

Report of Dispute Resolution Facilitation:  
Highland Valley Copper Mine Life Extension Project  
BETWEEN:  
Nlaka’pamux Nation Tribal Council (NNTC)  
AND  
BC Environmental Assessment Office (BCEAO)

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On March 14, 2025, Nlaka’pamux Nation Tribal Council (NNTC) submitted a letter<sup>1</sup> to the BC Environmental Assessment Office to initiate a dispute resolution process under section 5 of the *Environmental Assessment Act, 2018* (the Act) respecting the pending decision under section 29(1) of the Act, the decision of the Chief Executive Assessment Officer (CEAO) to refer the proponent’s revised application for an environmental assessment certificate to ministers for a decision. The dispute is in relation to the Highland Valley Copper Mine Life Extension Project. In its letter initiating the dispute resolution process, NNTC identified areas of non-consensus that constituted the substance of the dispute.

After a dispute resolution facilitator selection process, informed by recommendations by NNTC on a potential dispute resolution facilitator to facilitate the dispute, on April 10, 2025 Julie Chace, Executive Director of the Strategic Services and Compliance Division of the Environmental Assessment Office, formally appointed the undersigned as dispute resolution facilitator. Ms. Chace is the delegate of the Minister of Environment and Parks.

On April 11, 2025, pursuant to Section 5(2)(a) of the Act, CEAO Alex MacLennan referred the matter pending decision — namely, the decision to refer the proponent’s revised application for an environmental assessment certificate, with associated referral materials and recommendations, to the ministers for a decision — to the undersigned to begin the dispute resolution process. As prescribed in section 12 of the Environmental Assessment

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[https://projects.eao.gov.bc.ca/api/public/document/67fed0d17c20f30022e4c1c2/download/LETTER\\_HVC\\_Dispute\\_Resolution\\_Notice\\_NonConsent.pdf](https://projects.eao.gov.bc.ca/api/public/document/67fed0d17c20f30022e4c1c2/download/LETTER_HVC_Dispute_Resolution_Notice_NonConsent.pdf)

Dispute Resolution Facilitator Regulation, the CEO's referral initiated the 90-day regulated time limit for the facilitation. In the present case, a final report would have been required for submission by no later than July 10, 2025.

After conducting preliminary meetings separately with representatives of the NNTC and the EAO, the undersigned prepared draft Terms of Reference that were shared with the parties in advance of a scheduled meeting to take place in Vancouver, BC on May 2, 2025. That meeting was cancelled at the request of the NNTC. A subsequent meeting that was scheduled for May 14, 2025, to take place in Victoria, BC was likewise cancelled by the NNTC.

Since that time, on May 15, 2025, Matt Pasco, Tribal Chair of the NNTC, sent a letter to the EAO indicating that the NNTC was formally withdrawing its request for facilitation.

One of the consequences of the order appointing a facilitator under the Act is that the ministers are not to be sent the full referral package relating to the project until a report is received from the facilitator. There is a pause in the timelines stipulated under the Act. Pursuant to s. 5(3) of the Act, on the completion of a facilitation, a dispute resolution facilitator must provide a report to the participants and to the CEO or the minister. Pursuant to s. 5(5)(a), no decision on the matter may be made under s. 29(1) until after the facilitator has provided a report.

Therefore, the undersigned hereby reports that upon the initiating party withdrawing its request for dispute resolution, the present dispute resolution process has formally ceased.



Murray Rankin, K.C.