

Tracey Janes
Project Assessment Director
Environmental Assessment Office
P.O Box 9426 Stn Prov Gov
Victoria, BC V8W9V1
Sent via email: Tracey.Janes@gov.bc.ca

May 28, 2024

Dear Tracey:

RE: City of Rossland has significant concerns with the Record Ridge Industrial Mineral Mine Project Application

I am writing on behalf of the City of Rossland Council to express our unanimous concerns regarding the proposed Record Ridge Industrial Mineral Mine Project proposed by West High Yield Resources Ltd. (WHY Resources), situated near Rossland, BC. As this project has the ability for operations to be conducted over a 20-year span, we appreciate the opportunity to provide our input to the Ministry of Energy, Mines and Low Carbon Innovation (EMLI) on this matter. We also note that we are simultaneously submitting a request to Minister Heyman for the project to be deemed a reviewable project by the Minister and undergo environmental assessment. It is attached, for your information.

As stewards of our community and its natural surroundings, the City of Rossland Council is deeply committed to ensuring the protection of our environment, biodiversity, and the well-being of our residents. We recognize the importance of responsible resource development; however, we also believe it must be balanced with the preservation of our ecological heritage, tourism offerings (as being designated a resort municipality community), and the sustainability of our local ecosystems.

In November 2022, Rossland adopted a new Official Community Plan (OCP). As public participation is a cornerstone of the OCP process, the plan was developed with *significant* input from community members to ensure it reflects their values and aspirations. The policies and goals established in the OCP highlight that Rossland is a resilient alpine community that balances social, environmental, and economic sustainability and offers residents and visitors alike extensive recreational opportunities, trail networks and green spaces. Rossland understands community health, well-being and prosperity are closely tied to environmental protection and thus, key goals in the OCP that emphasize sustainable development and environmental stewardship to preserve the natural beauty and ecological integrity of the region include:

1. *Sustainable Land Use*: The plan emphasizes sustainable land development practices that minimize environmental impact and prioritize the preservation of natural landscapes.
2. *Biodiversity and Ecosystem Protection*: Protecting local biodiversity and maintaining healthy ecosystems are crucial goals. This involves safeguarding wildlife habitats, managing invasive species, and preserving green spaces.

3. ***Water Conservation:*** The OCP includes strategies for conserving water resources, such as efficient water use practices and protecting watersheds to ensure clean and sustainable water supplies.
4. ***Protecting Natural Areas:*** There is a strong focus on conserving natural landscapes, water bodies, and biodiversity. The plan advocates for the protection of sensitive ecosystems and wildlife habitats from development pressures.
5. ***Tourism and Recreation:*** These are not only vital to Rossland's economy but also contribute to the community's quality of life. Rossland's natural assets and recreational opportunities support a healthy, active community and attract visitors from all over Canada and the world. The plan recognizes the importance of environmental conservation, ensuring that the natural attractions that draw visitors are preserved for future generations.

Additionally, as one of fourteen Resort Municipalities in BC, Rossland supports a variety of seasonal pillars of tourism supporting Destination BC's goal of promoting the Super, Natural British Columbia brand to the world. Key pillars which could be impacted by future development at the Record Ridge site include skiing, mountain biking and hiking. With this in mind, our 2022-2024 Resort Development Strategy that was developed in partnership with community stakeholders, Tourism Rossland and the Ministry of Tourism, Arts, Culture and Sport highlights increasing non-winter visitation between April and November by 5% per year as one of four key goals for the community. Specific trail remediation and impact management projects are included in the resort development strategy to ensure the summer pillar of tourism, the trail network in and around Rossland, is preserved and properly managed to support long-term tourism goals.

Further, Rossland's newly adopted Recreation, Parks, and Culture Master Plan highlights the importance of the trail network surrounding Rossland to the health and happiness of the community. The top 10 actions identified in our new plan include 'support a thriving trails network' and specifically to 'support trails in surrounding areas.' The 7 Summits Trail, passing directly through the proposed Record Ridge site, is one of the International Mountain Bike Association's 'Epic Rides' and an iconic trail used by local recreationists and visitors alike. Only 40 trails in North America have earned this status; and only 4 in Canada hold this title.

Therefore, based on the above, our concerns regarding the Record Ridge Industrial Mineral Mine Project are multifaceted:

1. *Environmental Impact:*

The proposed project's proximity to Rossland raises significant concerns about its potential environmental impact on the surrounding ecosystem, including water quality, air quality, and flora and fauna habitats.

