



## **Stk'emlupsemc Te Secwepemc Nation (SSN)**

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Represented by the Tk'emlups te Secwepemc and the Skeetchestn Band  
We do not have a mandate, we have a responsibility We are yecminme7

Honourable Minister McKenna  
Minister of Environment & Climate Change  
Review of Environmental Assessment Processes  
Canadian Environmental Assessment Agency  
160 Elgin Street, 22nd Floor, Ottawa ON K1A 0H3  
[CEAA.EARReview-ExamenEE.ACEE@ceaa-acee.gc.ca](mailto:CEAA.EARReview-ExamenEE.ACEE@ceaa-acee.gc.ca)

July 20, 2016

Via Email

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**Re: Stk'emlupsemc te Secwepemc Nation (SSN) & Environmental Process Review**

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Weytk,

SSN Leadership appreciated the opportunity to meet with you at the AFN AGA July 12 – 14, 2016 to discuss the on-going Environmental Assessment for the proposed KGHM Ajax Project, the SSN's Project Assessment Process, and the Comprehensive Review of the Environmental Review Process. As discussed, SSN has continuously raised concerns regarding the environmental assessment for the proposed KGHM-Ajax mine. Given the current inadequacies of the Canadian Environmental Assessment and BC Environmental Assessment processes and the request for a full independent panel environmental assessment of the project denied, Stk'emlupsemc te Secwepemc Nation (SSN) has been required to undertake a precedent setting and North American historic first First Nations project assessment process regarding the proposed KGHM- Ajax open pit mine.

SSN Leadership shared knowledge about our in-depth project assessment process with you. SSN's assessment looks at the project through scientific study and draws from invaluable traditional knowledge keepers' wisdom and perspectives and community consultation. The SSN project assessment was developed to ensure that SSN cultural perspectives, knowledge and history were duly considered in the assessment and was built on the "Principle of Walking on Two Legs" supported by Secwepemc and western ways of knowing. The process involves an innovative community engagement program modeled to reflect our traditional governance model, respecting the role of families in our two communities.

SSN leadership has called on the review of the Environmental Assessment Process in general and specifically for the on-going review of the proposed KGHM Ajax Project to stop. CEAA's interim principles provided no additional or transitional measures on how the review of current projects will be impacted by the review of the Environmental Assessment process and legislation. While the review of the KGHM Ajax is under CEAA 1992, neither the old nor the new CEAA 2012 possess the legislative or administrative capacity required to adequately review or respect "re Stk'emlupsemc w7ec te tsyecwminst.ses re Pípsell", the Stk'emlupsemc who are the caretakers of Jacko Lake & area.



We are deeply concerned regarding the manner with which CEAA and the Minister are conducting the review of the federal Environmental Assessment processes and are providing these comments on the Expert Panel Draft Terms of Reference. The SSN strongly recommends that the Complementary Mandates of the Minister of Indigenous and Northern Affairs are included in order to support the Scope of the Review. Acknowledgement of these complementary mandates are necessary to support Question 5.

- Undertake, with advice from the Minister of Justice, in full partnership and consultation with First Nations, Inuit, and the Métis Nation, a review of laws, policies, and operational practices to ensure that the Crown is fully executing its consultation and accommodation obligations, in accordance with its constitutional and international human rights obligations, including Aboriginal and Treaty rights.
- Collaborate with the Ministers of Natural Resources, Environment and Climate Change and Fisheries, Oceans and the Canadian Coast Guard to ensure that environmental assessment legislation is amended to enhance the consultation, engagement and participatory capacity of Indigenous groups in reviewing and monitoring major resource development projects.

The review of the Environmental Assessment process must ensure that the Comprehensive Environmental Assessment Review itself is not in conflict with and that it upholds UN Declaration Article 19 which states that: *"States shall consult & cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior, and informed consent before adopting and implementing legislative or administrative measures that may affect them."* We understand from the Terms of Reference that the Panel is to prepare an Indigenous Engagement Plan on how and when it will conduct "in-person" consultation activities. The Terms of Reference identify that this plan is prepared together with the National Indigenous Organizations and SSN infers that these National Organizations are then to be considered *"their own representative institutions"*. SSN and many other Indigenous Nations have clearly identified the necessity for consultation at the nation to nation level and, as such and that consultation must include engagement at the nation level in the development and preparation of the Indigenous Engagement Plan. The development of the engagement process without this nation to nation level input and discussion will merely maintain the status quo and will not support the cooperative or collaborative consultation process that will be necessary for such an important review.

