

**IN THE MATTER OF *THE ENVIRONMENTAL ASSESSMENT ACT S.B.C. 2002, c.43*
(ACT)**

AND

**A FURTHER ASSESSMENT OF THE
MORRISON COPPER GOLD PROJECT (PROPOSED PROJECT)**

ORDER UNDER SECTION 17

WHEREAS:

- A. Pursuant to Section 17 of the Act, on August 21, 2012 the Environmental Assessment Office (EAO) referred Pacific Booker Minerals Inc.'s (Proponent) application for an Environmental Assessment Certificate (EAC) in respect of the proposed Project to the Ministers for decision;
- B. The Executive Director recommended that the Ministers not issue an EAC for the proposed Project;
- C. On September 24, 2012, the Ministers decided to refuse to issue an EAC for the proposed Project. This decision was announced on October 1, 2012;
- D. On April 3, 2013, the Proponent filed a petition for judicial review in the BC Supreme Court seeking to have the decision of the Ministers set aside;
- E. On December 9, 2013, Justice Affleck quashed the decision of the Ministers not to issue an EAC, and ordered that the matter be remitted to the Ministers for reconsideration with opportunity for submissions from the Proponent and others in response to the 2012 Recommendations of the Executive Director;
- F. Between January and May 2014, EAO received further submissions from the Proponent, First Nations, and members of the Working Group in accordance with the BC Supreme Court's direction, and on July 4, 2014, referred the Proponent's application in respect of the proposed Project to the Ministers for reconsideration;
- G. On August 4, 2014, a breach of a mine tailings dam occurred at the Mount Polley Mine near Likely, British Columbia;
- H. On August 18, 2014, the Minister of Energy and Mines announced that he was forming an Independent Expert Engineering Investigation and Review Panel (Panel) to examine the causes of the dam breach at the Mount Polley Mine;
- I. On August 18, 2014, the Minister of Environment suspended the review of the proposed Project until, in the reasonable opinion of the Minister, the outcome of the work undertaken by the Panel had occurred;
- J. On January 30, 2015, the Panel released its report;

- K. Between February and May 2015, EAO sought the views of the Proponent, the Lake Babine Nation, the Gitanyow Nation and the Gitxsan Nation on the Panel's Report;
- L. On June 9, 2015, the Minister of Environment lifted the suspension of the review of the proposed Project; and,
- M. The Ministers have now considered EAO's August 21, 2012 Assessment Report, Table of Conditions and Certified Project Description; the September 20, 2012 Recommendations of the Executive Director; all the further materials received by EAO in court-directed reconsideration process; the Panel's Report; and the views of the Proponent, the Lake Babine Nation, the Gitanyow Nation and the Gitxsan Nation on the Panel's Report, and other matters they consider relevant to the public interest.

NOW THEREFORE:

Pursuant to Section 17(3)(c)(iii) of the Act, the Ministers hereby order that the proposed Project undergo further assessment in accordance with the scope, procedures and methods specified in Schedule A.



Honourable Mary Polak
Minister of Environment



Honourable Bill Bennett
Minister of Energy and Mines

Issued this 7th day of July, 2015

SCHEDULE A TO ORDER UNDER SECTION 17 OF THE ACT

SCOPE, PROCEDURES AND METHODS FOR A FURTHER ASSESSMENT OF THE MORRISON COPPER/GOLD MINE PROJECT (PROPOSED PROJECT)

PART A - SCOPE OF THE PROPOSED PROJECT FOR THE PURPOSE OF FURTHER ASSESSMENT

1. SCOPE OF THE PROPOSED PROJECT

1.1 The scope of the proposed Project is as described in Schedule A of the Order issued under Section 11 of the Act for the proposed Project on January 18, 2008.

