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To: The Honourable George Heyman, Minister of Environment and Climate Change Strategy and Chief Executive Assessment Officer Elenore Arend

RE: **Request that the Minister designate the New Ingerbelle open pit push back and mine life extension as a reviewable project, pursuant to S.11 of the Environmental Assessment Act**

Request that the Minister and the Chief Executive Assessment Officer take the necessary steps to ensure that the environmental assessment be Indigenous-led by committing to the recognition of an independent Indigenous-led environmental consideration process as requested by Lower Similkameen and Upper Similkameen Indian Bands.

We are writing on behalf of twenty-two organizations, groups and individuals collectively representing over one million members of the public within Canada and the United States. Pursuant to Section 11 of the Environmental Assessment Act, we request the Copper Mountain Mine New Ingerbelle expansion be designated as a “reviewable project” and subject to full environmental assessment under the Environmental Assessment Act. As Minister, you may make this designation if you conclude that such a designation is “in the public interest.”¹

¹ Section 11 states: “... (2) A person may apply to the minister to have an eligible project designated as a reviewable project under this section... (5) Subject to subsections (6) and (7), after considering an application as required under subsection (4), the minister must, within 30 days of receiving the application, (a) designate the eligible project as a reviewable project, or (b) decline to make that designation. **(6) The minister may make a designation under subsection (5) respecting a project**

Under Section 11 of the Act, the Minister of Environment and Climate Change Strategy should designate the New Ingerbelle expansion as reviewable after consideration of the following factors:

1. An Indigenous Nation, Lower Similkameen Indian Band, has requested the New Ingerbelle expansion be designated reviewable and receive an environmental assessment.
2. There are potential effects of the proposed project on Upper Similkameen and Lower Similkameen Indigenous Nations and their rights recognized and affirmed by Section 35 of the *Constitution Act*, 1982.
3. There are potential effects of the New Ingerbelle expansion project that would be equivalent to or greater than the potential effects of other reviewable mine projects.
4. An environmental assessment for the New Ingerbelle Expansion would be consistent with the purposes set out in Section 2 of the Act: to promote sustainability by protecting the environment, fostering a sound economy and the wellbeing of British Columbians and their communities, and supporting reconciliation with Indigenous Peoples in British Columbia.

It is in the public interest that the New Ingerbelle expansion project be assessed thoroughly to determine the risks and impacts to people and ecosystems. The current operations at the Copper Mountain Mine have never received an environmental assessment, making this one all the more important. The Copper Mountain Mine has been on the public's radar since its inception due to its size, towering tailings dam, its proximity to the Similkameen River and many communities, and the catastrophic impacts that would occur from a tailings dam breach. Multiple news sources throughout the years have reported on public concern regarding this project, the mine's history of non-compliance and the potential for catastrophic impacts to multiple communities not only in BC but south of the border as well.²³⁴

British Columbians want action on mining reform and Indigenous consent when it comes to mining projects — 72% of British Columbians believe that the provincial Government should be required to seek consent from First Nations before allowing mining claims.⁵ Both the Lower Similkameen and Upper Similkameen Indian Bands have expressed concern over this expansion project, and the Lower Similkameen Indian Band has formally requested it undergo an environmental assessment.⁶

that is subject to a prescribed regulatory process only if the minister is satisfied that the designation is in the public interest.” Environmental Assessment Act, SBC 2018 c 51.

