



Proposed Changes to the Morrison Mine Further Assessment Order

Report for the Minister of Environment and Climate Change
Strategy & Minister of Energy, Mines and Low Carbon
Innovation

MORRISON COPPER-GOLD PROJECT

PREPARED BY:
THE ENVIRONMENTAL ASSESSMENT OFFICE

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EAO

Environmental
Assessment Office



1. SUMMARY

The Morrison Copper-Gold Project (Morrison Mine) is a proposed copper/gold/molybdenum mine in north-central British Columbia (B.C.). It has been in a further assessment process under the *Environmental Assessment Act* (2002) (the former Act) since 2015. Despite ongoing discussions between the Environmental Assessment Office (EAO) and the proponent, Pacific Booker Minerals Inc. (PBM), regarding the requirements of the further assessment process, there has been a lack of progress resulting in the process being essentially stalled. The EAO is recommending that the Minister of Energy, Mines, and Low Carbon Innovation and the Minister of Environment and Climate Change Strategy consider the most appropriate path forward.

The EAO has proposed options for progressing or completing the further assessment process and has engaged with the proponent and the affected Indigenous nations on these options. By way of this Report, the EAO is now providing an overview of the efforts since 2015, the engagement undertaken and the options for completing the environmental assessment.

2. BACKGROUND

In 2010, PBM submitted an Application for an Environmental Assessment Certificate to the EAO for the proposed Morrison Mine, an open-pit copper/gold/molybdenum mine located approximately 65 km northeast of Smithers and 35 km north of Granisle, B.C., on the eastern shore of Morrison Lake. The Morrison Mine was proposed to be constructed on provincial Crown land and be designed to extract 30,000 tonnes of ore per day over an anticipated 21-year mine life. The Morrison Mine Environmental Assessment (EA) Application was accepted for review in June 2010.

In October 2012, the then Minister of Energy and Mines and the Minister of Environment (together, the Ministers) refused to issue an Environmental Assessment Certificate (EAC) for the Morrison Mine¹. In April 2013, PBM filed a petition for judicial review in the B.C. Supreme Court seeking to have the Ministers' decision set aside. In December 2013, Justice Affleck of the B.C. Supreme Court quashed the decision of the Ministers not to issue an EAC and ordered that the matter be remitted to the Ministers for reconsideration. In the Reasons for Judgement (2013), Justice Affleck stated: "[t]he petitioner is entitled to a declaration that the executive director's referral of the application for a certificate to the ministers and the ministers' decision refusing to issue the certificate failed to comport with the requirements of procedural fairness. There will be an order in the nature of *certiorari* quashing and setting aside the ministers' decision and an order remitting the petitioner's application for a certificate to the ministers for reconsideration."² The B.C. Supreme Court decision outlined that "[o]n the reconsideration the petitioner and the interveners will be entitled to be provided with the executive director's recommendations, if any, to the ministers, and will be entitled to provide a written response to the recommendations. Each of the interveners will be entitled to respond to any written submission made by the petitioner on the executive director's recommendations."³

As outlined in the January 24, 2014 letter from the then Associate Deputy Minister and Executive Director⁴ and further to the B.C. Supreme Court direction, between January and May 2014, the EAO received further written submissions from

¹ See information bulletin:

https://projects.eao.gov.bc.ca/api/public/document/5886a78da4acd4014b81f93a/download/Morrison%20Copper_Gold%20Mine%20Project%20Information%20Bulletin%20dated%20Oct%2012.pdf

² Reasons for Judgement: <https://www.bccourts.ca/jdb-txt/SC/13/22/2013BCSC2258.htm>

³ Intervenors were defined in the Reasons for Judgement as Lake Babine Nation and the Gitksan Hereditary Chiefs.

⁴ Available online:

https://projects.eao.gov.bc.ca/api/public/document/5888e594817b85ae43cf7b53/download/Letter%20dated%20Jan%2024_14%20from%20Doug%20O'Cauley%20to%20Gordon%20Sebastian%20re%20Gitksan%20Treaty%20Society%29%20regarding%20decision%20from%20Supreme%20Court%20for%20the%20proposed%20Morrison%20Copper_Gold%20Project.pdf

PBM, Indigenous nations, and members of the Working Group, including the interveners. In July 2014, the EAO again referred PBM's application for the Morrison Mine to the Ministers for reconsideration.

On August 4, 2014, a breach of a mine tailings dam occurred at the Mount Polley Mine near Likely, B.C. On August 18, 2014, the Minister of Energy and Mines announced the formation of the Independent Expert Engineering Investigation and Review Panel (Panel) to examine the causes of the tailings dam breach at the Mount Polley Mine near Likely, B.C. At the same time, the Minister of Environment suspended the review of the Morrison Mine until, in the reasonable opinion of the Minister, the outcome of the work undertaken by the Panel had occurred.

The Panel released its report in January 2015. Between February and May 2015, the EAO sought the views of PBM, Lake Babine Nation, Gitanyow Nation and Gitxsan Nation on the Panel's Report.

In June 2015, the Minister of Environment lifted the suspension of the review of the Morrison Mine. The Ministers considered the 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 the EAO in the reconsideration process; the Panel's Report; and the views of PBM, Lake Babine Nation, Gitanyow Nation and Gitxsan Nation on the Panel's Report, and other matters they considered relevant to the public interest.

In July 2015, the Ministers reconsidered the decision and issued a [Section 17\(3\)\(c\)\(iii\) Order](#) outlining requirements for further assessment of the Morrison Mine (hereafter referred to as the 'Further Assessment Order')⁵.

