must protect their legacy and our links to this place that defines us as a Nation.





Secwépemc Resource Use in Pípsell

Secwépemc people continue to use Pípsell for hunting, fishing and plant harvesting despite being fenced out of the area for the last hundred years. Pípsell is a refuge for deer, moose, and a variety of other mammals, amphibians, birds and reptiles that are culturally and spiritually significant to us and critical for ecosystem resiliency.

Our Secwépemc way of life was a far cry from random “foraging” on the land. Ethnoecological research shows that our Ancestors managed and stewarded plant and animal populations. Several of these species are now red- or blue-listed as Species –at-Risk. In the centre of the proposed open pit lies a gully and surrounding landform which houses the only hunting blind complex recorded in the Government of BC Archaeology Branch in the Secwépemc Nation. The hunting blind complex is a series of stone blinds along migratory paths

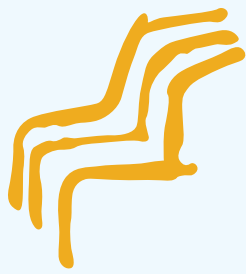
favoured by game animals passing through the valuable transitional environmental zones found at Pípsell. The complex is irreplaceable and has invaluable significance for demonstrating and teaching Secwépemc history, culture and values.

The grasslands in this area were managed and harvested on a regular basis, much like a large indigenous “garden” providing a regular and dependable source of roots, berries, medicines etc. Of the 127 culturally significant species so far identified and determined to still be present on site: no less than 90 species have medicinal uses, 45 are used as food, 47 are used technologically, 14 have structural values, 6 have spiritual significance, 7 are used in ceremony, at least 5 are used as ecological indicators and 29 have other uses important to the everyday life of the Stk’emlúpsemc te Secwépemc peoples. At least 40 of the plants identified in the project area would qualify as Cultural Keystone Species. Some important plant species once present in these grassland areas have been completely extirpated from the site and many others still present have been greatly reduced in abundance and quality.



Adverse Impacts from Dust Deposit

We echo Health Canada’s concerns regarding the dust deposit in the soil over the life of the mine and the impact of particular metals in fish and also in country foods. A 56% loss of traditional use plants within the Project area is not acceptable, nor is the loss of access to other resources within the Project area including access to medicinal plants.



Water—Our Ancestral Knowledge

The United Nations' report on water and Indigenous people found that, "The ethical perspective embedded in Indigenous views about nature and water is largely missing from the Western toolkit on water management." This ethical perspective finds expression in our traditional knowledge and our laws.

The water worlds throughout Secwepemcúlecw are connected through aquifers. Our Elders say that there is an underwater system (aquifers) that connect the South Thompson, Adams Lake and Shuswap Lake with the North and Main Thompson Rivers.

Ethnobiologists and ethno-ecologists have found in numerous instances that relationships between geographic features on the land, animal and plant species as they are narrated in oral histories and oral traditions often point to what scientists explain within the secular language of geology, hydrogeology, ecology, etc.



Adverse Impacts on Water Quality and Quantity

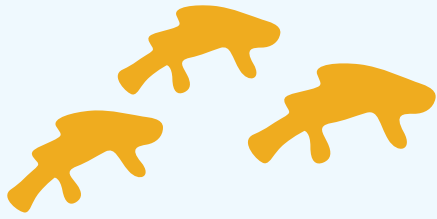
Construction and operations are acknowledged by KGHM to impact water quality, including adding sediment to existing water bodies, dust settling on water bodies, increased acidity and levels of dissolved metals in contact waters, seepage from mine rock storage facilities to groundwater, increased levels of fluoride, sulphate, copper, iron manganese, molybdenum and zinc. KGHM argues that the impacts will be localized to the Project area.

Gilles Wendling of GW Solutions Inc. explained that the depth of the pit would be equivalent to the height of the CN Tower. He further noted:

[I]f for any reason the proponent has missed its interpretation and underestimated the groundwater that will flow from Jacko Lake to the pit, we have a very high risk of draining Jacko Lake.

Our people have known of a fissure or cleft at the bottom of Jacko Lake for all time. This knowledge was shared by Secwépemc Ancestors with GM Dawson. However, KGHM has not adequately included this knowledge in its assessment. Our traditional knowledge identifies a conduit and high risk that would result in the complete loss of Jacko Lake and water beings as it empties into the open pit.

The creation of a large pit lake to act as a sink for all contaminants and the risks to the very integrity of Jacko Lake and the Thompson River are in contradiction to our laws.



