



**WOODWARD & Co.  
LAWYERS LLP**

REPLY TO: JENNY BIEM  
Victoria Office  
email: [jenny@woodwardandcompany.com](mailto:jenny@woodwardandcompany.com)

ASSISTANT: BARB BARBER  
[bbarber@woodwardandcompany.com](mailto:bbarber@woodwardandcompany.com)

Our file: 4920

September 18, 2014

Honourable Mary Polak  
Minister of Environment  
Room 112, Parliament Buildings  
Victoria, BC V8V 1XR

By Email: [mary.polak.mla@leg.bc.ca](mailto:mary.polak.mla@leg.bc.ca)

Dear Minister Polak:

I write today on behalf of a large and growing group of Kamloops citizens, formally known as the Kamloops Area Preservation Association ("KAPA") to request that you suspend the environmental assessment of the proposed Ajax Mine, to be located partially within the city limits of Kamloops, pursuant to section 30(1) of the *Environmental Assessment Act*, SCB 2002 c 43 (the BC EAA).

The reasons for KAPA's request are as follows.

The proposed Ajax Mine is a reviewable project under the BC EAA. It is the subject of joint assessment with Canada, including a comprehensive study pursuant to the *Canadian Environmental Assessment Act*, RSC 1992 c 37. A Section 10 Order was issued on February 25, 2011. A Section 11 Order was issued on January 11, 2012. The application information requirements were finalized in June 2013. The current AIR/EIS Guidelines may be found on the e-PIC website.<sup>1</sup>

In or about May 2014, the Proponent announced that it would be making several important changes to its original proposal for the Ajax Mine. A comprehensive revised project description has yet to be issued, and publically available information on the proposed changes is scanty at best. KAPA's understanding is that the EAO issued draft amendments to the current AIR/EIS

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<sup>1</sup> located at

[http://a100.gov.bc.ca/appsdata/epic/documents/p362/1372182782946\\_79f8c7ba268f5ea9f1e49f449090ff1d013594284aae4cacaeb21c9a1d5f4c8e.pdf](http://a100.gov.bc.ca/appsdata/epic/documents/p362/1372182782946_79f8c7ba268f5ea9f1e49f449090ff1d013594284aae4cacaeb21c9a1d5f4c8e.pdf) Those requirements specific to tailings management are located at text pages 26-27, pdf pages 53-54

sometime in June 2014, although KAPA was denied the opportunity to review and comment on same, and that the Proponent plans to submit its application sometime in 2015.

The change that is the foundation of KAPA's suspension request to you is the proposed change in tailings management from a tailings stack to a conventional tailings pond at the Ajax Mine. I am advised that the proposed tailings pond would be located in the headwaters of Peterson Creek, which emerges from a steep, narrow canyon and flows right through downtown Kamloops before entering the salmon-rich Thompson River. I am further advised that the proposed tailings impoundment will be much larger than the impoundment that failed in the Mount Polley disaster, and that there will be four seepage ponds associated with the waste rock and tailings, all of which will likely need some sort of dam, therefore adding to the risk. In KAPA's view, according to the guidance provided in the "Dam Failure Consequence Classification Conversion Guideline for Dams in British Columbia", the proposed Ajax facility could well receive the highest risk classification.

In a letter dated September 11, 2014, the Environmental Assessment Office advised KAPA that, despite KAPA's concerns regarding the proposed conventional tailings pond and the failures of the current AIR/EIS to require the type of information needed to assess the potential effects of same, "changes to the AIR/EIS Guidelines will focus on updating the project description and study area boundaries and not the types of information to be collected or studied."

With respect, this is an unreasonable approach to assessing the application for the proposed Ajax Mine. The Independent Expert Engineering Investigation was initiated in the wake of the Mount Polley disaster for good reason. In the word of the Honourable Bill Bennett, Minister of Energy and Mines:

We have a responsibility, as the jurisdiction where this failure took place, to find out exactly why it happened, ensure it never happens again . . . The independent engineering investigation and third-party reviews of Dam Safety Inspections for every permitted tailings facility in the province will get the answers necessary to provide public confidence following this serious incident.

In KAPA's view the AIR/EIS Guidelines for the proposed Ajax Mine could be improved by the findings of the expert Panel that the province has wisely retained. In addition to bringing the environmental assessment process into disrepute, it would not be an efficient use of public resources to proceed with this assessment, and in particular with those information requirements specific to tailings, in advance of the release of the expert panel's report, which we understand is due January 31, 2015.

Therefore KAPA requests that you order as follows regarding the current Ajax Mine assessment:

Pursuant to section 30(1) of the Act, I hereby suspend the assessment of the Project, until, in the reasonable opinion of the Minister, the outcome of the work undertaken by the Independent Expert Engineering Investigation and Review Panel has occurred.

We submit that such an order would be consistent with the policy rationale you explained when announcing the suspension of the Morrison Mine assessment:

The potential effects related to the design and location of the tailings management facility of the Morrison project were very much part of what the Environmental Assessment Office's executive director identified in the 2012 recommendations. For that reason, it is prudent to suspend the Morrison environmental assessment.

Please do not hesitate to contact me should you require any further information. KAPA would be pleased to discuss its request and the general conduct of the Ajax Mine assessment with you.

Sincerely,  
Woodward & Co.



Jenny Biem

JB:bb

cc: Don Barz, KAPA ([dbarz@shaw.ca](mailto:dbarz@shaw.ca))  
Ruth Madsen, KAPA ([ruthjmadsen@gmail.com](mailto:ruthjmadsen@gmail.com))  
Paula Pick, KAPA ([donkeys@xplornet.com](mailto:donkeys@xplornet.com))  
Scott Bailey, Environmental Assessment Office ([scott.bailey@gov.bc.ca](mailto:scott.bailey@gov.bc.ca))  
Doug Caul, Associate Deputy Minister ([doug.caul@gov.bc.ca](mailto:doug.caul@gov.bc.ca))  
Canadian Environmental Assessment Agency ([ajax@ceaa-acee.gc.ca](mailto:ajax@ceaa-acee.gc.ca))