Reference: 285394

July 7, 2015

SENT VIA EMAIL

Erik Tornquist
Executive VP and COO
Pacific Booker Minerals Inc.
1103 - 1166 Alberni St
Vancouver BC V6E 3Z3
e.tornquist@pacificbooker.com

Dear Mr. Tornquist:

We are writing to communicate the decision that we, the Minister of Environment and Minister of Energy and Mines, have made under Section 17(3)(c) of the *Environmental Assessment Act* (Act) regarding the application that Pacific Booker Minerals Inc. (Pacific Booker) has made for an Environmental Assessment Certificate (Certificate) for its proposed Morrison Copper/Gold Mine Project (Morrison).

Decision

We are exercising our authority under Section 17(3)(c)(iii) to order that Morrison undergo further assessment. The further assessment is to be carried out in accordance with the scope, procedures, and methods outlined in Schedule A to the enclosed Order under Section 17. This letter is supplementary to the formal Order and explains the reasons underlying our decision to order further assessment.

Process and Information Considered

We have made our decision on this application as a reconsideration of the previous September 24, 2012 decision to refuse to issue a Certificate.

In a December 9, 2013 judgment, a justice of the British Columbia (BC) Supreme Court set aside the September 24, 2012 decision, and directed that the application for a Certificate in respect of Morrison be remitted to the Ministers for reconsideration. The Court also directed that, in the course of the reconsideration, Pacific Booker be accorded the opportunity to respond in writing to the recommendations of the Executive Director, and that the First Nations and other members of the Working Group in turn have the opportunity to respond to the further submissions of Pacific Booker.

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The Executive Director of the Environmental Assessment Office (EAO) initially referred Pacific Booker's application to us for reconsideration on July 4, 2014 following a process designed to comply with the BC Supreme Court's directions. On August 18, 2014, prior to making a decision, the environmental assessment of Morrison was suspended pending the outcome of the work completed by the Independent Expert Engineering Investigation and Review Panel (Panel Report) which was examining the causes of the dam breach at the Mount Polley Mine.

Following the release of the Panel Report on January 30, 2015, EAO sought the views of Pacific Booker, Lake Babine Nation, Gitanyow Nation and Gitxsan Nation on the Panel Report in order to further inform our decision. On June 9, 2015, following the completion of the process of seeking out these views, the suspension of the environmental assessment was lifted. On June 12, 2015, the Executive Director of EAO again referred Pacific Booker's Application to us for decision.

In reaching our decision, we have reviewed and considered the existing August 21, 2012 Assessment Report, Table of Conditions and Certified Project Description prepared by EAO as well as the September 20, 2012 Recommendations of the Executive Director. We have also carefully reviewed the responsive submissions that Pacific Booker and others have provided in the court-directed process undertaken by EAO in 2014. These further submissions consisted of the following materials:

- one-page letter from Pacific Booker, dated March 10, 2014, with enclosed Klohn Crippen Berger report titled "Environmental Assessment Certificate Application: EAO Decision Response";
- four-page letter from Glen Williams (Gitanyow Hereditary Chiefs), dated April 25, 2014, with attached 18-page Skeena Fisheries Commission Review and Comments, dated April 25, 2014, and five-page letter from Glen Williams, dated August 2, 2012;
- three-page letter from Gordon Sebastian (Gitxsan Treaty Society), dated April 25, 2014, with attached 18-page Skeena Fisheries Commission Review and Comments, dated April 25, 2014;
- seven-page letter from Chief Wilf Adam (Lake Babine Nation), dated April 25, 2014, with attached 27-page Source Environmental Associates Technical Memorandum, dated April 23, 2014, and 12-page report by Alana Dickson on behalf Lake Babine Nation, dated April 6, 2014;
- six-page letter from Verna Power (Lake Babine Nation), undated;
- two-page letter from Adam Silverstein (Fisheries and Oceans Canada), dated April 15, 2014, with attached five-page detailed rationale from Fisheries and Oceans Canada;

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- one-page letter from Nadine Parker (Environment Canada), dated April 24, 2014, with attached five-page document (Annex 1) detailing Environment Canada's comments and information requests;
- three-page memorandum from Kim Bellefontaine (Ministry of Energy and Mines), dated April 17, 2014;
- four-page memorandum from Greg Tamblyn (Ministry of Environment, Environmental Protection Division), dated April 25, 2014;
- three-page memorandum from Natural Resources Canada, dated March 31, 2014;
- one-page memorandum from Chris Schell (Ministry of Forests, Lands and Natural Resource Operations), dated April 24, 2014;
- February 2014 report of the Skeena Fisheries Commission titled "2011 to 2013 Morrison Lake Hydroacoustic Surveys";
- report prepared by Alana Dickson for the Lake Babine Nation Fisheries, undated, titled "DNA Assessment of the Morrison Watershed Sockeye Population 2012"; and
- three-page letter from Pacific Booker, dated May 23, 2014, with enclosed Klohn Crippen Berger report titled "Response to Final Comments of the Working Group".