² [B.C.'s Copper Mountain mine proposes major tailings pond expansion, sparking cross-border concern](#)

³ [Copper Mountain Mine Infuriates Upper and Lower Similkameen: Hudbay Acquisition Raises Serious Concern](#)

⁴ [New Analysis Confirms British Columbia Mines Pose Unacceptable, Irreversible Threats to U.S. Waters, Communities](#)

⁵

<https://reformbcmining.ca/news/2023/04/seven-in-ten-british-columbians-agree-indigenous-consent-should-be-obtained-prior-to-mineral-claim-staking/>

⁶

<https://www.newswire.ca/news-releases/copper-mountain-mine-infuriates-upper-and-lower-similkameen-hudbay-acquisition-raises-serious-concern-840352545.html>

The New Project is proposed within the area where Lower Similkameen Indian Band and Upper Similkameen Indian Band 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 Peoples* and *Declaration of the Rights of Indigenous Peoples Act*.⁷⁸ Both Nations have expressed the mine expansion will have extremely high impacts on rights and interests. B.C. must uphold DRIPA and the rights protected S.35 of the *Constitution Act*, 1982, and commit to the recognition of an independent Indigenous-led environmental consideration process as requested by Lower Similkameen and Upper Similkameen Indian Bands.

The company's 2019 New Ingerbelle expansion application on the Government website is drastically different from the details described in their 2022 New Ingerbelle expansion plan, which highlights that the application may be out of date and not disclose their full expansion plan. If the application was updated to their 2022 expansion plan, it would likely trigger an environmental assessment simply for being over the ore production threshold and disturbance area threshold.

Below is supplemental analysis prepared by the Wilderness Committee expanding on the reasons that the New Ingerbelle expansion project must be designated as reviewable. After designating the project as a "reviewable project," we ask that you commit to the recognition of an independent Indigenous-led environmental consideration process as requested by Lower Similkameen and Upper Similkameen Indian Bands.

Conclusion

In light of the information, we request that:

- The Minister designate the New Ingerbelle open pit push back and mine life extension as a reviewable project, pursuant to S. 11 of the Environmental Assessment Act
- The Minister and the Chief Executive Assessment Officer take the necessary steps to ensure that the environmental assessment be Indigenous-led by committing to the recognition of an independent Indigenous-led environmental consideration process as requested by Lower Similkameen and Upper Similkameen Indian Bands.

These measures are necessary to create public trust that this project is proceeding in a way that is consistent with the provisions and purposes of the EAA – in a way that serves the public interest and truly "promote[s] sustainability by protecting the environment and fostering a sound economy and the well-being of British Columbians and their communities."

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<https://projects.eao.gov.bc.ca/api/public/document/64b97a469f93a600221ad155/download/LT%20to%20EMLC1%20re.%20Designation%20Request.pdf>

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https://projects.eao.gov.bc.ca/api/public/document/649b59c0bdb6790022449a25/download/Designation%20Request_LSIB.pdf

Sincerely,

Charlotte Dawe, Wilderness Committee

Helen Boyd, Canadian Association of Nurses for the Environment

Gavin Smith, West Coast Environmental Law

Jay Ritchlin, David Suzuki Foundation

Mitch Friedman, Conservation Northwest

Nikki Skuce, Northern Confluence Initiative

Adrienne Berchtold, SkeenaWild Conservation Trust

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Liz McDowell, Stand.earth

Jamie Kneen, MiningWatch Canada

Jens Wieting, Sierra Club British Columbia

Tori Ball, Canadian Parks and Wilderness Society, British Columbia

Alana Westwood, School for Resource and Environmental Studies, Dalhousie University

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Joy (sənmálqs) Abrahamson, Aboriginal Outfitters

Alexandra Woodsworth, Dogwood Foundation

NEW INGERBELLE EXPANSION PROJECT REQUIRES AN ENVIRONMENTAL ASSESSMENT

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Under the law S. 11(6) of the *Environmental Assessment Act* (EAA) the Minister must designate this project for an environmental assessment (EA) if they determine that designation would be “in the public interest.” Designation in this case is “in the public interest” as contemplated by s.11(6) as over 600 individual members of the public have written to the B.C. Government asking that the New Ingerbelle (NI) expansion receive an EA and twenty-one different groups and organizations, representing over one million members of the public, are calling for an environmental assessment.

The NI expansion should not be approved behind closed doors. The public interest would not be served by that faster and simpler process. Such a perfunctory process for this controversial and risky project would be contrary to the statutory purposes of the EAA – which include “carrying out assessments in a thorough way” and “facilitating meaningful public participation.” Below are the compelling reasons why a fulsome EAA EA is needed.