2.1 Further Assessment Review Process

Schedule A of the Further Assessment Order outlines the scope, procedures and methods for the further assessment process of the Morrison Mine ordered by Ministers. Part A of the Further Assessment Order outlines the additional information and analysis that must be completed by PBM in the further assessment. For greater clarity, the Further Assessment Order outlines that the scope of the further assessment does not include the existing social, heritage, economic, health or environmental assessments completed by PBM and reviewed by the EAO, other than potential effects to those environmental valued components described in Part A. Part B of the Further Assessment Order outlines the procedures and methods of the further assessment including:

- Time limits;
- The preparation of the Supplemental Application Information Requirements,
- The preparation and submission of the Supplemental Assessment Application;
- Indigenous nation consultation and engagement;
- Involvement of, and engagement with, other parties including the working group and federal, provincial, and local government agencies;
- Public consultation including public comment periods; and
- The preparation of the Supplemental Assessment Report.

As the first step in the Further Assessment Order, PBM is required to develop a draft Supplemental Application Information Requirements (SAIR) in a format acceptable to the EAO. The SAIR must establish the information that a proponent is required to provide in their Supplemental Assessment Application for an EAC, similar to how the Application Information Requirements establish the information required in an EA Application. In the context of this further assessment process, the draft SAIR is specific to the Further Assessment Order and must specify how each of the requirements in the Further Assessment Order will be addressed. This would include an outline of how PBM plans to provide the requested further information and analysis as part of the further assessment process (e.g. additional

⁵ Although the B.C. *Environmental Assessment Act* (2018) [the Act (2018)] was updated in 2018, the Further Assessment Order remains in effect as a result of Section 78(11) of the Act (2018).

studies/analysis, data collection, timing and methods). An acceptable draft SAIR must be provided to proceed with the EA in accordance with the Further Assessment Order. Once the draft SAIR is acceptable to the EAO, it would be circulated for review and comment by the Working Group and then PBM would provide responses to these comments and update the draft SAIR accordingly. After PBM submits its revised draft SAIR, the EAO would review and issue the final SAIR to PBM. The information contained within the finalized SAIR would inform what PBM must include in the Supplemental Assessment Application.

As outlined in the Further Assessment Order, once the final SAIR is issued by the EAO, PBM would have three years to provide the required further assessment information in a Supplemental Assessment Application. The Supplemental Assessment Application is where the results of the additional assessment, as outlined in the SAIR, would be presented. If accepted, the EAO would then conduct an assessment of the information in the Supplemental Assessment Application in accordance with the Further Assessment Order. The EAO would draft the Supplemental Assessment Report and update the draft Certificate (including conditions and Certified Project Description) which would be provided to the Ministers for a decision. The SAIR, Supplemental Assessment Application, and Supplemental Assessment Report would all require consultation with the Working Group, Indigenous nations and the public prior to finalizing.

2.1.1 Draft Supplemental Application Information Requirements

Since 2015, the EAO has sent multiple letters to PBM that outlined the further assessment process, requirements, and next steps (see Appendix A). Additionally, the EAO has met on multiple occasions with PBM and its consultants to discuss the process and requirements that the Ministers described in the Further Assessment Order. To date, PBM has formally submitted three draft SAIRs to the EAO for review on December 23, 2015, April 4, 2019 and August 29, 2019⁶. The EAO reviewed the draft SAIRs against the requirements in the Further Assessment Order. After the EAO's review, each of these three draft SAIR submissions were determined to be inadequate and did not meet the requirements set out in the Further Assessment Order.

Following the review of the December 23, 2015 draft SAIR submission, the EAO responded in writing to reiterate the scope, requirements, and next steps in the further assessment process⁷. Following the review of the April 4, 2019 draft SAIR submission, the EAO responded in writing communicating to PBM that the draft SAIR did not meet the requirements set out in the Further Assessment Order, and that the draft was not adequate to circulate to the Working Group at this stage⁸. Following the August 29, 2019 draft SAIR submission, the EAO communicated verbally to PBM in meetings on September 4 and 12, 2019, that the draft SAIR remained inadequate and did not contain the information requirements required in the Further Assessment Order. PBM's consultant attended the September 12, 2019 meeting where the EAO provided feedback on the draft SAIR. In this meeting, PBM committed to updating the draft SAIR and submitting a draft 'for discussion' to the EAO based on feedback discussed.

On December 12, 2019, PBM provided a draft SAIR 'for discussion' to the EAO, which did not constitute a formal submission. Following the December 12, 2019 draft SAIR 'for discussion', the EAO met with PBM on February 12 and 26, 2020. At those meetings, the EAO provided feedback on the draft SAIR and communicated that the draft SAIR remained inadequate and did not contain the information requirements required in the Further Assessment Order. During these meetings, PBM also sought clarification regarding concerns PBM had that related to the previous 2012 and 2015 decisions.

⁶ See links to each draft SAIR submission in Appendix A

⁷ Available online:

<https://projects.eao.gov.bc.ca/api/public/document/5886a898a4acd4014b81f986/download/Letter%20to%20Erik%20Tornquist%20%28Pacific%20Baker%20Minerals%20Inc.%29%20from%20Kevin%20Jardine%20%28EAO%29%2C%20dated%20February%2010%2C%202016.pdf>

⁸ Available online: https://projects.eao.gov.bc.ca/api/public/document/5d0a5591c9dd30001a1644de/download/345954_Plourde_FINAL.pdf

The required updates to the draft SAIR that the EAO communicated to PBM include the following:

- All project components from the Morrison Mine's Section 11 Order⁹ that are relevant to the SAIR must be included;
- PBM must provide details on how it plans to provide additional assessments to each component of the Further Assessment Order; and
- PBM must commit to completing these additional assessments.