2. SCOPE OF THE FURTHER ASSESSMENT

2.1 The further assessment must include the following additional information and analysis:

2.1.1 Additional baseline information and analysis, including, but not limited to:

- (a) Those features of Morrison Lake which are relevant to its capacity to assimilate mine effluent without long-term negative effect on water quality, including information on currents and flow regimes, current water quality and chemistry, temperature, limnology and lake behavior (e.g. turnover). A minimum of one year of new baseline data must be collected.
- (b) Sockeye salmon use of Morrison Lake, Upper and Lower Tahlo Creek and Morrison River, including those areas used for spawning and rearing.
- (c) Hydrogeological and groundwater data, specifically relating to areas below and between the Tailings Storage Facility and Morrison Lake, and the open pit and Morrison Lake.
- (d) An Instream Flow Requirement for Morrison River following the *Instream Flow Incremental Methodology* including technically feasible options to mitigate any potential water quantity effects to spawning in Morrison River and Morrison Lake.

2.1.2 As a basis for comparison with and assessment of the Proponent's existing project design that is the subject of the application, additional analysis of the feasibility and effectiveness of alternatives to the current mine design and mitigation measures that would reduce the levels of risk and uncertainty in relation to potential impacts on environmental values in Morrison Lake and the larger Skeena River watershed, including, but not limited to:

- (a) Waste rock disposal options, in particular those which are consistent with provincial policy on management of potentially acid-generating rock.

- (b) Technical options for disposal of mine effluent, in particular those which would not rely on dilution within Morrison Lake as the primary means of mitigation.
 - (c) Analysis of long-term water treatment options with a focus on the ability to treat to meet *British Columbia Water Quality Guidelines*.
 - (d) Analysis of the performance of the diffuser, with a particular focus on using inputs and new information gained from 2.1.1.
- 2.1.3 Additional analysis of whether the proposed Project is likely to have significant adverse effects on the environment using an assessment methodology which takes into account, specifically, the levels of risk, likelihood and uncertainty associated with the existing mine design and mitigation measures.
- 2.1.4 A description and an assessment of alternative means of undertaking the proposed project with respect to options for tailings management that considers technology, siting and water balance.
- 2.1.5 The assessment described in 2.1.4 must present and compare best practices and best available technologies for tailings management for the project, along with options for managing water balance to enhance safety and reduce the risk (likelihood and consequence) of a tailings dam failure during all phases of mine life (construction, operations, closure, post-closure). The assessment must present and compare technically and economically viable engineering solutions that are available to adequately address site conditions, with a particular focus on technical options for siting and designing tailings storage or management facilities which may have fewer potential effects on Morrison Lake.
- 2.1.6 The assessment described in 2.1.4 must provide a clear and transparent evaluation of the factors that supported the selection of the most suitable option. Factors that will be taken into consideration in the evaluation include safety, technical and financial aspects, and implications for environmental, health, social, heritage and economic values. The assessment must consider these factors in relation to tailings management options in both the short and long-term context. Life cycle cost assumptions (construction, operations, closure, post-closure) must be included in the analysis of options.
- 2.1.7 The analysis described in sections 2.1.4 - 2.1.6 should demonstrate that the Proponent has considered other options that can address the potential for adverse effects on the factors noted in section 2.1.6; for the project design option selected, considered the potential risks and implications of that option, and have a technically and economically feasible plan to address the potential risks and implications; and has provided a clear and transparent rationale for the selected option(s).
- 2.2 Should a new mine design or mitigations be proposed as a result of the further information gathering, analysis and assessment, an analysis of the potential

effects to environmental, social, economic, heritage and health valued components is required, using current EAO assessment methodology.

- 2.3 The potential adverse effects on Lake Babine Nation, Yekooche First Nation, Gitanyow Nation and Gitxsan Nation and their potentially existing aboriginal rights including title (Aboriginal Interests), and, to the extent appropriate, ways to avoid, mitigate or otherwise accommodate such potential adverse effects, taking into account the applicable legal tests.
- 2.4 For greater clarity, the scope of further assessment does not include the existing social, heritage, economic, health or environment assessments completed by the Proponent and reviewed by EAO, other than potential effects to those environmental valued components described above in sections 2.1.1, 2.1.2, 2.1.3 and 2.1.4.