The Terms of Reference (including Question 5) should also be written to reflect the language found in the UN Declaration. In Question 5, it is important that the Panel consider how to ensure that environmental assessment include any legislative and administrative measures in a manner consistent with the UN Declaration on the Rights of Indigenous People. The Terms of Reference further identify that the Panel consider practices and procedures of environmental assessment processes including Indigenous Consultation, public participation, etc... Consultation with Indigenous Peoples should not continue as merely another process buried within an environmental





assessment. Consultation pertaining to the Indigenous Engagement Plan should also be included as its own report and should clearly identify the effectiveness of the review to adequately reflect and summarize concerns and issues of Indigenous People including how these concerns have been incorporated into the recommendations being proposed by the Panel.

The Terms of Reference further identify that the Panel will work with regional organizations in the planning and hosting of Indigenous in-person consultation activities. This does not uphold the commitment towards renewing the relationship with Indigenous People on a nation to nation basis. In its recently accepted AFN Resolution the SSN (attached):

5. Call upon the Federal, Provincial and Territorial Governments to recognize and respect the Stk'emlúpsemc te Secwepemc Nation Indigenous Environmental Assessment Process as it reviews and assesses the project's tangible and intangible impacts on Stk'emlúpsemc te Secwepemc Nation Aboriginal title and rights.
6. Direct the federal government to undertake discussions on a nation-to-nation basis to ensure the Stk'emlúpsemc te Secwepemc Nation is fully involved in the Federal Government's comprehensive review of the Environmental Assessment, National Energy Board, Navigable Waters, and Fisheries Acts through appointment of a Federal negotiator and financial resources for meaningful consultation and engagement.

The Terms of Reference also identify that in-person consultation activities be held in regions and communities where processes have recently been conducted or where communities have expressed interest. SSN has definitively and continually expressed an interest in the review of the environmental review process. SSN are currently involved in the environmental assessment process for the proposed KGHM Ajax project and raise the issue of how the Terms of Reference can be changed to enable the full participation of nations and communities who are currently actively engaged in a federal environmental assessment process.

Participating in the review of the environmental assessment process and the federal review of the proposed KGHM Ajax project while at the same time conducting our own SSN Review Process will present a significant challenge for SSN. This would unduly impact the involvement of SSN, when we are uniquely positioned to share our invaluable experiences on how the environmental assessment processes may be developed to respect indigenous decision making institutions (UN Declaration Article 18).

The Terms of Reference identify the convention of a Multi-Interest Advisory Committee for select issues. SSN asserts that selection and inclusion on this committee should be clearly described in the Indigenous Engagement Plan, and connected to nation to nation agreements. The SSN are explicitly expressing our interest in participating in the Multi-Interest Advisory Committee. The Terms of Reference should also include discussion on the specific issue of the Truth & Reconciliation Reports Call to Action #92 whereby the corporate sector was called upon in Canada to adopt the United Nations Declaration on the Rights of Indigenous Peoples as a reconciliation framework and to apply



its principles, norms, and standards to corporate policy and core operational activities involving Indigenous peoples and their lands and resources.

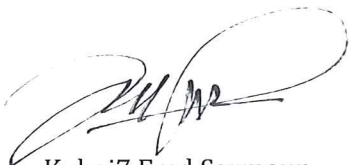
The SSN have seen that the current Environmental Assessment process does not support reconciliation between Indigenous People and Canadians or the Canadian Government. The process is adversarial and functions to draw lines and assess significance when it does not respect the unique and intimate relationship and responsibility that Indigenous People have with traditional territories and particularly as it relates to Aboriginal Title. It is not mandated sufficiently to assess and measure impacts from a place of respecting the sovereignty, laws, knowledge and history of Indigenous people. Whether it is the methodology prescribed in the assessment of cumulative effects, or how intangible impacts are measured against respect to traditional knowledge, Indigenous laws and traditional land and resource ownership, so much must be changed within this process before it can effectively and consistently support reconciliation.

Our Ancestors told us the foundation of this reconciliation through the Story of Porcupine (see appended Story of Porcupine). In this story, it is said that two People lived in conflict to one another. Their Chiefs were Elk and Swan. These people were interfering with each other's business, leading to difficulties in putting away food and living in peace. What one group did well the other group did poorly and, because of this, the people suffered and were pitiful. Coyote was sent as a messenger but many times failed in the face of the deep snow and difficulty of the journey. It was Porcupine who brought the two People together and when the People humbled themselves and shared their knowledge, they were able to learn from one another and consequently lived in peace and prosperity.