2.2 Federal Agency Involvement

On July 14, 2009, the then Canadian Environmental Assessment Agency commenced a comprehensive study federal EA pursuant to the *Canadian Environmental Assessment Act, 1992* for Morrison Mine. The Morrison Mine EA followed a coordinated federal EA process under the former Canada-British Columbia Agreement for Environmental Assessment Cooperation (1997)¹⁰, which was put on hold pending resolution at the provincial EA level. On August 13, 2019, the Impact Assessment Agency of Canada communicated to PBM that the federal EA process for the Morrison Mine was terminated under the transition provisions of the new *Impact Assessment Act* (IAA).¹¹ Since Morrison Mine, as proposed, is a designated physical activity under the Physical Activities Regulations of the IAA, should PBM wish to advance Morrison Mine, PBM will be required to submit a new description of the project and complete a federal impact assessment, in accordance with the requirements of the IAA. Relevant information gathered for the EA under the *Canadian Environmental Assessment Act, 1992* may be used to inform any process steps under the IAA. On August 21, 2019, PBM indicated to the Impact Assessment Agency of Canada its interest in submitting a new description of the project to proceed with an assessment under the federal IAA. The timing of this submission by PBM to the Impact Assessment Agency of Canada is currently unknown.

2.3 Indigenous Engagement

The footprint of the Morrison Mine would be situated within the traditional territory of Lake Babine Nation. A section of the proposed transmission line route passes through the northeastern section of Yekooche First Nation's traditional territory. Lake Babine Nation and Yekooche First Nations were invited to participate in the original EA as members of the technical working group. Lake Babine Nation participated throughout the EA. Yekooche First Nation did not participate in the technical working group, although they requested to be kept informed of studies and key issues.

In September 2010, Gitanyow Hereditary Chiefs Office and Gitxsan Chiefs Office contacted the EAO expressing concerns with the Morrison Mine as it related to fishing rights on Skeena River and impacts to fish in Morrison Lake. The Gitanyow Hereditary Chiefs Office and the Gitxsan Chiefs Office were consulted with from that point forward, primarily through the Skeena Fisheries Commission, who joined the technical working group.

⁹ Section 11 Order available online:

https://projects.eao.gov.bc.ca/api/public/document/5886a005a4acd4014b81f754/download/Section%2011%20Order%20signed%20by%20Martha%20Anslow%20%28EAO%29%20dated%20Jan%2018_08.pdf

Also includes subsequent Orders under Section 13 which amend the Section 11 Order:

https://projects.eao.gov.bc.ca/api/public/document/5886a5b7a4acd4014b81f8ca/download/Order%20under%20section%2013%20amending%20section%2011%20Order%20dated%20Mar%2016_11%20signed%20by%20Chris%20Hamilton%20%28EAO%29.pdf

https://projects.eao.gov.bc.ca/api/public/document/5886a029a4acd4014b81f75e/download/Order%20Under%20Section%2013%20Amending%20Section%2011%20Order%20signed%20by%20Martha%20Anslow%20%28EAO%29%20and%20dated%20Nov%2017_08.pdf

¹⁰ Available online: https://www2.gov.bc.ca/assets/gov/environment/natural-resource-stewardship/environmental-assessments/working-with-other-agencies/canada-bc_ea_cooperation_199720190918.pdf

¹¹ See "Latest Update" for Morrison Copper-Gold Project on the Canadian Impact Assessment Registry:

<https://iaac-aeic.gc.ca/050/evaluations/proj/48445>

3. COMPLETION OF THE FURTHER ASSESSMENT PROCESS

3.1 Issues to Date

The Further Assessment Order requires PBM to prepare and submit a draft SAIR, which must be “in a format acceptable to the Executive Director or delegate” (ss. 5.1 and 5.2). However, the Further Assessment Order does not specify a date by which an acceptable draft SAIR must be completed. It has been approximately six years since the Ministers issued the Further Assessment Order (issued July 2015). The original EA was completed in 2012, and the data that informed it was collected between 2001 and 2011. When the Further Assessment Order was issued, it was assumed by Ministers’ that PBM would act promptly to prepare a draft SAIR and submit the Supplemental Assessment Application.

While PBM has made some revisions to the draft SAIR, the correspondence from PBM primarily consists of disagreements related to the previous 2012 and 2015 decisions, rather than focusing on updates to the SAIR. To date, PBM has not submitted a draft SAIR that clearly outlines how PBM plans to provide the requested further information and analysis, and a commitment to providing it, as part of the further assessment process. The absence of an adequate draft SAIR from PBM means that the EAO has not been able to circulate one for Working Group review, and subsequently to develop and issue a final SAIR.

PBM has sought to clarify in its draft SAIR and subsequent correspondence that the Morrison Mine is not located in the ‘sacred headwaters’ of the Skeena River, a term used by Tahltan Nation to describe an area located in the Klappan mountain range in northern B.C. The EAO agrees that the Morrison Mine is not located in the ‘sacred headwaters’ as defined by the Tahltan Nation. However, the EAO notes that past documents including the Environmental Assessment Report (2012) and the Reasons for Decision (2012) have characterized that the Morrison Mine would be located in the headwaters of the Skeena River as it would be located near Babine Lake, which flows into the Skeena River.

PBM has also sought clarity on whether the waterbody nearby the Morrison Mine is named Morrison River or Morrison Creek. The name of this waterbody in the British Columbia Watershed Atlas is named ‘Morrison Creek’ under the classification of ‘Major Rivers’. Therefore, the most accurate name is ‘Morrison Creek’. Commonly, the terms creeks and rivers are used interchangeably, and referring to it by either name does not prevent PBM from providing a satisfactory draft SAIR.

PBM is concerned that these topics have caused confusion for Indigenous nations and the public. The EAO has responded to these concerns in writing and has posted these responses¹² to the EAO’s Project Information Centre (EPIC). It is the EAO’s view that these disagreements on the finer points of previous decisions do not prevent PBM from providing a satisfactory draft SAIR that would allow the further assessment ordered by the Ministers to proceed.

The Associate Deputy Minister and the Assistant Deputy Minister of the EAO have previously set “deadlines” for PBM to provide a revised draft SAIR that materially addresses the requirements in the Ministers’ Further Assessment Order, none of which have been met. The EAO’s previous letters also raised concerns about the lack of progress in the further assessment process and stated that the EAO would be considering how to best address these concerns.