1. An Indigenous Nation has requested the New Ingerbelle expansion be designated reviewable and receive an environmental assessment.

The Lower Similkameen Indian Band (LSIB) has formally requested to designate the NI Project as Reviewable Project proposed by CMM company pursuant to Section 11 of the *Environmental Assessment Act* (EAA). In a letter on June 5 to Minister of Energy, Mines, and Low Carbon Innovation Josie Osborne they request the project receive an EA and state that:

“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 Peoples* (UNDRIP) and the *Declaration of the Rights of Indigenous Peoples Act* (DRIPA). The new project would undeniably have effects on the Smilq'mixw and their rights recognized and affirmed by Section 35 of the *Constitution Act*, 1982.”⁹

This alone should be reason enough for the BC Government and Environment Minister Geogre Heyman to ensure the project is designated as reviewable and receive an EA.

2. There are potential effects of the proposed project on Upper Similkameen and Lower Similkameen Indigenous Nations and their rights recognized and affirmed by Section 35 of the *Constitution Act*, 1982 and DRIPA.

The NI expansion is within the LSIB and USIB unceded territories where they exercise Aboriginal rights and title guaranteed by S.35 of the *Constitution Act*, UNDRIP and DRIPA. The USIB has stated the NI expansion would impact their practice of culture, rights, and title across the full spectrum of their First Nations rights and their rights recognized and affirmed by S.35 of the *Constitution Act*, 1982.¹⁰ The LSIB has stated that the expansion would cause and add to the cumulative effects on Syilx title and rights through the following impacts¹¹:

- 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;

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https://projects.eao.gov.bc.ca/api/public/document/649b59c0bdb6790022449a25/download/Designation%20Request_LSIB.pdf

¹⁰<https://projects.eao.gov.bc.ca/api/public/document/64b97a469f93a600221ad155/download/LT%20to%20EMLCI%20re.%20Designation%20Request.pdf>

¹¹

https://projects.eao.gov.bc.ca/api/public/document/649b59c0bdb6790022449a25/download/Designation%20Request_LSIB.pdf

- 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 USIB has reminded the BC Government in a letter to the Environmental Assessment Office that they have provided 14 USIB goalposts to provide guidance on their minimum expectations of any BC decision making process related to mines and mining on their lands.¹² They state that regardless of the regulatory path that BC chooses for the proposed expansion, the duty of BC to recognize and respect Similkameen governance and decision-making regarding the project, consistent with UNDRIP, the DRIPA, remains the same.

The BC Government must listen to the requests from both LSIB and USIB for the Government to recognize and respect Similkameen governance and decision-making regarding the project in order to uphold DRIPA.

3. There are potential effects of the New Ingerbelle expansion project that would be equivalent to or greater than the potential effects of other reviewable mine projects

There are potential effects of the New Ingerbelle expansion project that would be equivalent to or greater than the potential effects of projects designated reviewable or in the the prescribed category as reviewable set forth by the Reviewable Projects Regulation under the Act. Section 11(4)(c) of the EAA requires the Minister to seriously consider whether past projects of the same type have been made reviewable.¹³ The NI expansion project has equivalent or greater potential effects compared to three other mine expansions that are “reviewable.” Below offers insight into the projects, making the case that the NI expansion should also receive an EA.

[Eskay Creek Revitalization Project](#)

- This is an open pit metal mine proposed at the site of a previously operating underground mine. It is currently in the EA process as it was designated as reviewable.
- Similarities between Eskay Creek Revitalization and the NI expansion:¹⁴¹⁵

¹²

<https://projects.eao.gov.bc.ca/api/public/document/64b97a469f93a600221ad155/download/LT%20to%20EMLC1%20re.%20Designation%20Request.pdf>

¹³ 4 Section 11(4)(c) of the EAA reads: “(4)On receiving an application under subsection (2), the minister must consider the following: ... (c)if the eligible project is in a category of projects described in a regulation under section 9, whether the potential effects of the eligible project will be equivalent to or greater than the potential effects of projects in that category that are reviewable projects;” where s.9 refers to the Reviewable Projects Regulation.