For too long the Crown have acted as Coyote merely practicing running, daunted by the depth and breadth of issues that stand in the way of reconciliation. In the words of our Chiefs in their Memorial to Sir Wilfrid Laurier (1910), *"we welcome you here, and we are glad we have met you in our country. We want you to be interested in us, and to understand more fully the conditions under which we live. We expect much of you as the head of this great Canadian Nation, and feel confident that you will see that we receive fair and honorable treatment. Our confidence in you has increased since we have noted of late the attitude of your government towards the Indian rights movement of this country and we hope that with your help our wrongs may at last be righted."*

We look forward to working together to be great and good.

Kukwstsétsemc,



Kukpi7 Fred Seymour  
Tk'emplups te Secwepemc  
Stk'emplupsemc te Secwepemc Nation



Kukpi7 Ron Ignace  
Skeetchestn  
Stk'emplupsemc te Secwepemc Nation



cc.

The Hon. Justin Trudeau, Prime Minister

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The Hon. Mark Garneau, Minister of Transport

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The Hon. Carolyn Bennett, Minister of Indigenous and Northern Affairs

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The Hon. Kirsty Duncan, Minister of Innovation, Science and Economic Development

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Attachments:

Porcupine Story

AFN Resolution #40: Respect SSN Project Assessment Process





## **Re Skú7pecen re Stsptekwlls (the story of Porcupine)**

**Cw7it te qelmúcw tsyem-ekwe ne nekúlecw te tmicw.**

A large number of people lived together in one place, so they say.

**Re speqmíc ri7 re kúkwpi7s-ekwe.**

Swan was their chief, they say.

**Ne kekéw te təcwlúlecw, te nekúwésq̄t-ekwe me7 re scwesét-kt, te tekenu7s re skwelkwélt, tsyemes-ekwe te tícwell te qelmucw te sts7émet.stem te Tśi7emc.**

In another faraway place, one day's journey away, beyond the snowy mountains lived another group of people, they were called the Deer People.

**Yi7éne te tmescéen lu7 re tśi7, re teniye, re selcwéyecen, re sxwetéy, re yigelécken ell re s7i7llcw.**

These people included deer, moose, caribou, mountain goat, mountain sheep and some others.

**Re tcetś-ekwe lu7 re kúkwpi7s.**

They say that their chief was Elk.

**Ye-ekwe yirí7 k scmentwécws te tsqwétsten te m-sq̄7es.**

For a long time they had been enemies.

**Kwemtús re skelcmentwécws, t̄ri7 yem wel re kwekwiyúsem re s7elkwstsíllens**

They were interfering in each other's business all the time, that's why they had a hard time putting away food.

**Tecticwell re stkwenn7íple7s, ell re tsutsúwet.s.**

They each had a different kind of government and different ways of doing things.

**Nekúsem relralt re sw7ecs, kemell nekusem ta7 t̄ri7 k sle7s, t̄ri7 yem wel kwemtús re skwekwiyusems.**

What one group did well the other group did poorly, that is why all of them they always suffered.

**Re spipyuy7e titéypens re tmescéen ell re tmescéen titéypens re spipyuy7e t̄ri7 wel qwenqwént re xwexwéytes.**

The birds were acting like four-legged animals, and the four-legged animals acted like birds, that is why they were all pitiful.

**Re speqmíc qwenmíns es texwentés tkenhé7e re lele7stw7écws, es ta7es cuýtsem re skelcmentwécws.**

Swan wanted to fix how they could be good to each other, so that they wouldn't interfere in one another's affairs any more.

**Re speqmíc necwentés es pálpelt.s re tsqwétsten, t̄ri7 yem wel w7ec re yewsentwécwes.**

The swan believed that the people were stubborn that is why they were troublesome and were being a nuisance to one another.



**Neku7 te sitq7 te m-ístkmes, le gáttes re swucwt ne skwelkwélt, m-melkwilcmens re kwséltktens re speqmic.**

One day in winter when the snow was deep in the mountains, Swan gathered his people together.

**Neri7 m-lexéyect.s stemi re sptínesems, m-yews re sulltimt.s swéti7 me7 nes es tsxlitens re tcetś, swéti7 tri7 re sxilems me7 éyentem cw7it te sxíxlem.**

And he told them what he had thought, and then asked who would go to invite Elk to come, and whoever would do that would be paid lots of dentalium.