PART B - FURTHER ASSESSMENT PROCEDURES AND METHODS

3. STAGING OF THE ASSESSMENT PROCESS

- 3.1 The Proponent will engage in the further assessment process which will be administered by the Executive Director of EAO or delegate.

4. TIME LIMITS

- 4.1 The time limit for providing the required further assessment information under this Order is three years from the date on which the Supplemental Application Information Requirements is approved by EAO.

5. PREPARING THE SUPPLEMENTAL APPLICATION INFORMATION REQUIREMENTS

- 5.1 In accordance with this Order, and any additional guidance provided by the Executive Director or delegate, the Proponent must prepare draft Supplemental Application Information Requirements (SAIR).
- 5.2 The Proponent must submit the draft SAIR in a format acceptable to the Executive Director or delegate, who will make it available to the Working Group.
- 5.3 The Proponent must address any comments on the draft SAIR that the Executive Director or delegate determines are within the scope of the assessment, and submit the revised draft SAIR to the Executive Director or delegate for review.
- 5.4 After review of the revised draft SAIR, the Executive Director or delegate will issue the final SAIR to the Proponent.

6. PREPARING AND SUBMITTING THE SUPPLEMENTAL ASSESSMENT APPLICATION

- 6.1 The Proponent must prepare the Supplemental Application in accordance with the scope of assessment set out in section 2 of this Order and in accordance to

the SAIR described in section 5, and must submit it to the Executive Director or delegate for evaluation and decision on whether to accept the Supplemental Application for review.

6.2 The Executive Director or delegate, with advice from the Working Group as requested, will evaluate and decide within 30 days after the date on which the Supplemental Application is submitted whether it contains the information required. If the Supplemental Application is deficient in presenting the required information, the Executive Director or delegate will identify the deficiencies in writing and the Proponent will be required to revise the Supplemental Application to address the deficiencies and re-submit the revised Supplemental Application.

6.3 Following acceptance of the Supplemental Application for review, the Proponent must supply to the Executive Director or delegate an electronic version of the Supplemental Application, in an acceptable electronic format, and if requested, supply the requested number of hard copies of the Supplemental Application in the quantity indicated by the Executive Director or delegate.

7. WORKING GROUP

7.1 The Executive Director or delegate will continue the Working Group established for the proposed Project.

7.2 On the invitation of the Executive Director or delegate, the Proponent must participate in meetings of the Working Group.

8. FIRST NATIONS

8.1 EAO-Led Consultation

8.1.1. EAO will fulfill the Crown's legal obligation to consult with Lake Babine Nation, Yekooche First Nation, Gitanyow Nation and Gitxsan Nation with respect to their perspectives and opinions about the proposed Project and the potential effects of the proposed Project on their Aboriginal Interests.

8.2 Proponent-Led Engagement

8.2.1. For the purpose of developing the SAIR, the Proponent must engage with Lake Babine Nation with respect to their perspectives and opinions about the proposed Project and the potential effects of the proposed Project on their Aboriginal Interests.

8.2.2. Within timelines established by the Executive Director or delegate, the Proponent must prepare a Lake Babine Nation Engagement Plan that will guide engagement activities during the preparation of the SAIR and the review of the Supplemental Application. The Executive Director or delegate will assess the adequacy of the Engagement Plan activities. The Executive Director or delegate may order additional engagement activities within prescribed time limits.

- 8.2.3 The Proponent must include in its Application a summary of the engagement with Lake Babine Nation that the Proponent has carried out in relation to the proposed Project, since the issuance of this Order. The summary of engagement must identify issues and concerns raised by Lake Babine Nation with respect to the proposed Project's potential adverse effects including traditional uses and how these issues and concerns are to be addressed.