¹⁴

<https://projects.eao.gov.bc.ca/api/public/document/62f6b77d278bb60022579eac/download/2022.08.10%20Eskay%20Creek%20Revitalization%20Final%20DPD.pdf>;

¹⁵

<https://projects.eao.gov.bc.ca/api/public/document/613a8167e0c08d0022712c62/download/Rea>

- They both are proposing to operate on lands that were previously mined.
- The ore production and waste rock and tailings production of Eskay Creek would be less than from the NI expansion.
- The new disturbance of land from Eskay Creek would be similar to or less than NI
- The added open pit depth from Eskay Creek would be the same as NI.
- The Tahltan Nation requested it receive a new EA, and this request was [approved](#). This is similar for the NI expansion where the LSIB have requested it receive an EA.

It is therefore reasonable to assume that the potential impacts of the NI expansion are greater than potential impacts of the Eskay Creek project, suggesting that NI expansion must receive an EA.

[Kemess Underground](#)

- This is an underground metal mine that was proposed at the site of an inactive open pit mine. It was designated reviewable based on potential significant adverse impacts and required an EA. Underground mines like the Kemess Underground tend to have lower impact than open pit mines like NI expansion.
- Similarities between Kemess Underground and the NI expansion:¹⁶¹⁷
 - The new disturbance of land and production of waste rock and tailings from Kemess Underground is significantly less than NI expansion.
 - The ore production of Kemess Underground is slightly less than NI.
 - Although the the project listed as “new construction,” it was very clearly an expansion of an existing mine site and makes use of almost all pre-existing infrastructure from the old mine, similar to the NI expansion

It is therefore reasonable to assume that the potential impacts of the NI expansion are greater than potential impacts of the Kemess Underground project, suggesting that NI expansion must receive an EA.

[New Polaris](#)

- This is an underground metal mine proposed at the site of an old underground mine. It is currently in the EA process as it was a reviewable project set forth by the regulation.

sons%20for%20Decision%20of%20the%20CEAO%20-%20Eskay%20Designation%2020210903.pdf

16

<https://projects.eao.gov.bc.ca/api/public/document/588692f0e036fb01057690e5/download/Project%20Description%20for%20Kemess%20Underground%20Project%20-%20Part%201%20of%204.pdf>;

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https://projects.eao.gov.bc.ca/api/public/document/588692efe036fb01057690e1/download/Order%20under%20section%2010%281%29%28c%29%20of%20the%20Act%20which%20designates%20the%20proposed%20Project%20as%20a%20reviewable%20project%20dated%20Feb%202018_14.pdf

Underground mines like New Polaris tend to have lower impact than open pit mines like NI expansion.

- Similarities between New Polaris and the NI expansion:¹⁸¹⁹
 - The ore production, new area of disturbance, and production of waste rock and tailings would all be significantly lower than NI expansion.
 - The old mine at this site had not previously received an EA. For this reason, the EAO is considering the New Polaris project a “new mine” and has [ordered](#) it a reviewable project based on its production being greater than the RPR threshold of 75,000 tonnes per year. This is similar to CMM and the NI expansion project as the current mining operations have never undergone a full EA.

It is therefore reasonable to assume that the potential impacts of the NI expansion are greater than potential impacts of the New Polaris project. Based on this example, it is also reasonable that the NI expansion be designated as a reviewable project because the original mine has never received an EA and the ore production is much greater than the Reviewable Projects Regulation threshold of 75,000 tonnes per year (the NI expansion’s yearly production is 14,530,862.2t).

The proposed NI expansion project may have “equivalent to or greater” impacts than at least three other projects which were all made reviewable and subject to environmental assessments, therefore the NI Project should be reviewable as well (Pursuant to s. 11(4)(c) of the EAA.).