**Tsúntem te skélép, “Re ntsétswe7 me7 néns-ken.” M-yews re sllecwentés re s7ícenst.s te stemstíteínt.s, tsderniy7 te silltsu7úwi, ell xwexwéyt re sxixlems ell re mémles.**

Coyote said, “I will go.” Then he put on his fancy clothes, his embroidered moccasins, all his dentalia and his necklaces.

**Le estklucwes m-qwetséts re skélép, kémell ta7ks qwenens es kwétems ne xgátt te swucwt. Tri7 yem m-tentyénmens re c7istkten wel tskwtek re skékw7es le xqilltes re kwséltktens.**

Coyote left at sundown, but he did not want to walk in the deep snow. That’s why he kept circling the underground house until sunrise when his relatives woke up.

**M-séwentem te speqmic, “kénem me7e ta7 ke7 sqwetséts ey?”**

Swan asked him, “How come you have not left yet?”

**M-éytsentem te skélép, “m-etsxmimen tucw ens cwiwselc, tri7 wel ta7 ey ken sqwetséts te sqeltus. E r7ales me7 qwetséts-wen.**

Coyote answered, “I was practicing running, that’s why I haven’t left for the mountains yet. I will leave tonight.

**M-r7ales tspíqwstem le qwetsétses te kwséltktens wel re m-legúp.**

In the evening the relatives watched him until he was out of sight.

**Ta7 k sq7es m-xpqnwénses k sgátt7uys re swucwt, cwelpilc m-tspelqilcwes, m-stsilcwes ne kwellkémsts re xnicw ne ckemqíns re c7istkten .**

It was not long until he found the snow too deep, so he turned around and went back, and he lay down under the ladder on the roof of the underground house.

**Le xqilltes re qelmucw m-wiktem te xexe7 re s7itcs re skélép, m-xúqleqses. M-séwentmes te speqmic, “kénem mé7e ta7 ke7 sqwetséts ey?”**

When the people woke up they saw that coyote was fast asleep and snoring. Swan asked him, “why didn’t you leave yet?”

**M-tsúntem te skélép, “m-etsxmímen ens cwiwselc, tri7 yem wel cetsétsus-ken.” E r7áleses me7 qwetséts-wen.**

Coyote told him, “I was practicing running, and that’s why I got tired. I will leave tonight.

**Re speqmic m-séwens re kwseltkens sweti7 me7 exték es qwetséts.s. Xwexwéyt re stsetsut, yiri7 re sku7pecen tikwemtus re skukuwétems ne skwelkwélt, ne gátt te swucwt, tri7 yem me7 exték es qwetséts.s.**



Swan asked his relatives who would be the fittest one to go. They all said that the porcupine always walked in the snowy mountains in the deep snow, that's why he would be the fittest one.

**Tri7 yem m-twinélesmentem re sku7pecen es qwetséts.**  
Thus, they depended on Porcupine to go.

**íqwentés re silltsú7uwis ne sitest wel re m-cwénwen, m-yews re syexs te qwets.**  
He sewed his moccasins

**Le-tsekúlecwes re tmicw m-qwetsétses.**  
He left at the break of dawn.

**M-wiktmes te skelép m-tulímentem, tsuntmes, "yumell re ntsétswe7 ta7 ks xenwéwen ens qwetséts, tkenhé7e me7 xillts yi7ene te qwenqwént, te kenkint, te ctsetsscécen te kwséltkten-kt es í7eks ne gaít te swucwt?**  
When Coyote saw him, he laughed at him and said, "If even I could not make it, how can this pitiful, slow and short legged relative of ours make through the deep snow?"

**E r7aleses m-kitsc re sku7pecen re tcetś re tsitcws, xexé7 re stlels, stsmuxmux-ekwe te scúyent ell te swucwt.**  
In the evening, Porcupine arrived at Elk's house, he was very exhausted and covered in ice and snow.

**Le qw7étses re skú7pecen, m-kectés re tcetś te stéltsnems re speqmic es tsxlitens re tcetś met re kwséltkens. M-yews re sulltimcwes te stitehc ell te íéqceñ es íqwentés re silltsú7uwis.**  
After Porcupine had warmed himself, he gave Elk the message from Swan and asked for sinew and an awl to sew his moccasins.

**Le-wi7es re steltsnems, m-tsuntem te tcetś, "Pexyéwt me7 tégwentp-kucw re ntsétswe7 met ren kwseseltkten ne tmicw-emp."**  
When he was finished delivered, Elk told him, "tomorrow me and my people will visit you in your country."