The further assessment process has essentially stalled. On October 15, 2020, PBM communicated¹³ that “[t]here is little point in PBM submitting another draft SAIR until this error in the location of the project [Skeena Headwaters] is acknowledged and addressed publicly in some form or until the EAO can prove it a correct statement by scientific fact.” The EAO has clearly stated that it does not agree that there were errors made, and that the asserted errors are not material to the development of a draft SAIR. Until PBM has provided a draft SAIR that specifically addresses each of the

¹² See Appendix A, correspondence from the EAO dated [August 20, 2020](#) and [September 28, 2020](#)

¹³ Available online: <https://projects.eao.gov.bc.ca/api/public/document/6009de44a8b8ef0020c01b9d/download/Letter-EAO%20Oct%2015%202020.pdf>

requirements in the Further Assessment Order and outlines how PBM will provide the required information as a part of a process for further assessment, the EAO cannot advance the further assessment process.

The longer PBM requires to provide a satisfactory draft SAIR, the older the information and data used in the original EA becomes. It is therefore important, in the EAO's view, to take steps now to either ensure that the further assessment is carried out without further delay, or Ministers make a decision on PBM's Application.

3.2 Potential Options for Completion

In response to PBM's October 2020 letter, the EAO sent a letter to PBM on February 11, 2021¹⁴ reflecting the concerns with the delays in the further assessment process and described potential options to address the lack of progress and support the project advancing toward a Ministers' decision. Subsequently, the EAO sent letters to Lake Babine Nation, Gitanyow Hereditary Chiefs, Gitxsan, and Yekooche First Nation seeking their views on proposed options to move the further assessment process forward. The EAO proposed two options for progressing the further assessment process to all parties, including:

1. Amending the Further Assessment Order to add defined timelines to complete key milestones in the further assessment process, such as for PBM to provide a draft SAIR acceptable to the Chief Executive Assessment Officer for review or for the completion of the further assessment process; or
2. Rescinding the Further Assessment Order entirely and proceeding to a decision by Ministers on Morrison with the information available from the previous decision.

In the process of developing this Report, the EAO added a third option to continue with the status quo (Option 3). All parties had an opportunity to review this Report and provide comments on the three proposed options.

4. ENGAGEMENT WITH AFFECTED PARTIES ON THE POTENTIAL OPTIONS

4.1 Pacific Booker Minerals

PBM responded to the EAO's February 11, 2021 letter on March 11, 2021¹⁵, indicating a preference for Option 2 above, to rescind the Further Assessment Order. PBM stated that a fair decision is what PBM has been asking for since the 2012 decision, and that, in its view, the submitted materials, when given a fair and balanced assessment, met the standard of care common for Environmental Assessments and would support a positive decision on granting the Environmental Assessment Certificate for the Morrison Mine.

PBM also requested, in its view "to further restore fairness to the decision", that the amendment to the Section 11 Order (2011)¹⁶ adding the Gitxsan Chief's Office and the Gitanyow Hereditary Chief's Office to the Morrison Mine Environmental Assessment process be rescinded. In its response, PBM stated its view that Gitxsan Chief's Office and the Gitanyow Hereditary Chief's Office were added to the Section 11 Order in 2011 when the original Section 11 Order was issued in 2008 and that this gave the Lake Babine Nation, the Gitxsan Chief's Office, and the Gitanyow Hereditary Chief's Office the opportunity to provide their written submissions about the Environmental Assessment Report (2012) to the EAO and have them included in the Minister's decision package. Additionally, PBM also stated its views that the amendment to the Section 11 Order should be rescinded since the Morrison Mine would not be located in the traditional territory of the

¹⁴ Available online: <https://projects.eao.gov.bc.ca/api/public/document/604a6046887eda0022fcdd62/download/369037-Plourde-FINAL.pdf>

¹⁵ Available online: <https://www.projects.eao.gov.bc.ca/api/document/60c7bd5d1260100023babd02/fetch/Letter-from-PBM-March%2011%202021-signed.pdf>

¹⁶ Available online: <https://projects.eao.gov.bc.ca/api/public/document/5886a5b7a4acd4014b81f8ca/download/Order%20under%20section%2013%20amending%20section%2011%20Order%20dated%20Mar%2016%2011%20signed%20by%20Chris%20Hamilton%20%28EAO%29.pdf>

Gitksan or Gitanyow nations. The EAO notes that these nations were consulted as part of the 2012 and 2015 EA processes. As described at the time of adding these nations to the Section 11 Order and in the EAO's Environmental Assessment Report (2012), it is the view of the EAO that these nations could be potentially affected due to downstream effects of the Morrison Mine on salmon populations. The EAO will continue to consult with these nations on the Morrison Mine.

The EAO provided an opportunity for PBM to review and respond to a draft of this Report for a 30-day period. An additional 14-day review period was provided to PBM to review all changes made to this Report by participants during the initial review period.

On July 19, 2021, after their review of a draft of this Report, PBM responded with additional views on the proposed options. PBM in their response reiterated their preference for Option 2. PBM believes Option 1 would not be productive as PBM believes that the Further Assessment Order does not provide sufficient detail of the potential deficiencies of concern and little to no clarity to the purpose of the additional data and studies and what further concerns need to be addressed. PBM also stated the opinion that Option 3 would not be acceptable to any of the involved parties.

On August 31, 2021, PBM provided additional edits to a draft of this Report which the EAO subsequently responded to and, where required, updated into the next draft of this Report. Fourteen days prior to the submission to Ministers, the EAO provided the final version of this Report to PBM for its information.

A record of correspondence with PBM is provided in Appendix A.

