

FIRST NATIONS LEADERSHIP COUNCIL



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June 28, 2019

The Honourable John Horgan
Premier of British Columbia
PO Box 9041 STN PROV GOVT
Victoria, BC V8W 9E1

Dear Premier Horgan,

We write with regard to your government's recent consideration of Imperial Metals Giant Copper Project mine exploration permit application in an area known as the "Donut Hole," land completely surrounded by Manning Park at the headwaters of the Skagit River, which lies on unceded aboriginal lands. These lands are of deep importance to First Nations on both sides of the BC-Washington border, and in the heart of one of southern BC's most loved parks.

We are gravely concerned that Imperial Metals, the company responsible for, and largely unaccountable for, the Mt Polley tailings dam breach, and which also operates the Red Chris Mine in northwest BC, is now proposing to conduct mining activities in this very special place. Mining activities will impact the watershed and lands and impact First Nations rights

In respect of this Giant Copper Project, Imperial Metals did not seek to engage First Nations prior to making its mine exploration permit application. This is contrary to the guidance from the Ministry of Energy, Mines and Petroleum Resources. Imperial Metals has held these claims since the 1990s, having acquired them when it purchased another company that previously held the claims.

The *Mineral Tenure Act* does not require consent of, consultation with, or even notification to First Nations when mineral rights are granted and has been problematic since this law was first enacted; the *Mineral Tenure Act* also does not require consent, consultation, or even notification where there is corporate transfer or purchase of these rights and is equally problematic.

This situation has come about in large part due to the current structure of BC's outdated *Mineral Tenure Act*. The fact that Imperial Metals has been able to acquire these mineral rights and plan to commence exploration with no Indigenous engagement whatsoever is one reason why deep reforms to BC's *Mineral Tenure Act* are necessary. This 150-year-old legal framework needs to be modernized to, among other things, require that claims cannot be staked, transferred or otherwise acquired without the full consent of affected Indigenous peoples. This modernization should be undertaken consistent with your government's intention to implement the *United Nations Declaration on the Rights of Indigenous Peoples* by way of legislation and to bring provincial laws and policies into harmony with it.

It is unfortunate that the *Mineral Tenure Act* enables any company, but particularly one with an established poor record, such as Imperial Metals, to seek to develop these claims. More alarmingly, should their mineral exploration activities be permitted, Imperial Metals will be one step closer to obtaining a mining lease – and under the current *Mineral Tenure Act*, your government has virtually no discretion to deny a lease application, should Imperial Metals apply for one.

To remedy this situation, any reforms to the *Mineral Tenure Act* will need to ensure their application retroactively to Imperial Metals' Giant Copper Project. However, we remind you that your government already has tools in the *Park Act* and the *Mineral Tenure Act* that would permit the withdrawal of these claims for park purposes or other purposes.

We urge you to take action to remedy this situation, before Imperial Metals is able to take any further steps to proceed with this disturbing proposal.

Sincerely,
FIRST NATIONS LEADERSHIP COUNCIL

On behalf of the FIRST NATIONS SUMMIT


Cheryl Casimer

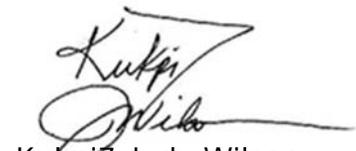

Robert Phillips


Lydia Hwitsum

On behalf of the UNION OF BC INDIAN CHIEFS


Grand Chief Stewart Phillip


Chief Don Tom


Kukpi7 Judy Wilson

On behalf of the BC ASSEMBLY OF FIRST NATIONS:


Regional Chief Terry Teegee

Cc: Hon. Michelle Mungall, Minister of Energy Mines and Petroleum Resources
Hon. Scott Fraser, Minister of Indigenous Relations and Reconciliation
Don Bain, Special Advisor, Office of the Premier
Anne-Marie Sam, Senior Ministerial Assistant, Ministry of Indigenous Relations and Reconciliation
First Nations Energy and Mining Council