9. FEDERAL, PROVINCIAL AND LOCAL GOVERNMENT AGENCY CONSULTATION

- 9.1 The Proponent must provide copies of the Supplemental Application to federal, provincial and local government agencies for information and consultation purposes, as required by the Executive Director or delegate.
- 9.2 The Proponent must consult with federal, provincial and local government agencies on an individual basis, and collectively through the Working Group, with respect to their issues and concerns with the further assessment of the proposed Project.

10. PUBLIC CONSULTATION

- 10.1 A formal 30 day public consultation period will be established for public input on the SAIR.
- 10.2 A formal 45 day public comment period will be established for public input on the Supplemental Application.
- 10.3 The Proponent must submit a proposal for a public consultation plan on the Supplemental Application for approval by the Executive Director or delegate. Once approved, the Proponent must carry out the public consultation program. The Executive Director or delegate may order additional consultation activities within prescribed time limits.
- 10.4 After completion of the public consultation program, the Proponent, within time limits set by the Executive Director or delegate, must provide to the Executive Director or delegate a written report on the results of its public consultation activities, identifying views, issues and concerns raised by the public with respect to the further assessment and how they are to be addressed.

11. PUBLIC NOTICE

- 11.1 Prior to the start of any public comment period, the Proponent, by means of newspaper advertisements, radio announcements or other means acceptable to the Executive Director or delegate, must provide public notice of:
- 11.1.1 the availability of the Supplemental Application for public review and comment, and the time limits for the formal public comment period provided for in this Order; and

- 11.1.2 the date, time and location of any open houses held in respect of the proposed Project, whether organized by the Proponent or the Executive Director or delegate.
- 11.2 The Proponent must obtain approval from the Executive Director or delegate for the content, format and publication schedule for newspaper advertisements required under section 11.1 of this Order.
- 11.3 If more than one notice of an event is to be given, then, the first notice must appear:
- 11.3.1 in the case of a formal public comment period, at least seven days prior to the date on which the formal public comment period commences; and
- 11.3.2 in the case of an open house, at least seven days prior to the date on which an open house or public meeting is scheduled.
- 11.4 In making this section 17 Order, the public is hereby given access through the Project Information Centre to:
- 11.4.1 the Proponent's Supplemental Application in final form filed by the Proponent as required by this Order for the purposes of completing the assessment;
- 11.4.2 any public notice given during the further assessment;
- 11.4.3 comments in respect of the following that are received by the Executive Director or delegate during the formal public comment period from persons and organizations:
- (i) the Proponent's Supplemental Application for an EAC;
- (ii) other information submitted by the Proponent;
- 11.4.4 comments received by the Executive Director from the Proponent, in response to comments referred to in section 10.4.3 above;
- 11.4.5 the Executive Director's Supplemental Assessment Report submitted to the Ministers under section 17 (3) (iii) of the Act; and
- 11.4.6 any recommendations of the Executive Director and the reasons for those recommendations submitted to the Ministers.

12. PROPONENT RESPONSES TO COMMENTS RECEIVED

- 12.1 Where requested by and within any time limits set by the Executive Director or delegate, the Proponent must respond to issues that are identified in comments submitted by First Nations identified in section 8 of this Order, federal, provincial and local government agencies, and the public which are received during the review of the Supplemental Application, and that the Executive Director or delegate considers to be within the scope of the assessment.
- 12.2 Where requested by and within any time limits set by the Executive Director or delegate, the Proponent must provide specified additional information in relation

to, or to further supplement, the information provided in the Supplemental Application to address issues identified during the course of the review of that document.

13. PREPARING THE SUPPLEMENTAL ASSESSMENT REPORT

- 13.1 The Proponent, along with the First Nations identified in section 8 of this Order and other members of the Working Group, will be consulted in the preparation of the draft Supplemental Assessment Report, Conditions and Certified Project Description, prepared by the Executive Director or delegate, as the basis for recommendations to and a decision by Ministers on the Application and Supplemental Application under section 17(3) of the Act.