2. *Community Well-being:*

The operation of an industrial mineral mine in close proximity to residential areas could have adverse effects on the health and well-being of our community members, including increased noise, traffic, and dust pollution.

3. *Economic Considerations:*

While economic development is essential for the vitality of our region, we believe it must be pursued in a manner that does not compromise the long-term sustainability of our local economy, including tourism, recreation, and other sectors dependent on our natural environment.

In review of the Record Ridge Industrial Mineral Mine Application, we have noted specific, significant, concerns that directly relate to the three key areas noted above:

Water Use

WHY Resources water use story is incomplete. They have stated they will only use mine water for dust suppression at the site, and don't clearly indicate if they are using water for processing (blasting/crushing/drilling) or only water for road watering. Either way, their reliance is on the groundwater aquifer volumes they anticipate will recharge into the open pit once they start mining. By their own admission, this is based on a very limited understanding of groundwater hydrology. There do not appear to be contingency plans should they not have enough mine water for dust suppression; nor is it understood they've planned for enough contingency should they have way too much water for their sedimentation pond to handle. With silica and asbestos in the mine rock, there could be serious human health implications if dust mitigations aren't properly implemented.

Impacts from these uncertainties will be felt most directly by immediate residents of the area, including Big Sheep Creek residents who drive past the site to access their homes, and downstream Silica and Paterson residents, and others, who use the waters directly downstream from the site. That said, impacts to regional residents and downstream users are not well understood based on the information provided in the application. For example, it appears WHY Resources has not accounted for drinking water as a downstream use, despite direct discharge to a creek that flows directly through Silica and Paterson.

Should WHY Resources not have enough water for proper dust suppression, they will need an alternate water source to mitigate impacts. It is not difficult for the City to envision a scenario where the proponent would approach the City for access to our limited water resources for mitigation.

Further, the application states nothing re: where domestic water use (for their offices) will come from. That said buried, in the Socio-community Economic Review, the City was quite surprised to find that it states they will come to the City of Rossland for water. To date WHY Resources has not approached the city to engage in any discussion of water use.

Before any considerations of issuance of a permit, the water management strategy, including better understanding of impacts and a clear identification of water sources and contingencies should be developed and provided to the City of Rossland for review.

Economic impacts of the open pit mine on Rossland

WHY Resources has developed a Socio-Community and Economic Review. In review of the assessment, the City of Rossland notes the assessment of ancillary impacts to our economy from the mine is incomplete. For example, there is no consideration of tertiary impacts such as reduced tourism from fewer bikers coming to complete the EPIC Seven Summits Trail due to the proximity of a mining operation, or the impacts on property values to those surrounding the mine project or even the city, should the perception of what Rossland is and what makes it attractive be negatively impacted by the proximity of an open pit mine. It is also unclear who completed the assessment submitted as there is no letterhead, author, or credentials provided together with the review.

The City of Rossland requests that an independent third-party review of potential socio-community and economic impacts, including ancillary impacts, be completed prior to any approvals of this project.

Traffic Management

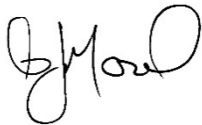
WHY Resources has committed to not taking its trucks through Rossland and instead going over the border through Silica and Paterson. That said, the City notes in review of the application that the proponent does not have approval for this method yet from MOTI, nor have they provided any feedback, or an updated Traffic Management Plan based on this commitment. Their application and Traffic Management Plan still outline the route through Rossland, Warfield, and Trail as the planned route, with a caveat that the alternative is undergoing review. The traffic flow pattern is a huge part of the impacts to the City of Rossland. Review of this application without final approved transportation routes is premature.

The City of Rossland has several other concerns, including the level of supporting evidence for the predicted environmental impacts provided in the application, the level of community engagement to date, and the lack of understanding of indigenous consultation that has been considered in development of this application.

The areas of concern outlined above, and others, have been included in the letter to the Environmental Assessment Office, outlining why the City of Rossland believes this project should be subject to environmental assessment and require an environmental assessment certificate.

Thank you for considering our concerns and requests. We look forward to the opportunity for our community to continue to participate in the permitting process and ensure our City continues to work towards a sustainable future for the region.

Sincerely,



Mayor Andy Morel

Attached: *City of Rossland letter sent to Minister Heyman.*

The Honourable George Heyman,
Minister of Environment and Climate Change Strategy
P.O Box 9047 Stn Prov Gov
Victoria, BC V8W 9E2
Sent via email: ENV.Minister@gov.bc.ca

May 28, 2024

Dear Minister Heyman:

RE: Environmental assessment of proposed Record Ridge Mine

I am writing on behalf of the City of Rossland Council to express our concerns regarding the proposed Record Ridge Industrial Mineral Mine Project (the Record Ridge Mine), as proposed by West High Yield Resources Ltd., situated near Rossland, BC. We appreciate the opportunity to provide our input on this matter.