**M-pelqílc re sku7pecen ne tmicws, m-lexéyect.ses re speqmic stemi lu7 re stéltsnems re tcetś.**  
Porcupine returned to his country, and then he told Swan what Elk's message was.

**Le yigapes re tcetś met re kwséltktens m-tsecwmintem, m-yews re smetéms.**  
When Elk and his relatives arrived they were warmly greeted and feasted.

**Le wi7es re s7illens m-xítelc well re speqmic met re kwséltktens ne sxetéqs re tcetś.**  
After they finished eating, Swan and his relatives knelt before Elk.

**Re speqmic m-tslexemcit.s xwexwéyt re stem re stslexméms, ell m-lexéyect.s tkenhe7e m-tsetseclementwécwes, Tri7 yem m-kectéses re tcetś xwexwéyt re texpqnwéllens ell re m-tkwenm7iplemenses.**  
Swan shared his wisdom with them and told them how they could fix one another.





This is how he gave Elk all his knowledge and his advice.

**M-yews re tcetś met re kwselktens m-xitelc ne sxtéqs re speqmíc ell re tcetś m-kectés  
xwexwéyt re sptinesems ell re tkwenm7ipe7s.**

**yiri7 re sxepqenwellentwécws ell tqwews p7ecws re sle7s re sxenwéllens es tsetséts.s es  
yucwmentwecws.**

Then Elk and his relatives knelt before Swan and Elk shared all his thoughts and his advice. And this is how they learned from one another, and they were able to look after one another.

**M-yews re p7ecws re sle7s re sw7ecs, m- le7stwécw wel me7 yews, m-ta7es cuýtsem re  
stśniqentwécws.**

Then they lived much better, they were good to one another from then on, and they stopped fighting.

**Yiri7 re tkwenm7íplemētwecwes wel me7 tekwemíte7.**

These are the laws they gave to one another.

**Re skú7pecen m-kwenwéńses te cwesqléw te sxixlem. M-yews re skucwsentem te skélép.**

And Porcupine became rich with dentalia and was much envied by Coyote.

**Yiri7 re stsecwtéps!**

This is the end.

*\*\*This stsptekwll was told to James Teit by Secwepemc storyteller Sexwélecken in 1900,  
unfortunately only rendered in English as re-told by Teit in his own prose.*

*The Skeetchestn elders recently (October 2015) re-translated the story into Secwepemctsin.*



## **R E S O L U T I O N   # 4 0 / 2 0 1 6**

### **AFN Annual General Assembly, July 12 - 14, 2016, Niagara Falls, ON**

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**TITLE:** Respect Stk'emlupsemc te Secwepemc Nation Project Assessment Process

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**SUBJECT:** Lands Rights and Claims

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**MOVED BY:** Chief Fred Seymour, Tk'emlúps te Secwépemc Nation, BC

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**SECONDED BY:** Chief Ron Ignace, Skeetchestn Nation, BC

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#### **WHEREAS:**

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 26 (1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
  - ii. Article 26 (2): Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
  - iii. Article 27: States shall establish and implement, in conjunction with Indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to Indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of Indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.
  - iv. Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
  - v. Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.
- B. On May 3, 2016, BC Auditor General Carol Bellringer released "An Audit of Compliance and Enforcement of the Mining Sector" and concluded that the BC government's management of the mining industry is failing to protect the environment against significant risk. She based her decision after a two-year investigation that found the regulatory regime was underfunded, conducted infrequent inspections and had inadequate enforcement measures.
- C. The KGHM Ajax project is a proposed copper and gold open pit mine located in Secwepemc Nation territory at a culturally significant site known as Pipsell (Jacko Lake and the surrounding area), near Kamloops, British Columbia. Stk'emlupsemc te Secwepemc Nation, has never ceded surrendered or

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given up any of their lands or interests. They uphold their sacred responsibility to protect and assert jurisdiction over their territory.

