



April 18, 2019

British Columbia Southwest Mines Division

RE: Comments on Giant Copper Property (Tenure Numbers: 236535, 236533, 236590) Notice of Work Referral Number: 109994684-011 Ministry of Energy and Mines REF: 0700195

To Whom It May Concern,

As an international organization representing approximately 4,000 members in Washington and British Columbia, Conservation Northwest stands with several First Nations, the Union of B.C. Indian Chiefs (UBCIC), Seattle City Light, the City of Seattle and dozens of conservation and recreation groups in B.C. and the United States to unequivocally oppose the permit application by Imperial Metals for mining exploration in the Silver Daisy Peak area.

Industrial activities as proposed in the application are ill-advised and inappropriate in such a sensitive area with such high ecological, environmental and recreational values. We urge you to deny an exploratory mining permit to Imperial Metals in the headwaters of the transboundary Skagit River. And we renew our call to the B.C. Ministry of Forests, Lands and Natural Resource Operations and Rural Development to cease any further industrial activities including logging of the area's old growth forests ([December 20, 2018 letter PDF](#), [webpage](#)).

Denying the permit application will ostensibly facilitate a resumption of negotiations between the proponent and the Skagit Environmental Endowment Commission (SEEC) that would hopefully lead to a "claw back" of the mineral tenure contained within the upper Skagit "Donut Hole" and inclusion of the area within the B.C. Parks system.

We wish to highlight a sentence in the letter from the UBCIC to the President and CEO of Imperial Metals regarding the application for the permit: "It is unacceptable for Imperial Metals to carry out any operations or actions that are not premised on full engagement or consultation with concerned First Nations parties."

It seems apparent that this level of engagement has not occurred. But we see it as fundamental to good stewardship of the land, the fish and wildlife, and water quality on which indigenous people have depended for thousands of years; all of which is fundamental to non-indigenous communities as well. As conservation focused ENGOs we appreciate and support the articulation of values (particularly Title and Rights) expressed in the UBCIC letter because they emphasize the necessary steps toward habitat and species conservation via community empowerment.

As well, it's relevant to point out that in recognition of the important ecological value and recreational opportunities the British Columbia provincial government and the City of Seattle signed the High Ross Treaty between Canada and the US, which settled the dispute over flooding a part of the upper Skagit watershed. The Treaty also established the Skagit Environmental Endowment Commission ([SEEC](#)), the bi-lateral body intended to conserve and protect

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wilderness and wildlife habitat, enhance recreation opportunities and to acquire mineral or timber rights consistent with those values.

The approval of Imperial Metals application for permit will violate the spirit and intent of High Ross Treaty, the creation of the SEEC (and its well-known intent to acquire and protect the Donut Hole area) and the stated opposition of indigenous communities on both sides of the border to mining activities in the Donut Dole/Skagit Headwaters.

Approval of logging plans and subsequent logging by B.C. Timber Sales has already violated those processes and interests. We are puzzled by the B.C. government's seeming abandonment of its facilitation role in discussions between the tenure holder and SEEC whose present and past commissioners have worked in good faith for years, in tandem with British Columbians to realize the worthy objectives of enhancing one of BC's premier park complexes – and our region's only bi-national protected area.

The E.C. Manning and Skagit Provincial Parks together with North Cascades National Park and Recreation Areas, and adjacent wilderness areas and national forests contain one of the largest blocks of interconnected protected areas along our common border. The area provides critical habitats for grizzly bears, spotted owls, bull trout and many other species, many of which are threatened. The International Union for the Conservation of Nature (IUCN) lists North Cascades grizzly bears, with an estimated fewer than 6 individual animals, as “Critically Endangered”.

Government and non-government grizzly bear experts attribute the region's grizzly bear imperiled status to the combined effects of habitat fragmentation and destruction, a situation that will only be exacerbated with increased industrial activities in the North Cascades Ecosystem, particularly in the event of a mining related accident.

In [a recent report](#) the B.C. Auditor General highlighted the North Cascades as British Columbia's only Grizzly Bear Population Unit (GBPU) with a recovery plan. The area in question has significant high suitability grizzly bear habitat. Further degrading that habitat with new roads, mining infrastructure and increased cumulative effects poses the risk that the habitat effectiveness of the GBPU generally is severely further degraded along with B.C.'s commitment to recover the North Cascades grizzlies, a commitment shared by U.S. federal agencies.

It should go without saying that the Skagit Basin is absolutely critical to the conservation of imperiled Puget Sound Chinook and chum salmon and steelhead, the value of which cannot be overstated to communities, resident orca whales and the region's ecological function. The risk posed to salmonids and aquatic species by large scale mining and logging activities including possible elevated water temperatures, increased sedimentation and release of toxic materials is unacceptable.

We also want to point out that the track record of Imperial Metals in the wake of the Mount Polley disaster should be considered in the permit application process. While we are aware that no criminal charges have been brought against the company, the Mount Polley Review Panel

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concluded “that the dominant contribution to the [tailings pond dam] failure resides in the design”. Civil proceedings against the company are outstanding.

Finally, as many others have stated, the protected mountains, forests, lakes and streams of the upper Skagit Basin also provide clean drinking water and unsurpassed recreational opportunities for a growing number of Canadians and Americans who seek peace and refuge from the noise and bustle of an ever-growing Cascadia region.

Demands for such nearby natural areas will continue to grow, not shrink. To not recognize and plan for such demand is short-sighted and counter to the interests of this and future generations. The Skagit protected areas complex is a regional showcase for international conservation cooperation and quality of life that in turn underpins our economic, ecological and cultural vibrancy.

Sincerely,

Joe Scott
International Programs Director

Cc: Mayor Jenny Durkin
Governor Jay Inslee
Senator Patty Murray
Senator Maria Cantwell