Council's unanimously voted position is that the project is a reviewable project that requires an environmental impact assessment (refer to Section A).

However, if you determine that the project is not automatically reviewable under the *Environmental Assessment Act*, then the City of Rossland requests that the project be designated as a reviewable project by the Minister for the reasons outlined below (refer to Sections B-E).

A. The Proposed Mine is a Reviewable Project

The City of Rossland believes the Record Ridge Mine, as proposed, meets the criteria for a reviewable project as per Section 9 of the *Act* and Section 9 of the Regulation.

We have reviewed the materials submitted by West High Yield Resources Ltd. ("WHY Resources") that support the proposed project, and we do not believe the exemptions in the Regulations are applicable to this project.

Therefore, the City of Rossland believes an environmental assessment is required before any work on the Record Ridge Mine starts. We therefore request that Record Ridge Mine Project undergo the environmental assessment process.

B. Effects on Indigenous Nations

As noted in our previous correspondence to Minister Osborne dated June 21, 2023, the City of Rossland is concerned about the lack of clarity surrounding Indigenous rights and title in our area.

The City of Rossland recognizes this area as Sinixt territory. There are two entities that assert collective rights and title on behalf of the Sinixt Peoples: the Autonomous Sinixt and the Confederated Tribes of the Colville Reservation.

The City of Rossland further understands based on communications from WHY Resources that the Osoyoos Indian Band has entered into a cooperation agreement with the proponent with respect to the Proposed Mine.

Overlapping Indigenous claims to our area by the Autonomous Sinixt, Confederated Tribes of the Colville Reservation, Syilx (Osoyoos) and Ktunaxa Peoples create a real risk that proper consultation will not occur before a decision is issued and therefore a decision could be made without informed consent of the appropriate Indigenous rights and title holders.

A proper environmental assessment process will help to ensure these Indigenous interests are properly considered, and that rights and title holders are provided with a thorough understanding of the environmental, economic, social, cultural, and health effects of the Proposed Mine on their own and others' interests.

C. The potential effects of the Record Ridge Mine, as proposed, will be equivalent to or greater than the effects of mines extracting 250,000 tonnes of quarried product per year

While WHY proposes to extract 200,000 tonnes of quarried product per year in its amended Mine Permit Application, the City of Rossland notes that there is inadequate transportation infrastructure in our area for mining operations, including the Old Cascade Highway and Highway 22 between the Paterson border crossing and through Rossland/Warfield/Trail, as identified in our June 21, 2023 letter.

The impacts related to this include:

- I. Heightened safety risks to persons and property from collisions between trucks travelling to and from the Proposed Mine and pedestrians, motorists and other road users;
- II. Increased noise, dust and emissions from mine-related trucking, owing to the inadequate transportation infrastructure cutting through the heart of our community;
- III. Heavy volumes of mine-related traffic in the immediate vicinity of homes, farms and other properties.

Based on this, the City of Rossland believes that the effects of the Proposed Mine on the local community in Rossland with respect to transportation impacts will be equal to or greater than a mine that extracts 250,000 tonnes of quarried product per year.

Other impacts described in the letter sent on June 21, 2023 will similarly have a greater impact on our community due to the close proximity of the project area to our small community and rural residential properties, including but not limited to:

- I. Impacts of blasting, including noise and dust and their impacts on human health and wildlife;
- II. Impacts on the economy, tourism and recreation, including impacts on the Seven Summits Trail and the Red Mountain Ski Resort, both of which are located in close proximity to the Proposed Mine site and are significant inputs to our thriving local economy;
- III. Impacts on wildlife, biodiversity, and species of concern, owing to the unique ecology of the Record Ridge grassland (as the proposed Record Ridge magnesium mine would result in the destruction of over 90% of the mountain holly fern's available habitat at Record Ridge, and more than half of its total habitat province wide — estimated to be a minuscule 1.1 square kilometers. If the Record Ridge fern population was destroyed, the only known place where the fern would exist in B.C. would be in a 0.4 square kilometer area on Olivine Mountain, near Hope); and

- IV. Impacts on water quality, water quantity and timing of flow, owing to the proximity of the Proposed Mine site to residents' homes as well as to agricultural lands (and a lack of clarity in WHY Resources' application materials with respect to site-specific water quality modelling, water management, inadequate groundwater baseline data, lack of information regarding water sources, and lack of contingencies to support these uncertainties).