Trout and Salmon— Maintaining Healthy Habitat and Fisheries

The story of Coyote and Salmon teaches us the principle of respectful reciprocity, Trout Children the interconnectedness of all beings, and Suckerfish the importance of working

together to revitalize one another when we are “broken,” and ways of respectfully moving across the worlds.

While Jacko Lake has been stocked with rainbow trout for the benefit of mainly non-Indigenous sports anglers for several decades, native species of rainbow trout (with a unique and ancient DNA profile) continue to live in the lake. For us, rainbow trout is a cultural keystone species, providing an important source of protein before the salmon runs. It has become additionally valued as, over several years, we witness decreasing numbers in our salmon runs and increasing year to year fluctuations while having been dispossessed of fishing station locations and areas through pre-emption of lands including Crown grants and government policy.

Adverse Impacts on Fish and Their Habitat

The Project could have significant impacts on fish and fish habitat both directly and indirectly. Directly, as fish can be trapped in water intake pipes or stranded as a result of removing water from wooded areas. There is also direct habitat loss due to the extension of the pit in the northeastern arm of Jacko Lake as well as the diversion of a portion of Peterson Creek through a culvert. Indirect losses occur from flow reductions caused by impacts from the Project footprint as water is altered and diverted to contain contaminants resulting in changes in sediment quality, water temperature and reduced flow in Peterson Creek. Reductions in water flow and change to the water levels in Jacko Lake and in Kamloops Lake are also understated and not understood or adequately assessed by the Proponent.

Interior Fraser Coho population is listed as endangered and is nationally significant as it accounts for 25 percent of the freshwater range of Coho in Canada. The Thompson River watershed supports most of the Coho salmon of the Interior Fraser. Its fisheries are vastly diminished in recent years due to a variety of factors, including irrigation demands, and pollution from agricultural and industrial runoff. Water levels are lower than they have ever been. The Outdoor Recreation Council of B.C. considers the Thompson River steelhead to be an extreme conservation concern and assesses the Thompson River itself as an endangered river.





Importance of Wildlife–Biodiversity and Food Source

We as Secwépemc people look upon animals as relatives (“all my relations”) rather than mere commodities for sustenance. The importance of wildlife within our culture connects to the many prominent roles animals and birds play in our traditional teachings, dances and ceremonies.

As in caring for one’s family, we carefully manage the homes, food and habitats of our animal relatives to ensure the health and longevity of each other’s families to maintain respectful relationships with each other.

In addition to hunting larger mammals, harvesting game birds, including grouse, continues to be common. Game bird hunting is frequently used to train adolescent hunters. The cumulative impacts modelling completed by ALCES Landscape and Land Use Ltd. shows that habitat of the Columbian sharp-tailed grouse in the Kamloops area is estimated to be 35% below its historical range and is forecast to continue to decline another 10.4% over the next 50 years with much of the future habitat loss coming from the Ajax Project footprint.



Adverse Impact on Food Sources and Seasonal Round

Biodiversity among the major herbivorous species (elk, caribou, sheep and goats) has already been impacted drastically to the point of extirpation by impacts such as introduction of horses and cattle and other grassland-dependent animal species, such as burrowing owls, badgers and sharp-tailed grouse are now listed as species at risk. Of the thirty-nine species of mammals likely to have been or still be on the Project site, thirteen of these species are used as food sources, in addition to five species of birds.

Adverse Impact on Our Way of Life and Self Government

Secwépemc hunting is carried out by individuals or family groups and emphasizes and reinforces reciprocity and sharing. It is a social activity and a kinship obligation as much as an economic necessity. We rely upon our territory, and particularly the grasslands area, to provide sustenance for our people.

It is important for us to identify our animal relatives and pass knowledge onto future generations regarding their patterns of behaviour and their appropriate uses. This is how we pass on the importance of stewardship and management of wildlife and the concept of all my relations. This is how we will revitalize and sustain wildlife in Secwepemcúlecw.



Aboriginal Rights & Title

Section 35 of the *Constitution Act, 1982* recognizes and affirms the “existing aboriginal and treaty rights of the aboriginal peoples of Canada.” These rights were never extinguished upon European arrival, are not frozen in time, and must be interpreted flexibly.

Aboriginal title is a right in land¹. As stated by the Supreme Court of Canada in *Tsilhqot’in Nation*², “Aboriginal title confers ownership rights similar to those associated with fee simple, including: the right to decide how the land will be used; the right of enjoyment and occupancy of the land; the right to possess the land; the right to the economic benefits of the land; and the right to pro-actively use and manage the land.”