4. An environmental assessment for the New Ingerbelle expansion would be consistent with the purposes set out in Section 2 of the Act: to promote sustainability by protecting the environment, fostering a sound economy and the well-being of British Columbians and their communities; and to support reconciliation with Indigenous Peoples in British Columbia

An EA is needed under Section 2 of the EEA because there are significant environmental, economic, social, cultural and health effects of the expansion that must be assessed. The NI expansion project may impact the environment and well-being of British Columbians by increasing the risk of contaminants into the Similkameen River and groundwater, impacting water diversion and water withdrawals from the environment and increasing the risk of a tailings breach. The current operations at the CMM have never received an EA, making this EA all the more important.

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<https://projects.eao.gov.bc.ca/api/public/document/6421ed5efb6e5700226f04fa/download/New%20Polaris%20Project%20Initial%20Project%20Description%20lr.pdf>;

19

<https://projects.eao.gov.bc.ca/api/public/document/6421ecef6e5700226f04d7/download/Section13%283%28a%29%20Order.pdf>

Water quality and quantity impacts

The NI pit lake would need to be dewatered because an artificial lake has filled in. The pit is being built to sit below the bottom of the Similkameen River and roughly 50m from it. It is likely that the modifications made to the NI pit (from dewatering the pit lake, digging the pit lower than the Similkameen River, installing runoff and seepage collection and diversion infrastructure) could result in withdrawals from surrounding groundwater sources and the Similkameen River due to pit inflows and seepage capture.²⁰ The expansion would also more than double the mine's permitted discharge into the Similkameen River, from 60 litres per second of treated wastewater to 200 litres per second.²¹²² It currently discharges nearly 5.3 million litres of seepage into the Similkameen River each day.²³ This seepage includes contaminants sulphates, nitrates, copper, molybdenum, and selenium as well as total suspended solids.²⁴ These contaminants are harmful to fish, wildlife and human health.²⁵²⁶²⁷

A full hydrogeological assessment would be required to determine the extent to which groundwater and the Similkameen River water quantity and quality would be impacted by the expansion, which CMM has not yet presented. Water is one of the most vital resources in the Similkameen, having access to enough clean water is fundamental to multiple livelihoods (orchards, ranches, vineyards), and to the social and cultural fabric of communities (i.e. access to fish) along with the health of the people living in the Similkameen.

Increased risk of tailings breach

The tailings wall would increase in height by another 100 meters and increase capacity for tailings by 70%.²⁸ The tailings pond is currently **four times** taller than the Mount Polley mine tailings dam, which caused the largest mining spill in Canadian history when it failed in 2014. With the expansion, the Copper Mountain tailings pond would be **almost seven times** taller than Mount Polley tailings pond when it collapsed. The expansion would make it the world's second largest tailings pond, increasing the chance of it breaching and the impact it would have on communities if it does.

The CMM tailings dams have been built using upstream construction in the past and are currently built with modified centreline construction. Both of these construction methods pose

²⁰

https://projects.eao.gov.bc.ca/api/public/document/64b0347da82e06002269777d/download/20200617_Memo_DyasEMPR_M29_ProjectDescriptionUpdate-NewIngerbelle.pdf

²¹ <https://thenarwhal.ca/bc-copper-mountain-mine-tailings-pond/>

²² <https://thenarwhal.ca/bc-copper-mountain-mine-tailings-pond/>

²³

chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://miningwatch.ca/sites/default/files/2022-05-06_bc_environmental_reviews_proposed_mines_0.pdf

²⁴

chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://nrs.objectstore.gov.bc.ca/lteczn/5fa1f9b9cd5a007b4768787d/Effluent%20Discharge.pdf

²⁵ <https://www.sciencedirect.com/science/article/pii/S2405844020315346>

²⁶

https://miningwatch.ca/sites/default/files/2022-05-06_bc_environmental_reviews_proposed_mines_0.pdf

²⁷ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5319768/>

²⁸ <https://thenarwhal.ca/bc-copper-mountain-mine-tailings-pond/>

increased risk of stability issues and dam failure because they involve placing dam construction material on top of uncompacted tailings.²⁹ These higher-risk dam construction makes it in the public interest to perform an EA on any further expansion of the tailings facility.