The City of Rossland believes that these adverse effects will be equivalent to or greater than the effects of mines extracting 250,000 tonnes of quarried product per year.

D. Environmental assessment of the Record Ridge Mine, as proposed, is consistent with the purposes set out in the Act

The City of Rossland believes an environmental assessment of the Proposed Mine is consistent with the purposes set out in Section 2 of the *Environmental Assessment Act*, including promoting sustainability, protecting the environment, and developing an economy that supports the wellbeing of its residents. Rossland has all this now.

An environmental assessment of the Record Ridge Mine would:

- I. provide a thorough and proper understanding and consideration of the environmental, economic, social, cultural and health effects of the proposed project;
- II. facilitate meaningful public participation by residents of Rossland and the surrounding area, as well as other stakeholders, on the proposed project;
- III. ensure that the best available science, Indigenous knowledge and local knowledge are available to decision makers for consideration, prior to any decisions being made with respect to issuance of permits;
- IV. ensure that local government interests, including the interests of the City of Rossland, as well as Indigenous Nations, are properly engaged through coordination in the assessment process; and
- V. ensure that reconciliation with Indigenous Peoples is supported by ensuring proper consultation, collaboration and recognition with the appropriate Indigenous rights and title holders is upheld through the assessment process; this includes proper consultation with the Autonomous Sinixt, Confederated Tribes of the Colville Reservation, Syilx and Ktunaxa Peoples.

E. Designation of the Proposed Mine as a reviewable project is in the public interest

The City of Rossland believes designation of the Proposed Mine as a reviewable project is in the public interest for the following reasons:

- I. residents of Rossland have demonstrated considerable concern of the Record Ridge Mine project, as proposed, as evidenced by the vocal participation of more than 500 residents of our small town at two Town Hall meetings convened by the Proponent in May 2023;
- II. hundreds of individuals have communicated their concerns in writing to WHY Resources and the Province;
- III. small communities are socio-economically fragile; upsetting this balance by introducing an ecologically, socially and economically destructive industrial project can have a devastating effect on the local community and its residents in the short, medium and long term;

- IV. Rossland, its residents and its local businesses have worked together for several decades to transition the community to a strong socio-economic foundation, assisted by substantial financial support from the Province, as Rossland is designated as one of fourteen BC Resort Municipality Initiative Communities (RMI). This foundation, rooted in green business, eco-tourism, and a high quality of life connected to a healthy natural environment, is placed at risk by the Record Ridge Mine Project; and
- V. the permit WHY resources sent to the BCEAO listed only two years of active mining, whereas the WHY website states that mining operations could continue for up to 20 years.

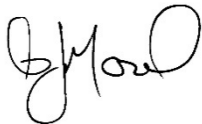
For all these reasons, the City of Rossland believes that designating the Record Ridge Mine project, as proposed, as a reviewable project is strongly in the public interest.

Conclusion

In conclusion, the City of Rossland states that the proposed Record Ridge magnesium mine is a reviewable project.

In the alternative, if the EAO does not agree, the City of Rossland requests that the Minister designate the Proposed Mine as a reviewable project pursuant to Section 11 of the Act, ensuring that a proper environmental assessment is conducted that adequately accounts for Indigenous interests and the environmental, economic, social, cultural and health effects of the Proposed Mine, as outlined in sections B-E.

Best Regards,



Mayor Andy Morel

Attached: Letter sent to Tracey Janes - Environmental Assessment Office

Cc: The Honourable Katrine Conroy, Minister of Finance (Kootenay West MLA) FIN.Minister@gov.bc.ca
The Honourable Josie Osborne, Minister of Energy, Mines & Low Carbon Innovation
EMLI.Minister@gov.bc.ca
Chris Trumpy, Deputy Minister and Acting Chief Executive Assessment Officer Chris.Trumpy@gov.bc.ca
Chair Linda Worley, RDKB (Electoral Area 'B'/Lower Columbia-Old Glory Director) lworley@rdkb.com
Ali Grieve, RDKB (Electoral Area A Director) agrieve@rdkb.com
Mayor Colleen Jones, City of Trail cjones@trail.ca
Mayor Frank Marino, Village of Warfield frank.marino@warfield.ca
Mayor Steve Morissette, Village of Fruitvale mayor@village.fruitvale.bc.ca
Mayor Mike Walsh, Village of Montrose mikeswalsh@telus.net