- D. Pipsell is directly connected to the oral history of the Stk'emlúpsenc te Secwepemc Nation and together with its Secwepemc stsq'ey' (indigenous laws) provides the narrative foundation for ownership and stewardship of Secwepemc lands and resources.
- E. The project proponent for KGHM Ajax is KGHM International, a subsidiary of KGHM Polska Miedz SA, a Polish state controlled company where Poland owns an 80% stake in the proposed project. Poland is a 2007 signatory to the UN Declaration.
- F. Stk'emlúpsenc te Secwepemc Nation assert sovereignty and full control over their territory. By the Stk'emlúpsenc te Secwepemc Nation political declaration and subsequent Notice of Civil Claim (filed on September 21, 2015), they put the provincial government of British Columbia, the Canadian federal government, and KGHM on notice of their Aboriginal Rights and Title in Pípsell and of the responsibility to preserve Stk'emlúpsenc te Secwepemc Nation's Aboriginal Interests.
- G. Given the current inadequacies of the Canadian Environmental Assessment and BC Environmental Assessment processes, Stk'emlúpsenc te Secwepemc Nation has been required to undertake a precedent setting and historic first project assessment review process regarding the proposed KGHM Ajax open pit mine. The assessment was developed to ensure that their cultural perspectives, knowledge and history were duly considered in the assessment and was built on the "Principle of Walking on Two Legs"- Secwepemc and western support. The process involves an innovative community engagement program modeled to reflect a traditional governance model, respecting the role of families and the divisions, and includes both communities in Stk'emlúpsenc te Secwepemc Nation. The panel is inclusive and representative, composed of Tk'emlúps te Secwepemc and Skeetchestn Chief and Councils, family appointed representatives, elders, youth, and knowledge keepers.
- H. Prime Minister Justin Trudeau has publicly stated his government's commitment to renewing the relationship with First Nations in Canada embodying the following principles:
  - i. This renewal must be a nation-to-nation relationship, based on recognition, rights, respect, cooperation, and partnership...to make real progress on the issues most important to First Nations.
  - ii. Serious, concrete actions [will be taken] to demonstrate [the government's] commitment to recognizing, respecting, and fulfilling its obligations and commitments to First Nations.
  - iii. A Federal Reconciliation Framework will be developed in full partnership with Indigenous peoples, which includes addressing outstanding land claims.
- I. Stk'emlúpsenc te Secwepemc Nation has requested the development of a nation-to-nation table regarding the KGHM Ajax Project. That request included letters sent both before (June 21, 2015) and after (November 30, 2015) Canada's 42<sup>nd</sup> General Election in October, 2015. Stk'emlúpsenc te Secwepemc Nation clearly outlined out positions in those letters and has identified its development as a key component to consultation and the development of a nation-to-nation relationship.



## **R E S O L U T I O N   # 4 0 / 2 0 1 6**

**AFN Annual General Assembly, July 12 - 14, 2016, Niagara Falls, ON**

**THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:**

1. Call on the Government of Poland to direct its KGHM Polska Miedz SA Supervisory and Management Board to uphold its commitments under the UN Declaration on the Rights of Indigenous Peoples (UN Declaration).
2. Support the development of an agreement whereby the KGHM Polska Miedz SA investment in the proposed KGHM Ajax project respect the Stk'emlupsemc te Secwepemc Nation's free, prior and informed consent concerning the project.
3. Declare that no project will proceed without the informed consent of Stk'emlupsemc te Secwepemc Nation as they have an Aboriginal right to fully participate in any decision which may affect their Aboriginal rights and title, and to maintain and develop their own Indigenous decision-making institutions whereby Stk'emlupsemc te Secwepemc Nation can determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
4. Direct the federal government to undertake discussions on a nation-to-nation basis to ensure the Stk'emlupsemc te Secwepemc Nation is fully involved in the Minister of Environment's decision to refer the project to the Governor in Council. This decision must include and be informed by the Indigenous Environmental Assessment Process and consider, not only the likelihood of the project to cause significant adverse environmental effects, but the development of a decision making process on the likelihood of the project to cause significant adverse effects on the Stk'emlupsemc te Secwepemc Nation's Aboriginal title and rights (including provisions under UN Declaration).
5. Call upon the Federal, Provincial and Territorial Governments to recognize and respect the Stk'emlupsemc te Secwepemc Nation Indigenous Environmental Assessment Process as it reviews and assesses the project's tangible and intangible impacts on Stk'emlupsemc te Secwepemc Nation Aboriginal title and rights.
6. Direct the federal government to undertake discussions on a nation-to-nation basis to ensure the Stk'emlupsemc te Secwepemc Nation is fully involved in the Federal Government's comprehensive review of the Environmental Assessment, National Energy Board, Navigable Waters, and Fisheries Acts through appointment of a Federal negotiator and financial resources for meaningful consultation and engagement. (addition on the floor)