There is a very real risk that the tailings would breach, experts have said there is a probability of failure as high as 1 in 100.³⁰ If the tailings pond fails the outcome would be catastrophic — harming the health, economy, social wellbeing and culture of all communities along the Similkameen Valley and into the US.

No previous environmental assessment

The mine has had no previous EA for its current operations. How the current operations of CMM are impacting the environment, a sound economy and the wellbeing of British Columbians has never been assessed, including from risks like a tailings breach. An EA would help to ensure environmental, economic, social, cultural and health effects are thoroughly assessed.

The 2022 expansion plan shows impacts beyond the 2019 application which would likely trigger an EA for being over RPR thresholds

Mine expansion details described in the CMM's 2022 NI expansion plan (2022 NI 43-101) are drastically different from details in the 2019 expansion application posted on the Government website (which is based on information from CMM's 2019 NI 43-101 report). If updated to CMM's 2022 expansion plan, it **would likely trigger an EA simply for being over the ore production threshold and disturbance area threshold**. This is extremely concerning because the full impacts and intention of the expansion are not up to date and are likely underestimated.

Below is a list of potential impacts and details of expansion from the 2022 report that go beyond what's mentioned in the 2019 application:

- The 2022 plan includes expanding to increase mineral reserves, and associated planned increases to the ore production, mine life, and waste production at both Copper Mountain and NI pits.
- The mineral reserve estimate for NI pit increased by 37% in the 2022 NI 43-101 to 263.2 Mt (proven + probable reserves), from 192.8 Mt in the 2019 NI 43-101.
- They also indicate their plans **for a new tailings dam to store an additional 323 Mt of tailings**.
- The 2022 expansion involves the production of an additional 1600 Mt waste rock, which would require an additional waste rock storage pile near the Copper Mountain pit.

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https://reformbcmining.ca/wp-content/uploads/2022/06/BC_TSF_Database_Analysis_Emerman_Revised_2.pdf

30

<https://conservationnw.org/news-updates/british-columbias-copper-mountain-mine-is-a-dire-threat-to-was-hington-waters-and-communities/>

- The further expansion would also require a 14 km realignment of fish-bearing Wolfe Creek.
- In the 2022 NI 43-101, the proposed mine life is increased to either 30 years at 65 kt/d or 43 years at 45 kt/d, from 26 years at 45 kt/d in the 2019 NI 43-101.

Given the increase in mineral reserve estimates it is reasonable to expect that CMM would want to mine those reserves and that **this makes the details of the 2019 plan out of date and underestimated** in terms of ore production and disturbance area for re-mining NI. The application is likely out of date and if updated may trigger an EA simply for being over the ore production threshold and disturbance area threshold. The company must update their application in addition to it receiving an EA.

An EA for the NI project is needed and consistent with the purposes set out in Section 2 of the Act in order to ensure sustainability by protecting the environment and fostering a sound economy and the well-being of British Columbians and supporting reconciliation with Indigenous Peoples in British Columbia.

It is in the public interest

Under the law s. 11(6) the Minister must designate this project for an environmental assessment (EA) if they determine that designation would be “in the public interest.” The project’s serious potential environmental, health, economic, social and agricultural impacts make it a matter of **compelling public interest** to conduct a full environmental assessment of the project. The unprecedented level of public concern raised by citizens, organizations and local government about this particular project requires a fulsome environmental assessment, and is “in the public interest,” as contemplated by s.11(6) of the EAA.

