



May 5, 2025

EMAIL DELIVERED

Dear: Kelly Northcott

RE: Attention to Kelly Northcott

Thank you for your letter of April 24th, 2025, regarding the Record Ridge magnesium project within the lands of the Okanagan Nation Alliance (ONA). Per agreement within the ONA, this projects falls within the Area of Responsibility of the Osoyoos Indian Band (OIB) and as such my comments are on behalf of the OIB and the ONA.

OIB has reviewed the letter from the "Save Record Ridge Action Committee Society" (SRRACS) letter to Minister Davidson of April 7th. As an initial response we provide the following commentary.

SRRACS makes several comments regarding effects on Indigenous Nations, but to our knowledge they have not made contact with either the ONA or the OIB nor are we referenced in the letter. We find this an affront to our leadership and people. OIB is the title holder of these lands, and our communities are physically closest to the project. As well our nearest neighbour to the project, the Ktunaxa , are not referenced in the letter.

As well we note the SRRACS letter refer to additional Indigenous organizations other than Canadian First Nations. We point out that the Autonomous Sinixt are a self-declared organization and cannot be considered a First Nation for the purposes of consultation. The Colville Confederated Tribes, while part of the broader Okanagan- Colville speaking peoples are a United States based band and as such must also be considered in the context of the joint declaration of the Premier of BC and Chief Robert Louie of the Westbank First Nation on behalf of the Okanagan Nation Alliance. The Sinixt peoples are properly represented in British Columbia by the Okanagan Nation Alliance per the joint statement which stated, *"We recognize and respect the Syilx Okanagan Nation's representative role in relation to Sinixt people in Canada in Syilx Okanagan Nation Territory."* A reference to this statement can be found here: <https://www.wfn.ca/blog/Joint-Statement-on-Transborder-Consultation-with-US-Tribes.htm>



SSRAC, as a non-indigenous organization, has no standing in terms of making claims regarding rights & title of First Nations within British Columbia. Unresolved territorial claims amongst Canadian First Nations will be resolved internally according to our protocols and not by the BC EAO or the SSRACS.

Regarding potential effects, OIB conducted its own independent environmental and economic assessment of the project, outside of the MDRC process, using an independent environmental consultancy. For OIB's purposes the MDRC process was not considered sufficient for OIB to render a decision on the project. Following our own review, conducted through consultants OIB retained, OIB concluded that it could support the project on behalf of the Okanagan Nation Alliance. This decision was conveyed to the MDRC.

For the purposed of the project as currently proposed, OIB believes that most matters, be they environmental, socio-economic or cultural, can be addressed through departmental permitting and conditions. We are not clear as to what specific technical matters and impact assessment would address that permitting cannot.

The SSRACS submission seems more concerned with the legality of the impact assessment itself rather than addressing specific environmental impacts. Those impacts outlined, in our opinion, can be dealt with by BC Government Ministries and their individual permitting regimes. Such an approach would allow OIB to better focus resources on addressing these individual environmental issues rather than the process of an impact assessment for its own sake. If the objective is environmental protection, the MDRC should focus on conditions that address the specific environmental issues raises. Adding a layer of process will not necessarily improve on any conditions that can be built into the existing permitting structure.

Finally, a recent study (2020) conducted by the First Nations Major Project Coalition puts the cost of participation for First Nations in Impact Assessment at considerably higher than the limited amount of funding government presently provides a First Nations capacity funding. The report states, "*Evidence from 12 case studies reported First Nations spending an average of \$488,000 on EA process and studies for existing specific Project EAs. Individual Nations reported spending between \$193,000 and \$838,000 on the conduct of their project-specific EA work – some 13 to 55 times as much as that typically provided by the BC EAO (\$15,000).*"



Costs of First Nations effectively participating in an Impact Assessment must be considered whenever BC EAO makes such a decision. Without such consideration the “informed” piece of free, prior and informed consent, as promised under UNDRIP, is not possible. As such OIB does not take participation in an Impact Assessment lightly and chooses, where possible and effective, to use other forms of oversight to consider lower impact projects within its territory.

Let me conclude by saying that OIB, as the most impacted and physically closest Canadian First Nation, believes that any decision regarding a regulatory approach to any major project in our territory must have our consent first and foremost.

Sincerely,

Chief Clarence Louie
Osoyoos Indian Band

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