In addition to the materials provided in the July 4, 2014 referral, we also considered the Panel Report on the causes of the Mount Polley Mine dam breach. We have also carefully reviewed the responsive submissions that Pacific Booker and others have provided in response to the Panel Report. These further submissions consist of the following materials:

- seven-page letter from Chief Wilf Adam (Lake Babine Nation), dated February 13, 2015, with attached Technical Memo from Source Environmental Associates regarding "Follow-up for the Water Quality Review of the proposed Morrison Copper/Gold Project";
- three-page letter from Gordon Sebastian (Gitxsan Chiefs' Office), dated March 18, 2015, with two attachments: seven-page Skeena Fisheries Commission Report dated March 2015; and, five-page letter dated August 3, 2012 from Gitxsan Chiefs' Office to Minister of the Environment and Minister of Energy and Mines;
- four-page letter from Glen Williams (Gitanyow Hereditary Chiefs Office), dated March 19, 2015, with attached seven-page Skeena Fisheries Commission Report dated March 2015; and, five-page letter dated August 2, 2012 from Gitanyow Hereditary Chiefs to Minister of the Environment and Minister of Energy and Mines;
- two-page letter from Pacific Booker, dated March 20, 2015, to Doug Caul (EAO) with attached Klohn Crippen Berger report titled "Environmental Assessment Application – Response on Mount Polley Panel Recommendations";
- five-page letter from Glen Williams (Gitanyow Hereditary Chiefs Office), dated April 16, 2015;
- four-page letter from Gordon Sebastian (Gitxsan Chiefs' Office), dated April 17, 2015;

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- one-page email from Dominique Nouvet (Woodward & Company) on behalf of Lake Babine Nation, dated April 17, 2015, with attached Technical Memo from Source Environmental Associates regarding "Review of KCB Response on Mount Polley Panel Recommendations";
- one-page letter from Pacific Booker, dated May 8, 2015, with attached 7-page letter from Klohn Crippen Berger dated May 8, 2015; and, two-page letter dated May 8, 2015 from Pacific Booker to Minister of the Environment and Minister of Energy and Mines; and,
- one-page letter from Chief Wilf Adam (Lake Babine Nation), dated May 21, 2015.

The further submissions that Pacific Booker provided in both the court-directed process and in response to the Panel Report were detailed and helpful. We note, however, that the further comments of the First Nations and members of the Working Group express continuing concern with the level of risk associated with fundamental aspects of Morrison's design, and with the level of certainty that mitigation measures will succeed as modelled. Several of the further submissions from federal and provincial agencies identify matters on which additional information would assist in the assessment of Morrison.

We also note that, consistent with the process directed by the BC Supreme Court, the further submissions received by EAO in 2014 and 2015 were provided to us directly for our consideration without prior synthesis or assessment by EAO.

Rationale

In reviewing the information provided in submissions described above, and reaching our decision, we have considered a number of matters related to the public interest. Generally, these matters relate to issues of risk and uncertainty associated with fundamental aspects of Morrison's design, with the mitigation measures proposed in connection Morrison and the lack of sufficient baseline and understanding of the Morrison Lake ecosystem. We have considered the environmental and other values at stake, in particular the values associated with Morrison Lake, and the issue of whether there may be other available and feasible design alternatives or mitigation measures that might support a higher level of confidence that significant adverse effects are not likely to result from Morrison, particularly in light of the Panel Report. While such matters are, in a broad sense, encompassed within the environmental assessment process, we have chosen to highlight them in explaining our decision-making rationale because of the unusual circumstances of this referral.

We have considered and balanced the potential risks and uncertainties associated with Morrison with the values at stake. In particular, we are aware that Morrison Lake is a lake that flows into the larger Skeena watershed and provides critical spawning and rearing habitat for important populations of sockeye salmon.

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We are also aware that the Assessment Report indicates that Lake Babine Nation was assessed to have a moderate to strong claim to aboriginal title over the area. Lake Babine Nation does not concede that it has been adequately consulted or accommodated in respect of Morrison within its claimed territory. We have specifically ordered that the additional assessment must consider potential adverse effects on Lake Babine Nation and other First Nations and their potentially existing aboriginal rights including title.

Given all of these considerations, the materials before us do not warrant the issuance of the Certificate at this time. We have noted and appreciate the comment of Pacific Booker that "absolute certainty" is too high a standard to require in the environmental assessment process. However, given the nature of the materials before us and the values at stake, we find that the information before us does not provide us with a sufficient level of confidence that Morrison's design can sufficiently protect the environment.

It is important for us to note that the information and analysis required for any specific project need be appropriate to the significance of the values potentially impacted by that project. There is no "one size fits all" approach to environmental assessment in British Columbia.

We also are cognizant of the economic benefits from a project of this nature. We are supportive of the development of mineral resources in the Province and that they can be extracted in a manner reasonably protective of environmental and social values. We, therefore, wish to see further consideration given to Morrison in the environmental assessment process.

Conclusion

The scope of further assessment we are ordering is set out in detail in the attached Order, and reflects the concerns about Morrison's design, and about the information available to us to make a decision on Morrison.

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We have made our decision with the assumption that Pacific Booker remains committed to the design of Morrison as described in the referral. Having said that, and in light of the recommendations of the Panel Report and to our decision rationale and the further assessment we are ordering, the option remains open for Pacific Booker to submit a fundamentally new project design for assessment by EAO, via Section 10 of the Act, as opposed to continuing the review of the current project design.

Sincerely,

Honourable Mary Polak
Minister of Environment

Honourable Bill Bennett
Minister of Energy and Mines

Attachment (1)

cc: Honourable John Rustad, Minister of Aboriginal Relations and Reconciliation

Chief Wilf Adam, Lake Babine Nation

Gordon Sebastian, Executive Director, Gitxsan Treaty Society

Glen Williams, Chief Negotiator, Gitanyow Hereditary Chiefs

Davide Latremouille, Fisheries Habitat Biologist, Skeena Fisheries Commission

Dominique Nouvet, Barrister and Solicitor, Woodward & Company