

Ministers' Reasons for Decision

MT. POLLEY COPPER/GOLD PROJECT'S INTERIM TAILINGS STORAGE FACILITY RAISE

CONSENT FOR MATERIAL ALTERATION

March 27, 2025



EAO

Environmental
Assessment Office

1.0 CONTEXT

Mt. Polley Copper/Gold Mine (Mt. Polley Mine) is an open pit copper/gold mine located in the Cariboo region of central British Columbia, approximately 56 kilometres northeast of Williams Lake. On October 6, 1992, a Mine Development Certificate was issued to Imperial Metals Corporation (now the Mount Polley Mining Corporation or "MPMC") for the Mt. Polley Mine). The Mine Development Certificate continued in force as a Project Approval Certificate #M96-07 under the first *Environmental Assessment Act* (1996) and then as an Environmental Assessment Certificate (EAC) under the *Environmental Assessment Act* (2002) (the Former Act) and later the *Environmental Assessment Act* (2018) (the Act) (EAC M96-07). Following the initial certification, permits were issued to MPMC under the *Mines Act*, *Environmental Management Act*, and other required authorizations.

As an older style of EAC, Mt. Polley's [EAC M96-07](#) contains Condition 2, which requires that MPMC must obtain the written consent of the Ministers of the Ministry of Mining and Critical Minerals (MCM) and Ministry of Environment and Parks (ENV) prior to any material alterations to the Mt. Polley mine as previously approved ('Consent for Material Alteration') and that the determination of what may constitute a material alteration is made by the Minister of MCM.

In July 2024, MPMC submitted a *Mines Act* permit amendment application to raise the Tailings Storage Facility (TSF) dam to an elevation of 974 metres (increase of four metres from the current height) to accommodate tailings from the materials milled under the current authorization and continue operations through spring 2025 freshet. On February 18, 2025, the Minister of MCM determined that the proposed Interim TSF Dam Raise is a material alteration. The Ministers' consent is therefore required for MPMC to proceed with the TSF Dam Raise.

The Environmental Assessment Office (EAO) requested additional information from MPMC believed to be pertinent to the EAO's recommendation regarding Consent for Material Alteration. These materials were reviewed by the EAO through consultation with Xat'sùll First Nation and Williams Lake First Nation. The EAO prepared a report entitled 'EAO's Recommendation Regarding Consent for Material Alteration' (EAO Report) which summarized its review process and conclusions.

We, the Minister of Environment and Parks and the Minister of Mining and Critical Minerals, have considered the EAO Report, which has been posted to the EAO's Project Information Centre (EPIC) website, in making our decision. On March 27, 2025, we provided consent for the material alteration. These are the reasons for our decision.

2.0 CONSIDERATIONS

In addition to the factors assessed in the EAO Report and the recommendation therein, we also considered the following questions in making our decision:

a) Were the potential effects of the proposed Interim TSF Dam Raise adequately identified and assessed?

We understand that the assessment of the potential effects of the TSF Dam Raise was conducted in a coordinated process by the Major Mines Office (MMO) and the EAO. The assessment of the potential effects and associated mitigation measures of this proposed Interim TSF Dam Raise was conducted initially by the MMO as part of the MCM permitting and consultation process for the *Mines Act* amendment application. The MMO led a thorough technical review of the effects of the proposed Interim TSF Dam Raise with technical experts, including third party external reviewers, and consulted with Williams Lake First Nation and Xat'sùll First Nation on the assessment of the effects of the Interim TSF Dam Raise. Concerns raised by technical reviewers and First Nations during the permit application review regarding technical concerns, project effects, mitigations, and impacts to Section 35 Rights were resolved through technical discussions and/or permit conditions.

We understand that, although not required for this process, the EAO decided to consider all assessment matters typically considered in an amendment process (following S. 25(2) of the Act), taking into account the technical review and consultation that has been conducted by MMO. This additional assessment helped to identify if there are any potential effects of the proposed Interim TSF Dam Raise that should be considered further under the Act.

Based on the assessment and information in the EAO Report, we are satisfied that the potential effects of the proposed Interim TSF Dam Raise were adequately identified and assessed in these processes. We agree that the proposed Interim TSF Dam Raise is not likely to have new or significant effects from the current and existing operations at the mine.

b) Did the EAO fulfill its obligations for consultation with First Nations?