The SSN assert Aboriginal title, and the right to determine future land use, over the whole of SSN traditional territory, including Pípsell, the Project area, and the surrounding areas. SSN further asserts the right to self-govern and to determine land use objectives using its traditional governance models.

SSN asserts the right to exercise and maintain traditional, cultural and other practices, and carry on traditional customs and spiritual activities, in the historic location where those activities were and are traditionally carried on, including, but not limited to, the rights:

1. to determine sustainable uses for our lands;
2. to protect lands for the purpose of maintaining traditional cultural and other practices, our way of life, and the Secwépmc economy;
3. to use and benefit from resources and trade in resources;
4. to maintain and preserve forest habitat that supports plant and wildlife populations necessary to exercise Aboriginal rights and enjoy the benefits of Aboriginal title;
5. to maintain the water, watersheds and the air and airsheds and a sustainable ecosystem within SSN Territory;
6. to manage resources; and
7. to carry out a variety of cultural and spiritual customs, ceremonies, and traditions within SSN Territory including spiritual ceremonies at or near Pípsell.



1 *Delgamuukw* at paras. 117-118, 124, and 166.

2 *Tsilhqot’in Nation v. British Columbia*, 2014 SCC 44, at para. 73.



Using Common Sense and Common Knowledge for a Bright Future

Data Uncertainty

KGHM relies heavily on assessment through models built on historical and insufficient baseline data with little or no regard to actual data from operating open pit mines in the Interior of BC while assessing the impact of future effects of the project nor inclusion of climate change given the Project's long-term operation.

Clean Air and Clean Water

We have no alternate source of clean air or water. This Project would be adding to existing industrial development and pollution, with many unknowns regarding the long-term cumulative impacts to the environment- our communities, the City of Kamloops, and the Thompson River.

Fish and Wildlife

Indigenous and non-Indigenous hunters and fishers have witnessed decline and variability in fish stock and game animals. The Project would further negatively impact game availability as well as their health as they would be exposed to contamination from dust deposited in water and on plants.

Threat to a Cultural Keystone Area

The cultural heritage of Pípsell is fundamental and the long-term loss of this cultural keystone area, including the permanent damage to the integrity of the site and the loss of intergenerational transfer of knowledge, would be profound and unsustainable. As one Skeetchestn youth stated, "Getting out on the

land helps bring our children back. Without the land, we are disconnected."

Benefits do not Outweigh Adverse Impacts

Overall, the proposed Project is not economically feasible in the short- or long- term with variable copper and gold prices; this means risk to us all. The economic feasibility of mining low grade copper in an area adjacent to a major city with a return on investment of 11% exposes us all to bear the burden when the Auditor General of BC has already identified that BC can't effectively monitor or enforce the mining industry (May 2016).

For our two communities united through SSN, it does not make sense to sacrifice for all time all that we have in Pípsell to obtain limited monetary and other benefits which will last for only 25 years. As one of our Elders stated, "our Ancestors already set it out for us thousands of years ago." Numerous impacts were not and cannot be monetized including the adverse impact on our cultural heritage as well as impact on the environment.



Share in the Wonder of Pípsell

As hosts to the territory, we want to protect and share the wonder of the place known to us as Pípsell. We are respectful hosts who are honouring the vision of our Ancestors who signed the Memorial to Wilfred Laurier in 1910. It reflects our continued and consistent traditional concepts around being the hosts in our lands, and the reciprocity that the host-guest relationship entails. We see Pípsell as uniquely situated to serve as a place of sharing between Indigenous and non-Indigenous people as what makes it stand out – its abundant fish, wildlife and grasslands, its proximity to Kamloops, are inviting to all who frequent the area.

Our overarching land use objective for Pípsell and the surrounding area is:

Pípsell is a cultural keystone area that must be preserved in a state consistent with the traditional importance of the site to the Secwépemc people. Pípsell must only be used in ways which preserve and sustain the area, and which allow for the culture of the Secwépemc people to be exercised and maintained.

The following activities consistent with the land use objective may include:

- Designation of the area as a cultural heritage site
- Educational uses
- Non-destructive resource uses
- Cultural uses
- Restorative purposes, which allow for the lands and resources to be revitalized and restored to its historical state prior to any non-Indigenous uses.

Our decision to preserve and sustain Pípsell is for the long-term benefit of all Canadians; ensuring the future enjoyment of this special place serves to further reconciliation, so that we may all be great and good.