4.2 Lake Babine Nation

On February 25, 2021, the EAO sent a letter to Lake Babine Nation reflecting the concerns with the delays in the further assessment process and describing the potential options to address the lack of progress. Lake Babine Nation responded on March 23, 2021¹⁷ indicating a preference to rescind the further assessment order, specifying concerns with the information and analysis that formed the original decision becoming increasingly outdated. Lake Babine Nation requested that should the Ministers rescind the Further Assessment Order and proceed to decision on the Morrison Mine, and that the Ministers should also consider newer relevant information and relevant current provincial policy, including:

- The record from the Province's 2015 reconsideration decision;
- The current state of wild salmon populations that originate in Morrison Lake;
- Lessons learned from the Mt. Polley disaster;
- The Province's current policy on Crown-Indigenous relations including its commitment to pursuing reconciliation and implementing the United Nations' Declaration on the Rights of Indigenous Peoples¹⁸ and the Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples¹⁹; and
- The Province's commitment to collaboratively implementing Lake Babine's title and rights through the Lake Babine Foundation Agreement²⁰.

The EAO notes that if Ministers rescind the Further Assessment Order, their subsequent decision on whether or not to issue an EA Certificate would be based only on the environmental assessment information that was available to Ministers

¹⁷ Available online:

https://www.projects.eao.gov.bc.ca/api/document/60c7c7e873b1f100220e879e/fetch/2021_03_23_Response%20from%20LBN.pdf

¹⁸ Link to more information: <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>

¹⁹ Link to more information: <https://www2.gov.bc.ca/gov/content/governments/indigenous-people/new-relationship/about-the-ten-principles>

²⁰ Link to more information: <https://engage.gov.bc.ca/qovtogetherbc/consultation/lake-babine-reconciliation/>

at the time of the 2015 referral and decision²¹. Under both the *Environmental Assessment Act* (2002) and the *Environmental Assessment Act* (2018), Ministers may consider any information that they consider relevant to the decision. However, if Ministers were inclined to consider additional, post-2015 decision information before making their decision on the EAC, this would require an amendment to the Further Assessment Order by Ministers to allow the EAO to collect and analyze that information.

Lake Babine Nation requested that if the further assessment process was allowed to continue under Option 1, that the timelines be changed to the tightest doable by PBM, given the concerns regarding the outdated analysis and information and the time that PBM has already had to move the process forward.

The EAO provided an opportunity for Lake Babine Nation to review and respond to a draft of this Report for a 30-day period. An additional 14-day review period was provided to Lake Babine Nation to review all changes made to this Report by participants during the initial review period.

On July 26, 2021, after their review of a draft of this Report, Lake Babine Nations responded with some edits that the EAO subsequently incorporated into the next version of this Report. Fourteen days prior to the submission to Ministers, the EAO provided the final version of this Report to Lake Babine Nation for its information.

A correspondence log of engagement with Indigenous nations is provided in Appendix B.

4.3 Gitanyow

The EAO sent a letter to the Gitanyow Hereditary Chiefs Office on March 11, 2021 reflecting the concerns with the delays in the further assessment process and describing the potential options to address the lack of progress. On April 6, 2021, the Gitanyow Hereditary Chiefs Office responded²² indicating that they wish to continue to be consulted on the Morrison Mine EA process and that they prefer the option to allow PBM with “a final chance” to submit a satisfactory draft SAIR. In its response the Gitanyow Hereditary Chiefs Office noted that PBM has had more than five years to do this work and has not been able to do so. The Gitanyow Hereditary Chiefs Office also noted in its letter, that it cannot agree to allow the project to go forward as it is currently presented.

The EAO provided an opportunity for the Gitanyow Hereditary Chiefs Office to review and respond to a draft of this Report for a 30-day period. An additional 14-day review period was provided to Gitanyow Hereditary Chiefs Office to review all changes made to this Report by participants during the initial review period.

On July 8, 2021, after their review of a draft of this Report, the Gitanyow Hereditary Chiefs Office responded to indicate their opposition to PBM’s suggestion to exclude them from further consultation on this project. Further, Gitanyow Hereditary Chiefs Office stated that despite previously communicating a preference for Option 1, they have no objection to Option 2 and do not agree with Option 3. Gitanyow Hereditary Chiefs Office went on to say that they agree with Lake Babine Nation’s comments that the Ministers need to consider the current status of salmon populations that live in Morrison Lake alongside the Province’s current policy on Crown-Indigenous relations.

Fourteen days prior to the submission to Ministers, the EAO provided the final version of this Report to Gitanyow Hereditary Chiefs Office for its information.

²¹ The 2015 reconsideration decision included information related to Mt Polley in the decision materials. The information considered in the 2015 Further Assessment decision is described here:

<https://projects.eao.gov.bc.ca/api/public/document/5886a897a4acd4014b81f984/download/Letter%20dated%20Jul%207%2015%20from%20Minister%20Mary%20Polak%20%28MOE%29%20and%20Minister%20Bill%20Bennett%20%28MEM%29%20to%20Erik%20Tornquist%20%28Pacific%20Booker%20Minerals%20Inc.%29%20regarding%20the%20decision%20for%20further%20assessment%20on%20the%20proposed%20Morrison%20Copper%20old%20Mine%20Project.pdf>

²² Available online:

<https://www.projects.eao.gov.bc.ca/api/document/60c7c8a073b1f100220e87b2/fetch/GHC%20Letter%20Morrison%20Mine%20EAO%20Apr2021.pdf>

A correspondence log of engagement with Indigenous nations is provided in Appendix B.

4.4 Gitxsan Nation

During the original EA in 2012, the Gitxsan Chiefs Office was consulted by the EAO, primarily through the Skeena Fisheries Commission. Since that time the Province's approach to consultation with Gitxsan Nation has evolved including engaging through the coordination of Gitxsan Laxyip (watershed) Facilitators where agreements exist or directly with Simogyet (Chiefs). As the original concerns from Gitxsan Chiefs Office were related to downstream fishing rights in the Skeena, the EAO consulted with the Skeena Fisheries Commission and the Gitxsan Laxyip (watershed) facilitators where agreements exist or directly with Simigyet/Simgiget'm (Chief/Chiefs) whose huwilp (territories) are located downstream from the Morrison Mine along the Skeena River. The EAO sent a letter to these parties on March 11, 2021, reflecting the concerns with the delays in the further assessment process and describing the potential options to address the lack of progress.

