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TO: Stk'emlupsemc te Secwepemc Nation

RE: Review of proposed Ajax mine, Ref. No. 62225

Victoria, 5<sup>th</sup> of April 2016

Sierra Club of BC Foundation wishes to submit comments into the review of the proposed Ajax mine being conducted by the Stk'emlupsemc te Secwepemc Nation. We understand that the Stk'emlupsemc te Secwepemc Nation has a title claim on the territory where the proposed Ajax mine would go. We wish to offer our acknowledgement of First Nations sovereignty, and our support in any way that the Stk'emlupsemc te Secwepemc Nation would deem useful.

For the purposes of the Stk'emlupsemc te Secwepemc environmental assessment process, we will first address issues of grave concern directly related to the actual features of this particular mine as they affect human and ecological health. However, the fact that the Ajax proposal even reached this stage is also a telling example of the way B.C. mining legislation has consistently failed to give adequate weight to the needs of watersheds and communities, from the staking process onward. In the wake of Mount Polley Mine disaster in 2014, we believe it is crucial to address these systemic failures, discussed below, and copied to Premier Clark and members of the B.C. Cabinet.

The first concern we wish to address is the potential impact of Ajax mine operations on human health through air pollution. The city of Kamloops sits at the bottom of a valley and experiences frequent episodes of high air pollution by particulate matter due to stagnant air masses hovering over the city. Kamloops residents, local physicians, as well as local government, have repeatedly expressed concerns regarding dust and the presence of high levels of particulate matter in the airshed above Kamloops. Multiple reports prepared by both regulators and independent air pollution experts, such as Douw Steyn, Ph.D., point out that the proponent's EIS is rife with highly unrealistic assumptions such as predicting high level of dust suppression (over 90 per cent). According to the Steyn report, it makes no sense at all to allow a new industrial source of pollutants in a city already struggling with pollution higher than provincial standards. We strongly agree.

Secondly, we are concerned about the potential water contamination of both the Peterson Creek and Thompson River watersheds. The mine is located in the Peterson Creek watershed, which runs through the city of Kamloops and into the Thompson River. In his expert report, hy-

drogeologist Kevin Morin, Ph.D., concluded that the proponent's EIS significantly underestimates the likely contamination of water leaving the mine site; he qualifies these predictions as "unreasonable" and predicts much higher levels of toxic metals such as selenium, molybdenum, and arsenic. As well, the proponent underestimates the amount and severity of this contaminated water entering the Peterson Creek Aquifer and flowing to residential water wells, which poses risks and potential damage to human health and environmental integrity.

Despite the proponent's stated commitment to the precautionary principle and to abide by British Columbia's laws and regulations, the intentional contamination of the Peterson Creek Aquifer flies in the face of B.C.'s Water Sustainability Act and Ground Water Protection Regulation, whose goals are to protect B.C.'s stream and aquifer health. According to the locally affected First Nations and recent reports from federal water experts, the AJAX mine as currently proposed would also affect negatively and irreversibly the waters of Jacko Lake and Peterson Creek, home to traditional fisheries from time immemorial. The Thompson River, located downstream, and home to one of B.C.'s largest salmon spawning run, would also be affected. Clearly, the Ajax mine would not "ensure that water stays healthy and secure for future generations of British Columbians" (B.C. Water Sustainability Act).

The environmental review should consider not only the impact from day-to-day mine operations, but also the consequences of a catastrophic spill or dam failure. Certainly any new mines approved in British Columbia should fully incorporate the recommendations of the 2014 Mount Polley spill inquiry. The proposed Ajax mine does not fully meet these recommendations. The partial dry operation and closure proposed does not include a provision to keep the tailings fully drained and dry. The project is also vulnerable to a dam failure during the early years of operations, when the large reservoir of water and mine slurry is not fully backed up by a solid dam yet. A spill at AJAX mine would be catastrophic with the potential loss of lives and the destruction of Jacko Lake, Peterson Creek, and downtown Kamloops located just below.

MiningWatch Canada and other independent analysts also show that the AJAX mine is uneconomic at current copper market prices, and a 'marginal project' at best, even with overoptimistic copper prices in the mid- to long term. In other words, the AJAX mine would not have sufficient financial capacity to put in place all of the environmental and health protective measures that it should be paying for – thus adding significant risks to the environment, the public, and governments that could be left cleaning up the mess.

Based on these concerns, we believe the day-to-day Ajax open pit would be mined at too high a cost, and pose substantial risks to public health, public safety, air quality, and the ecological integrity of local and regional watersheds. It would set a bad precedent not only for Kamloops' residents and environment, but for all other communities in B.C. We therefore urge you to reject the Ajax mine proposal.

We also wish to bring up a broader concern. The proposed Ajax mine is a perfect example why B.C. should update its antiquated mining laws and take a good look at the costs and benefits of mining versus other economic activities. In a modern, diversified economy, mining is only one

economic activity among many. Even in the absence of disasters such as Mount Polley, mining's high impact on the land and waters tends to limit or foreclose other uses such as fisheries, tourism and farming, that can provide more stable livelihoods to communities. As such, mining carries high opportunity costs and should no longer enjoy the colonial-era designation of "highest and best use of the land" – even more so when mining projects are located in close proximity to socially, culturally, or ecologically sensitive areas. Most importantly, B.C.'s mining legislation must respect the rights and title of First Nations, and the principle of free, prior, and informed consent.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Bent". The signature is fluid and cursive, with a large initial "A" and a stylized "Bent".

Executive Director