
From: Ruth Swan
Sent: September 14, 2020 11:28 AM
To: Minister, ENV ENV:EX ; [Minister, EMPR EMPR:EX](#)
Subject: PBM's Morrison Project

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Good Morning

I have not received a response to the questions/comments I sent to you both on August 24th by email.

If the EAO believes that the Morrison Lake project is located in the headwaters of the Skeena River and that our project will cause a significant impact to the Babine watershed as well as reaching all the way to the Skeena River, there is little point in PBM continuing with the SAIR exercise, because nothing we can say can convince you otherwise.

If the EAO is believes that the Ministerial decisions in 2012 and 2015 were justified and correct, PBM will not be able to get an unbiased review of any facts that are presented.

It appears that our science-based study has been sidetracked by the politics of the situation and all our hard work related to the environmental protection measures meant nothing to the decision makers.

We now believe that the only real issue for the EAO is the First Nations. The 2012 recommendation document states "the Crown has fulfilled its obligations for consultation and accommodation to Lake Babine Nation, Yekooche First Nation and Gitxsan and Gitanyow Nations relating to a decision on whether to issue an EA Certificate for the proposed Project" and also states as a factor for the Ministers to consider the "opposition from Gitxsan and Gitanyow Nations and Lake Babine Nation".

But, at almost every meeting with someone from the Environment Ministry and other Ministers (notably Mines and Aboriginal Affairs) since then, we have been told that the LBN are the main issue and that if we could get them "onside", it has been implied that the other issues would no longer be an issue.

The EAO accepted that the Gitxsan and Gitanyow Nations had a claim to the Lake Babine fisheries when the Morrison project has been acknowledged as being on crown land in the traditional territory of the LBN. This claim by the Gitxsan and Gitanyow Nations to the LBN territory was not mentioned during the first years of our assessment and was only raised in 2010 and then was accepted without question by the EAO.

The EAO and the Ministers of the day dealt with the Gitxsan and Gitanyow Nations and kept PBM out of the correspondence chain. We were not given the opportunity to challenge the statements made. As well as this

issue, the LBN's treaty lawyer, Dominique Nouvet (Woodward & Company) instructed PBM to communicate only with her and not with the Chief and Council of the LBN. Ms. Nouvet also seemed to have a direct route to the Ministers of the day.

How could we consult with the First Nations when the EAO and the Ministers and a treaty lawyer were standing between us?

How can we consult when the LBN will not agree to meet with PBM or even to respond to our letters?

The courts have said that a refusal by the First Nations to meet does not constitute a lack of consultation. Consultation does not mean accommodation and that the First Nations do not have the power of veto.

The Morrison Project is located in a historical mining area, as clearly shown by the attached image that shows the Babine Lake area with the Bell and Granisle mines labelled and Morrison Lake identified.

Correspondence with the Federal Environment Agency, prior to and following the refusal by the BC Government in October 2012 that indicates that CEAA had made its decision and that it appeared to be a positive one.

On August 30th, CEAA informed PBM that CEAA had received feedback from the federal departments on the draft Comprehensive Study Report ("CSR") and was planning to have a second draft prepared for PBM comments during the week of September 4, 2012 and advised PBM that the final public comment period would be in October 2012 with the referral to the Federal Minister of Environment in November 2012.

On September 9th, PBM received an email from CEAA asking a few questions for clarification to finalize the draft CSR including a request for "environmental photo's to use in our final report".

On September 19th, PBM received a draft of Comprehensive Study Report that concludes that the proposed Project is not likely to cause significant adverse environmental effects stating that: "The environmental effects of the Project have been determined using assessment methods and analytical tools that reflect the current best practices of impact assessment practitioners. As a result of incremental changes to the project design and additional mitigation measures and commitments applied to the Project throughout the comprehensive study process, the Agency concluded that the proposed project can be constructed, operated, maintained, and decommissioned without significant adverse effects, including consideration of cumulative effects. No significant adverse biological, physical, or human health effects are predicted. Any residual effects are predicted to be of low magnitude, moderate duration, localized in geographic extent, and reversible over the long term following decommissioning". CEAA requested a Commitment letter to comply with Commitments and Follow-up Program.

On September 20th, PBM committed in writing to Robyn McLean, Project Manager, CEAA, our Compliance with Table of Commitments and Follow-up Program Requirements under CEAA stating categorically that PBM will comply with the environment related commitments summarized in the Table of Commitments." A copy of that letter is attached.

PBM received a letter dated October 25th (24 days after the October 1st decision) from CEAA that stated: The Canadian Environmental Assessment Agency (the Agency) is aware that the British Columbia Minister of Environment and the Minister of Energy, Mines and Natural Gas have decided to refuse to issue an environmental assessment certificate for the Morrison Copper-Gold Mine Project (the Project) as proposed". The letter continues with "The Agency is preparing a comprehensive study report for the Project, pursuant to the Canadian Environmental Assessment Act, which will provide conclusions on whether the Project is likely to result in significant adverse environmental effects taking into account the implementation of mitigation measures. Given the British Columbia Ministers' decision, the Project as proposed cannot proceed." A copy of this letter is attached as "2918 121025 Ltr from CEAA".

As you can see, the Federal agency came to the conclusion of "no significant adverse biological, physical, or human health effects are predicted. Any residual effects are predicted to be of low magnitude, moderate duration, localized in geographic extent, and reversible over the long term following decommissioning". And also concluded "as a result of incremental changes to the project design and additional mitigation measures

and commitments applied to the Project throughout the comprehensive study process, the Agency concluded that the proposed project can be constructed, operated, maintained, and decommissioned without significant adverse effects, including consideration of cumulative effects."

Can you explain why CEAA concluded no significant adverse effects and the BCEAO decided that more information was required, when both agencies reviewed the same information?

Regards,
Ruth Swan
Bookkeeper/CFO