The following responses were received from Gitxsan representatives:

- On March 25, 2021, the Simigyet'm Gitwangak Society responded²³ that the option to continue the further assessment process would be preferred to allow another fair opportunity for PBM to provide a satisfactory draft SAIR for review by Gitxsan reviewers and the inclusion of Nations downstream from Morrison Mine who were previously overlooked during consultation;
- On April 11, 2021, Wilps Hanamuxw responded²⁴ that the Morrison Mine would pose a high risk to their water and fisheries upon which they rely on for food, and that there would be no net benefit to Gitxsan or Canada so it cannot agree to allow the project to go forward; and
- On April 12, 2021, Simogyet Gaxbgabaxs, Lawrence Watson, responded²⁵ that they would like to continue to be consulted by the EAO.

The EAO provided an opportunity for Gitxsan to review and respond to a draft of this Report for a 30-day period. An additional 14-day review period was provided to Gitxsan to review all changes made to this Report by participants during the initial review period.

On July 7, 2021, Simogyet Gaxbgabaxs, Lawrence Watson, and then on July 8, 2021 the Office of the Gitxsan Hereditary Chiefs, both responded individually after their review of a draft of this Report. Both responses from these Gitxsan representatives indicated their opposition to PBM's suggestion to exclude them from further consultation on this project. Further, both Simogyet Gaxbgabaxs and the Office of the Gitxsan Hereditary Chiefs stated that despite previously communicating a preference for Option 1, they have no objection to Option 2 and do not agree with Option 3. Simogyet Gaxbgabaxs and the Office of the Gitxsan Hereditary Chiefs went on to say that they agree with Lake Babine Nation's comments that the Ministers need to consider the current status of salmon populations that live in Morrison Lake alongside the Province's current policy on Crown-Indigenous relations.

Fourteen days prior to the submission to Ministers, the EAO provided the final version of this Report to Gitxsan for its information.

A correspondence log of engagement with Indigenous nations is provided in Appendix B.

²³ Available online: <https://www.projects.eao.gov.bc.ca/api/document/60c7ce1d73b1f100220e87f3/fetch/Simgiget'm%20Gitwangak%20Society.pdf>

²⁴ Available online: <https://www.projects.eao.gov.bc.ca/api/document/60c7ca2cd6be9a0022322e91/fetch/Wilps%20Hanamuxw.pdf>

²⁵ Available online: <https://www.projects.eao.gov.bc.ca/api/document/60c7cbd473b1f100220e87db/fetch/Simogyet%20Gaxbgabaxs.pdf>

4.5 Yekooche First Nation

The EAO sent a letter to Yekooche First Nation on March 11, 2021 reflecting the concerns with the delays in the further assessment process and describing the potential options to address the lack of progress. No response was received. The EAO provided an opportunity for Yekooche First Nation to review and respond to a draft of this Report for a 30-day period. An additional 14-day review period was provided to Yekooche First Nation to review all changes made to this Report by participants during the initial review period. Fourteen days prior to the submission to Ministers, the EAO provided the final version of this Report to Yekooche First Nation for its information. No responses were received.

A correspondence log of engagement with Indigenous nations is provided in Appendix B.

5. NEXT STEPS

As outlined above, the further assessment process for the Morrison Mine has stalled and the information and data used in the original EA continues to age.

The EAO has proposed and sought views from all affected parties on options for progressing the further assessment process. The EAO is now bringing forward these options to Ministers for a decision. The options include either:

1. Amending the Further Assessment Order to add defined timelines to complete key milestones in the further assessment process, such as for PBM to provide a draft SAIR acceptable to the Chief Executive Assessment Officer for review or for the completion of the further assessment process;
2. Rescinding the Further Assessment Order entirely and proceeding to a decision by Ministers on Morrison with the information available from the previous decision; or
3. Continue with the status quo and the EAO continues to wait for a satisfactory draft SAIR to be provided by PBM.

Regardless of the option selected above, a decision from Ministers on the Further Assessment Order for Morrison Mine of whether or not to issue an EA Certificate will eventually be required. The subsections below summarize the key considerations and next steps in relation to the three options.

5.1 Option 1, Adding Timelines to the Order: Key Considerations and Next Steps

Option 1 would allow PBM an additional opportunity to provide an adequate SAIR that meets the needs of the Further Assessment Order and by adding a timeline for the provision of a SAIR would create certainty on the timing of the path forward. Option 1 would result in the further assessment process, which has been ongoing for six years, continuing. If option 1 is pursued, Ministers may impose a timeline they deem reasonable, or may direct further engagement to identify an appropriate timeline.

If PBM provides an adequate SAIR within the timeline required by Ministers, then the process would continue as specified by the Further Assessment Order. Following the completion of this process, the final materials would be provided to Ministers to inform their decision on this issuance of an EA Certificate for Morrison Mine.

If PBM does not meet the new timeline, Ministers would proceed to making a decision on whether to issue an EA Certificate for Morrison Mine based on the information available, as in option 2. The EAO noted to all parties that proceeding to a decision without completion of the further assessment process would mean that Ministers would be making a decision based solely on existing information provided for the 2015 decision. The EAO also reminded all parties that the former Ministers, in issuing the Further Assessment Order, determined that in their view the existing information provided for the 2015 decision was insufficient to inform their decision on whether to issue an EA Certificate.

The EAO notes that this process has been continuing for approximately six years, the EAO has identified the specific issues that need to be addressed by PBM in the draft SAIR, sent multiple letters that have sought to establish deadlines for the submission of the revised draft SAIR, and PBM has not provided a draft SAIR that has addressed the requirements.

Gitxsan Nation and Gitanyow Hereditary Chiefs Office have indicated a preference for this option to continue the further assessment process, generally indicating a view that this approach provided additional opportunity for PBM.