The copper mountain mine has been on the public’s radar since its beginning due its size, towering tailings dam and catastrophic impacts if the tailings dam fails. The mine has a history of non-compliance and practices that have been extremely harmful to the environment, these contraventions are in the public’s interest to be taken seriously. For example, in the year 2019, Copper Mountain Mining (CMM) had 699 “contravention days” for contravention of section 6(2) of the *Environmental Management Act* alone.³¹ An EA would help serve the public’s interest to ensure more “contravention days” do not occur if the NI expansion proceeds.

British Columbians want action on mining reform and Indigenous consent when it comes to mining projects. A recent poll shows that 72% of British Columbians believe that the provincial government should be required to seek consent from First Nations before issuing mining claims.³² Although the copper mountain mine is not seeking new mineral claims with this expansion, its original claim never received an EA and its expansion is within the traditional territories of First Nation communities, specifically LSIB and USIB. The public has shown they

³¹ See attached report titled “*Cleaning up the Similkameen*,” prepared by University of Victoria Environmental Law Centre

³²

<https://reformbcmining.ca/news/2023/04/seven-in-ten-british-columbians-agree-indigenous-consent-should-be-obtained-prior-to-mineral-claim-staking/>

believe Indigenous consent is key to the future of mining. Further, roughly 50% of voters surveyed stated that they'd support candidates who support changing mining laws and regulations to improve environmental protection and mandate consent from First Nations.³³ Majority of British Columbians want increased environmental protection and consent from First Nation communities when it comes to mining, ensuring the NI expansion receives an EA is in the public interest.

There have been multiple news sources in recent years that have expressed public concern regarding this project and its potential for catastrophic impacts to multiple communities not only in B.C. but south of the border. Here are just some of the news sources expressing deep concern from the public regarding the mine:

1. [B.C.'s Copper Mountain mine proposes major tailings pond expansion, sparking cross-border concern](#)
2. [Copper Mountain Mine Infuriates Upper and Lower Similkameen: Hudbay Acquisition Raises Serious Concern](#)
3. [New Analysis Confirms British Columbia Mines Pose Unacceptable, Irreversible Threats to U.S. Waters, Communities](#)
4. ['Nature has no borders': why Americans are worried about Canadian mines](#)
5. [An Eye in the Sky: Transboundary Mining](#)
6. [Tribes worry a Canadian mine could poison Washington salmon](#)
7. [NEW ANALYSIS CONFIRMS HIGH-RISK, THREATS POSED BY B.C.'S BOOMING MINING SECTOR](#)
8. [A catastrophe waiting to happen on the Similkameen River unless we act now](#)

Over the past month as the public has become aware that CMM is attempting to expand without an EA they have voiced their concern about this. **Over 500 members of the public have written** to the Environmental Assessment Office, the Minister of Environment and Minister of Mines, urging them to ensure the NI expansion receives an environmental assessment. This level of public concern taking place outside of a structured public consultation process provides evidence that ensuring the project receives an EA is in the public interest.

It's not only British Columbians worried about the project. The US National Wildlife Federation is concerned about the potentially catastrophic impacts of a tailings dam failure from copper mountain mine.³⁴ With expansion, the tailing pond capacity would jump from current levels (roughly 160 million cubic metres) to 420 million cubic metres³⁵. The chance of a dam breach at current levels has been reported as high as 1 in 100.³⁶ According to most U.S. and Canadian guidelines, the maximum annual probability of failure should be under one in a million. The probability of a tailings mine failure would increase from this expansion that allows for 70% more tailings capacity.

