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**From:** Ruth Swan \_\_\_\_\_  
**Sent:** June 25, 2020 10:59 AM  
**To:** Minister, ENV ENV:EX \_\_\_\_\_  
**Cc:** Minister, EMPR EMPR:EX ; [Weaver.MLA, Andrew LASS:EX](#)  
**Subject:** [Morrison Project](#) \_\_\_\_\_

PBM would like to advise you on some specific facts that are applicable to the questions and answers on our project in the legislature yesterday.

Prior to the refusal to grant the Morrison EAC in September/October 2012, PBM had provided sufficient information for the Federal and Provincial reviewers to prepare final draft reports that concluded that the project would not likely cause significant adverse environmental effects with the implementation of the proposed and agreed to mitigation measures.

After the BC Supreme Court judgement quashed that decision, we believed that our project would be given a chance for a fair decision.

That did not happen and the Section 17 order was issued in July 2015.

Starting in late 2015, PBM started asking EAO representatives for details on the specific items that needed additional information and analysis. In every earlier step of the process, PBM was given a "needs list". In a June 2019 letter from Kevin Jardine to PBM, Mr. Jardine says: "I recognize that PBM has proposed workshops with the technical Working Group to identify the scope of the SAIR, however, this is not the role of the Working Group. The Ministers have set out the scope of the further assessment in the Section 17 Order. The purpose of the Working Group is to review information and methods presented by a proponent; it is not its purpose to provide the proponent with the information or methods."

In our August 2019 letter to Kevin Jardine we ask: "Can you tell us who's role it is to identify the scope of the SAIR? Only one area has any specific detail of the requirement (Section 2.1.1(a)) and that is "a minimum of one year of new baseline data must be collected."

During a meeting held in September 2019, Harvey McLeod from KCB stated that if someone said that there were deficiencies, then we need to know what the deficiencies were and added that we can't address a deficiency if we don't know what it is. The response from the EAO was that the Ministers had decided that more information was required. Harvey said that was very challenging for us as our opinion is that these items had been addressed and that we don't know what else we could do. PBM had met all the information requirements detailed in the original Terms of Reference or the application would not have been accepted or referred to the Ministers for decision.

On February 4, 2019, Kevin Jardine, Associate Deputy Minister of the EAO responded to a letter that PBM wrote in December 2018 and replied (in part) as follows: As you know, the order for reassessment provided that the reassessment must be completed within three years of the approval of the SAIR. This timeline was based on the assumption that the first step set out in section 5.1 of the reassessment order, the provision of the draft SAIR, would be completed in a reasonable time frame. Given that three and a half years have now passed since the order was made by the Ministers, some consideration may need to be given to whether the information provided in the Application has become outdated and what, if any, steps may be required in order for information to be updated in order for Ministers to make an informed decision. I note in your letter your desire to advance this Project. If that is the case, please advise, within 30 days of your receipt of this letter, when you will provide the draft SAIR for review. If I do not hear from you in this regard, or if you are unable to commit to a date by which you would provide the draft

SAIR, then I will consider the appropriate next steps to ensure this proceeds in a timely manner or is otherwise concluded.

His threat to "otherwise conclude" our assessment was what prompted us to attempt to proceed with the preparation of the SAIR report.

In our response on March 5, 2019, we stated our issues with the 2012 decision and the "reconsideration" process that lead up to the "further assessment required" decision in 2015. PBM concluded the letter with "We are now prepared to proceed with the hope and expectation that a meaningful two way discussion on the necessary details will be part of the next phase in our long stay in the EA process."

Please expect more from PBM on our issues/experience with the EAO process & the SAIR in the near future.

Now to address some specific points:

You mentioned the Morrison River (from the Section 17 order). According to the FLNR database (as confirmed by Katherine St. James) the name of the waterbody that connects Morrison Lake to the Morrison Arm is Morrison Creek, not Morrison River.

You commented in your answers that the EAO is "working to help answer any questions that the proponent has with respect to the information required" and "will be very happy to assist them in a timely answering of the questions required by the order".

As well as the clarification of Morrison Creek vs Morrison River, PBM requested clarification of the statement made in September/October 2012 that "the proposed Morrison Mine project was to be located directly adjacent to Morrison Lake, at the headwaters of the Skeena River." PBM requested clarification of whether or not the project was located at the Skeena River Headwaters. Katherine said she would check and advise. During a subsequent phone meeting, Katherine commented that "the Morrison Lake was a headwater in the Skeena watershed". I said that I would like to see the information they had that determined that Morrison Lake is a headwater. By email on March 11th, Katherine provided this as a response: "A widely-accepted definition of headwaters comes from the US Geological Survey ([https://www.usgs.gov/special-topic/water-science-school/science/dictionary-water-terms?qt-science\\_center\\_objects=0#H](https://www.usgs.gov/special-topic/water-science-school/science/dictionary-water-terms?qt-science_center_objects=0#H)): headwater(s)--(1) the source and upper reaches of a stream; also the upper reaches of a reservoir. (2) the water upstream from a structure or point on a stream. (3) the small streams that come together to form a river. Also may be thought of as any and all parts of a river basin except the mainstream river and main tributaries. When PBM submits an acceptable draft SAIR to go to the working group, there would be the option at that point to discuss further with a provincial hydrologist."

Also, according to the information that we were given by the EAO, any order, approval or decision that is in effect under the former Act (a) is deemed to have been issued under this Act, and (b) subject to subsection (13), continues in force until it expires or, under this Act, is suspended or cancelled. We request a review of the Section 17 order as issued to determine if it is appropriate.

Regards,  
Ruth Swan  
Bookkeeper/CFO