5.2 Option 2, Rescinding the Order: Key Considerations and Next Steps

Option 2 would ensure there are no further delays on the further assessment process and provide closure to the EA process that has been sought since 2012. Option 2 would result in the further assessment process as outlined in the Further Assessment Order coming to an end with Ministers moving to make a decision on whether or not to issue an EA Certificate based solely on existing information provided for the 2015 decision.

If Ministers select option 2, the first step would be to notify PBM and Indigenous nations that the Further Assessment Order has been rescinded. The EAO would then provide the 2015 decision materials to Ministers for their decision on whether or not to issue an EA Certificate. The EAO noted to all parties that proceeding to a decision without completion of the further assessment process would mean that Ministers would be making a decision based solely on existing information provided for the 2015 decision. The EAO also reminded all parties that the former Ministers, in issuing the Further Assessment Order, determined that in their view the existing information provided for the 2015 decision was insufficient to inform their decision on whether to issue an EA Certificate.

PBM and Lake Babine Nation have indicated support for this option. Gitxsan Nation and Gitanyow Hereditary Chiefs Office have indicated that they do not object to this option.

5.3 Option 3, Status Quo: Key Considerations and Next Steps

Option 3 would result in no action being taken by Ministers and would require the further assessment process to continue as currently outlined in the Further Assessment Order. The next steps would continue to be for PBM to submit a satisfactory draft SAIR to the EAO.

This option would result in the information and data used in the original EA continuing to age. There would continue to be no timeline associated with the provision of a satisfactory draft SAIR.

Neither PBM nor any of the Indigenous nations consulted as part of this process have indicated support for this option.

APPENDIX A: KEY CORRESPONDENCE BETWEEN PBM AND THE PROVINCE SINCE 2015

This provides a high-level overview of the correspondence with PBM since the July 2015 further assessment decision. This list is not an exhaustive list and does not include minor correspondence.

Table 1. Correspondence Record with PBM

No.	Date	Type	From	To	Summary
1	December 23, 2015	Letter	PBM - Executive VP and Chief Operating Officer (COO)	Minister of Environment & Minister of Energy and Mines	PBM responding to the issuance of the Further Assessment Order by Ministers
2	December 23, 2015	Draft SAIR	PBM	EAO	Submission of a draft SAIR, which included a Lake Babine Engagement Plan
3	February 10, 2016	Letter	EAO - Associate Deputy Minister (DM)	PBM - Executive VP and COO	Responding to correspondence sent by PBM to the Ministers on December 23, 2015. The EAO reiterated next steps in process
4	April 5, 2016	Letter	PBM legal counsel - Hunter Litigation Chambers Law Corporation	Minister of Environment & Minister of Energy and Mines	PBM seeking specificity about SAIR requirements
5	May 4, 2016	Letter	EAO - Associate DM	PBM legal counsel - Hunter Litigation Chambers Law Corporation	Responding to correspondence sent by PBM on April 5, 2016. The EAO Reiterated next steps in process
6	March 6, 2017	Letter	PBM - President/Chief Executive Officer (CEO)	EAO - Associate DM	Presentation to the EAO that outlined what PBM believed was misinformation about Morrison Mine
7	March 20, 2017	Letter	EAO - Associate DM	PBM - President/CEO	Responding to correspondence sent by PBM on March 6, 2017. The EAO reiterated next steps in process
8	March 29, 2017	Letter	EAO - Associate DM	PBM - President/CEO	The EAO outlined that the presentation provided with the March 6, 2017 correspondence does not constitute the draft SAIR
9	April 19, 2018	Letter	Attorney General of BC	PBM - President/CEO	PBM seeking specificity about EA process and SAIR requirements
10	May 31, 2018	Letter	PBM - President/CEO	Minister of Environment and Climate Change Strategy & Minister of Energy, Mines and Petroleum Resources	Requesting a review of further assessment decision by the Ministers

11	June 19, 2018	Letter	EAO - Associate DM	PBM - President/CEO	Responding to correspondence sent by PBM to the Ministers on May 31, 2018. The EAO reiterated next steps in process
12	February 4, 2019	Letter	EAO - Associate DM	PBM - President/CEO	Responding to correspondence sent by PBM on December 10, 2018. The EAO clarified the status and scope of the further assessment for Morrison Mine; asked PBM to respond within 30 days as to when they will submit draft SAIR
13	March 5, 2019	Letter	PBM - President/CEO	EAO - Associate DM	PBM to prepare the draft SAIR, expect it to require 30 days to provide; brought up concerns with original decision
14	March 25, 2019	Letter	EAO - Associate DM	PBM - President/CEO	Responding to correspondence sent by PBM on March 5, 2019. The EAO reiterated next steps in process
15	April 4, 2019	Letter	PBM - President/CEO	EAO - Associate DM	PBM outlined submission of their first draft SAIR
16	April 4, 2019	Draft SAIR	PBM	EAO	Submission of a draft SAIR. PBM also submitted the following studies: <ul style="list-style-type: none"> • 2016 Morrison Lake Thermal Stratification Study • 2016-17 Morrison Lake Thermal Stratification Study
17	June 18, 2019	Letter	EAO - Associate DM	PBM - President/CEO	Responding to PBM's draft SAIR submission on April 4, 2019. The EAO set out the EAO's comments on PBM's draft SAIR of April 4, 2019 and reiterating steps in the process; set deadline for revised draft SAIR for September 3, 2019
18	August 29, 2019	Letter	PBM - President/CEO	EAO - Associate DM	PBM outlined further work is being done on the SAIR based on feedback. PBM raised concerns about scope of further assessment
19	August 29, 2019	Draft SAIR	PBM	EAO	Submission of a draft SAIR
20	September 4, 2019	Email	EAO – Assistant DM	PBM – Chief Financial Officer (CFO)	Informing PBM of the passing of the new <i>Environmental Assessment Act</i> (2018) and how it affects the Morrison Mine
21	December 12, 2019	Draft SAIR	PBM	EAO	Submission of a draft SAIR 'for discussion' (not posted publicly as this did not constitute a formal submission)
22	December 18, 2019	Email	EAO - project lead	PBM - CFO	The EAO outlined the status of Morrison Mine further assessment process now that the <i>Environmental Assessment Act</i> (2018) came into force