There is no legislated requirement for consensus-seeking with First Nations for this Consent for Material Alteration process under Condition #2 of the Certificate, however in upholding its commitment to reconciliation the EAO chose to undertake a consultation process with the potentially affected First Nations grounded in the principles of consensus-seeking on the process steps and the recommendation to us, the Ministers.

The EAO consulted Xatśúll First Nation and Williams Lake First Nation about the proposed process for the consent for material alteration. We have been provided a summary of the consultation and consensus-seeking activities, and the views of the First Nations. We understand that Xatśúll First Nation raised numerous concerns primarily focused on the EAO's administrative and consultative processes but later did provide additional concerns related to dam safety. Xatśúll First Nation's concerns were summarized in the EAO Report and were resolved to the extent possible through this process. We appreciate that Xatśúll First Nation's concerns extend beyond this specific material alteration decision and have been recommended for further consideration in the current and future *Mines Act* permitting process. We support the efforts by Xatśúll First Nation and MCM to explore a mining agreement to address broader process and substantive issues.

We acknowledge that Xatśúll First Nation requested additional consensus-seeking steps and a facilitated issue resolution process for the remaining areas of non-consensus. This would have greatly extended the process and potentially led to staff layoffs at Mt. Polley Mine and financial impacts to MPMC employees and local communities. The EAO advised that they weighed the balance of adding more time to seek consensus with Xatśúll First Nation in light of the extensive discussions so far and the potential impacts of delaying the decision on whether to consent to the Interim Dam Raise. The EAO concluded that further discussions or issue resolution with the Xatśúll First Nation were unlikely to result in meaningful changes to the areas of non-consensus, as these had already been extensively discussed, and are summarized in the EAO Report. From our review of the decision materials, the relevant factors were appropriately weighed.

Based on these steps carried out by MMO and the EAO, it is our view that EAO's consultation efforts with First Nations are sufficient to inform our decision on consent for the Interim TSF Dam Raise.

c) Was the safety of the Interim TSF Dam Raise thoroughly assessed?

On August 4, 2014, there was a breach in the dam of the Mt. Polley TSF which caused mine tailings, water, and construction materials to flow into Polley Lake, Hazeltine Creek, and Quesnel Lake. We acknowledge the dam breach caused widespread and long-lasting environmental damage and serious corresponding impacts to Xatśúll First Nation's rights, culture, way of life, and ability to transmit traditional knowledge. Xatśúll First Nation is deeply concerned that raising the dam would increase the risk and consequences of another potential breach, and they communicated the significance of ongoing fears and future risk to their communities.

An independent expert engineering panel and Chief Inspector of Mines completed investigations and reviewed the circumstances that led to the dam breach in 2014 and provided substantial recommendations to prevent another incident like this happening in future. The Province has since implemented all of the recommendations from the two investigation reports, including making significant changes to how tailings storage facilities are regulated in 2016 through an update to the *Health, Safety, and Reclamation Code for Mines in BC*. Additional changes to the Code were implemented in 2024, further strengthening TSF regulations in B.C. Mount Polley was required to meet all the regulatory changes that were brought into force prior to its re-opening in 2016.

We also understand that during the *Mines Act* permit review process, MCM hired an external consultant engineer to review MPMC's TSF Dam Raise design application and geotechnical drawings. The external consultant engineer


determined the proposed TSF dam design meets and/or exceeds the province's regulatory requirements and engineering best practices. MCM's geotechnical manager also reviewed and agreed with the external consultant engineer's assessment. All engineering comments were addressed through the *Mines Act* permit amendment process.

We understand that the EAO and MCM continue to work closely with Xat'sül First Nation and MPMC on ways to improve understanding and trust, including the development of a new government-to-government mining agreement, improved data collection and transparency, and increased communication regarding the concerns raised.

Based on the external consultant engineer's and MCM's geotechnical manager's review of MPMC's TSF Dam Raise design application and their satisfaction with how their requests have been addressed by MPMC and through the *Mines Act* permit amendment process, we are satisfied and feel confident that the safety of the TSF Dam Raise has been adequately assessed.

3.0 CONCLUSION

After consideration of the EAO Report and the consultation process with First Nations, we grant consent for the Interim TSF Dam Raise under EAC M96-07 condition #2 for material alterations.



Tamara Davidson
Minister of Environment and Parks



Jagrup Brar
Minister of Mining and Critical Minerals

Signed this 27th day of March 2025