³³ <https://thenarwhal.ca/bc-election-2020-mining-reforms/>

³⁴

<https://www.nwf.org/Latest-News/Press-Releases/2022/7-14-22-British-Columbia-Mines-Threaten-US-Watersheds>

³⁵ <https://thenarwhal.ca/bc-copper-mountain-mine-tailings-pond/>

³⁶

https://static1.squarespace.com/static/5760488227d4bd87de902e88/t/62cf24e6364b687912fc2ba5/1657742571180/Copper_Mountain_Report_Emerman.pdf

U.S. tribes are concerned about the impacts from copper mountain mine. Jarred-Michael Erickson, Chairman of the Colville Confederated Tribes has expressed that Colville Tribes in the U.S. would be directly affected by any spill at copper mountain mine and it should concern all citizens of Washington due to threats to a healthy and clean environment from this mine.³⁷ He demands that prevention of a spill is better than a clean up and urges B.C. to plan and take precautions to keep waters and communities as pristine as possible. If the B.C. government does not ensure copper mountain mine undergoes an EA it would not only be extremely reckless but would ignore those who have voiced their concerns. For all of these reasons, it is in the public interest to ensure the NI Pit expansion undergoes an EA.

Details on the 2019 expansion plan

The 2019 Copper Mountain Mine (CMM) application posted on the Government website for the New Ingerbelle (NI) open pit push back expansion and mine life extension lacks certain details, clarity on important statistics and likely underestimates expansion plan details.³⁸ The application is based on details from the CMM 2019 technical report (2019 NI 43-101). We reviewed the application in depth in order to estimate and summarize statistics that are vital to understanding the project, see below. However, a more recent expansion report was released by CMM in 2022 (2022 NI 43-101) and the expansion details and information from the 2022 report is drastically different from the 2019 project application.³⁹ Therefore, the details below from the 2019 expansion report are out of date and likely underestimate the impacts of their expansion. We describe the differences between the CMM's 2022 expansion plan and the 2019 expansion application put forward by CMM in a later section. Below is our summary of key details from the 2019 application.

New Ingerbelle expansion ore production over for 17 years:

Overall 247,024,659 tonnes of total production from the New Ingerbelle project

- New Ingerbelle Pit = 187,758,109 tonnes
- New Ingerbelle Stockpile = 59,266,550 tonnes

Yearly 14,530,862.2 tonnes per year from the New Ingerbelle project

- New Ingerbelle Pit = 11,044,594.6 tonnes per year
- New Ingerbelle Stockpile = 3,486,267.6 tonnes per year

Daily 39,810.5 tonnes per day from the New Ingerbelle project

- New Ingerbelle Pit = 30,259.1 tonnes per day
- New Ingerbelle Stockpile = 9,551.4 tonnes per day

³⁷

<https://conservationnw.org/news-updates/british-columbias-copper-mountain-mine-is-a-dire-threat-to-washington-waters-and-communities/>

³⁸

https://projects.eao.gov.bc.ca/api/public/document/64b03293d73cf300220a9dc3/download/2019%2007%2009%20Copper%20Mtn_New%20Ingerbelle_PD.pdf

³⁹ The full technical report is available on SEDAR at www.sedar.com and on the Company's website at www.CuMtn.com

New Land Disturbance:

Overall 462.1 ha total land disturbed from the new Ingerbelle project

- 373.4 ha - New Ingerbelle side
- 88.7 ha - Tailings Management Facility expansion

Pit Dimensions (new disturbance only):

- Depth = 225 m
- Area = 35.3 ha

Waste Production (life of mine totals):

- 242,084,166 t tailings of total additional tailings from the New Ingerbelle project
 - Tailings from New Ingerbelle 184,002,947 t
 - Tailings from the New Ingerbelle ore stockpile 58,081,219 t
- 264 Mt waste rock

The entire life of mine plan presented in the 2019 project description states that the extended production from the Copper Mountain pit plus the NI pit would produce a total of 209 Mt additional tailings beyond the currently approved design. Therefore, the NI expansion **would contribute the majority of additional tailings.**

Conclusion

In light of the information we:

- Request that the Minister designate the New Ingerbelle open pit push back and mine life extension as a reviewable project, pursuant to S. 11 of the Environmental Assessment Act
- Request that the Minister and the Chief Executive Assessment Officer take the necessary steps to ensure that the environmental assessment be Indigenous-led by committing to the recognition of an independent Indigenous-led environmental consideration process as requested by Lower Similkameen and Upper Similkameen Indian Bands.