23	June 25, 2020	Email	PBM - CFO	Minister of Environment and Climate Change Strategy & Minister of Energy, Mines and Petroleum Resources	PBM disputing points in the original decision regarding the headwaters and Morrison River
24	July 20, 2020	Email	Minister of Environment and Climate Change Strategy	PBM - CFO	Letter from Minister requesting the EAO to consider the comments and request from June 25th email
25	July 23, 2020	Email	PBM - CFO	Minister of Environment and Climate Change Strategy & Minister of Energy, Mines and Petroleum Resources and EAO - Assistant DM	PBM disputing points in the original decision regarding the headwaters and Morrison River
26	August 20, 2020	Letter	EAO - Acting Associate DM	PBM - CFO	Responding to email correspondence sent by PBM to the Minister on June 25 and July 23, 2020. Reiterating next steps in the process. Seeking confirmation from PBM by September 30, 2020 whether they intend to submit a revised draft SAIR
27	August 24, 2020	Email	PBM - CFO	Minister of Environment and Climate Change Strategy & Minister of Energy, Mines and Petroleum Resources	PBM disputing points raised in the August 20, 2020 letter from the EAO and original decision
28	September 14, 2020	Email	PBM - CFO	Minister of Environment and Climate Change Strategy & Minister of Energy, Mines and Petroleum Resources	PBM disputing original decision and previous points from EAO correspondence
29	September 24, 2020	Letter	PBM - President/CEO	EAO - A/Associate DM	PBM asking how the Lake Babine Foundation Agreement would impact consultation requirements on Morrison Mine

30	September 28, 2020	Letter	EAO - project lead	PBM - CFO	Responding to email correspondence sent by PBM to the Minister on August 24, 2020 and September 24, 2020. Reiterated points from August 20, 2019 letter and next steps; extended deadline to October 19, 2020 for a revised draft SAIR
31	October 15, 2020	Letter	PBM - CFO	EAO - project lead	PBM seeking further clarification of aspects in original decision. <i>“There is little point in PBM submitting another draft SAIR until this error in the location of the project is acknowledged and addressed publicly in some form or until the EAO can prove it a correct statement by scientific fact”</i>
32	November 16, 2020	Letter	EAO - project lead	PBM - President/CEO	Responding to correspondence sent by PBM on September 24, 2020. The EAO clarifies Lake Babine Nation’s Foundation Agreement
33	February 11, 2021	Letter	EAO – Chief Executive Assessment Officer	PBM – President/CEO	The EAO outlined proposed options and sought views on options to move further assessment process forward
34	March 11, 2021	Letter	PBM - CFO	EAO - project lead	PBM outlined its views on proposed options with PBM indicating a preference for option 2
35	July 19, 2021	Letter	PBM - CFO	EAO - project lead	Response and comments on draft of this Report. Letter included a supporting document

APPENDIX B: KEY CORRESPONDENCE BETWEEN INDIGENOUS NATIONS AND THE EAO SINCE 2015

This provides a high-level overview of the correspondence the EAO has had with Indigenous nations since the July 2015 further assessment decision.

Table 2. Correspondence Record with Indigenous nations

No.	Date	Type	From	To	Summary
36	February 25, 2021	Letter	EAO - project lead	Lake Babine Nation - Chief	The EAO outlined proposed options and sought views on options to move further assessment process forward
37	March 11, 2021	Letter	EAO - project lead	Gitanyow Hereditary Chiefs Office – President/Chief Negotiator	The EAO outlined proposed options and sought views on options to move further assessment process forward
38	March 11, 2021	Letter	EAO - project lead	Yekooche First Nation - Chief	The EAO outlined proposed options and sought views on options to move further assessment process forward
39	March 11, 2021	Letter	EAO - project lead	Gitxsan - Simigyet/Simgiget'm and Laxyip Facilitators	The EAO outlined proposed options and sought views on options to move further assessment process forward
40	March 23, 2021	Letter	Lake Babine Nation - Chief	EAO - project lead	Lake Babine Nation outlined its views on proposed options
41	March 25, 2021	Email	Gitxsan - Simigyet'm Gitwangak Society	EAO - project lead	Simigyet'm Gitwangak Society outlined its views on proposed options with preference for Option 1
42	April 6, 2021	Letter	Gitanyow Hereditary Chiefs Office – President/Chief Negotiator	EAO - project lead	Gitanyow Hereditary Chiefs Office outlined its views on proposed options with preference for Option 1
43	April 11, 2021	Letter	Gitxsan - Wilps Hanamuxw	EAO - project lead	Wilps Hanamuxw outlined its views on proposed options and that they cannot agree to allow the project to go forward
44	April 12, 2021	Email	Gitxsan - Simogyet Gaxbgabaxs, Lawrence Watson	EAO - project lead	Simogyet Gaxbgabaxs indicated its interest in continuing to be consulted on Morrison Mine
45	July 7, 2021	Letter	Gitxsan - Simogyet Gaxbgabaxs, Lawrence Watson	EAO - project lead	Response and comments on draft of this Report

46	July 8, 2021	Letter	Office of the Gitksan Hereditary Chiefs	EAO - project lead	Response and comments on draft of this Report
47	July 8, 2021	Letter	Gitanyow Hereditary Chiefs Office – President/Chief Negotiator	EAO - project lead	Response and comments on draft of this Report
48	July 26, 2021	Email	Lake Babine – Legal Counsel	EAO - project lead	Response and comments on draft of this Report