

EAO's Recommendation Regarding Consent for Material Alteration

MT. POLLEY COPPER/GOLD PROJECT'S SPRINGER EXPANSION

REQUESTED BY:
MOUNT POLLEY MINING CORPORATION

AUGUST 21, 2025

1.0 HISTORY OF MT. POLLEY COPPER/GOLD MINE

The Mt. Polley Copper/Gold Project (Mt. Polley Mine) is an open pit copper/gold mine located in the Cariboo region of central British Columbia (B.C.), approximately 56 kilometres northeast of Williams Lake. On October 6, 1992, a Mine Development Certificate (MDC) was issued under the *Mine Development Assessment Act*, (1990) to Imperial Metals Corporation (now the Mount Polley Mining Corporation or “MPMC”) for the Mt. Polley Mine. The MDC 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.

Construction of the Mt. Polley Mine ended in 1997, and mine operations began. Mine operations were paused in October of 2001 due to low metal prices but reopened in December 2004, starting production in March 2005. On August 4, 2014, there was a breach in the dam of the Tailing Storage Facility (TSF), which caused tailings, water, and construction materials to flow into Polley Lake, Hazeltine Creek, and Quesnel Lake. After the breach, mining operations stopped, and the TSF was built up to 950 metres to temporarily store freshet flows in 2015 and 2016. Limited operations resumed on August 4, 2015, with tailings being deposited in Springer Pit. On November 6, 2015, MPMC requested permission to fully restart operations, including raising the TSF to 970 metres and using it again for tailings storage. Approval was granted on June 23, 2016, and tailings deposition in the TSF resumed on June 27, 2016.

Since Mt. Polley Mine's initial certification and permitting, the *Mines Act* permit has been amended several times related to expansion of mining capacity, mine plan changes, and changing operational requirements. The *Environmental Management Act* permit has also been amended several times for various reasons including authorization of discharge to Quesnel Lake via Hazeltine Creek on November 29, 2016, and directly to Quesnel Lake on April 17, 2017.

[EAC M96-07](#) requires in Condition 2 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) (the Ministers) prior to any material alterations of the Development (Consent for Material Alteration) and that the determination of what may constitute a material alteration is made by the Minister of MCM.

To date, the Environmental Assessment Office (EAO) has granted two EAC amendments and Ministers have consented to three Material Alterations, including:

- Amendment #1, September 2, 1997 – To transfer EAC M96-07 to the Mount Polley Holding Company;
- Amendment #2, May 19, 2016 – To increase the maximum annual milling rate to 8.2 million tonnes of ore, remove the restriction of a maximum 14-year mine life, and change the Holder's name to Mount Polley Mining Corporation;
- Consent for Material Alteration #1, November 23, 2015 – To allow discharge of mine effluent to Hazeltine Creek where it would flow into a sediment pond and via pipeline to discharge at depth in Quesnel Lake;
- Consent for Material Alteration #2, April 6, 2017 – To allow for the operational effluent discharge to Quesnel Lake to address the management of mine water during the remainder of mine life; and,
- Consent for Material Alteration #3, March 27, 2025 – To raise the TSF dam height by 4 metres to accommodate tailings from the materials milled under the current authorization.

On April 15, 2025, Xat'sül First Nation filed a petition for judicial review, challenging two provincial decisions regarding the approval of the TSF Dam Raise for the Mount Polley Mine: (1) the decision to “consent to material alteration” made by the Ministers of MCM and ENV on March 27, 2025; and (2) the decision of the Deputy Chief Permitting Officer for an amendment to the *Mines Act* Permit. The judicial review was heard by the court on June 24 to June 27, 2025. On August 6, 2025, the Xat'sül First Nation petition and associated application for a court order to stop mining activity was dismissed. Xat'sül's perspectives on the process followed for the review of the Springer Expansion in light of the dismissal of the judicial review are set out below in Section 4.1.1.

2.0 PROPOSED SPRINGER EXPANSION

MPMC is proposing the Springer Expansion at the Mount Polley Mine to extend the life of the mine. The Springer Expansion would fall within the existing permitted mine boundary and provide an additional estimated eight years of operation, depending on market conditions. The full scope of the Springer Expansion includes the following: an expansion of the Springer Pit by mining the saddle between Cariboo and Springer pits, deepening both pits and creating two starter pits, expanding the Southeast Rock Disposal Site to a maximum elevation of 1,150 metres, continued discharge of treated effluent to Quesnel Lake for the duration of operations, and disposal of Potentially Acid Generating material into the Cariboo/Springer Pit at completion of operations. Further details on the Springer Expansion and MPMC's assessment of the effects of the changes is provided in the [Assessment of Alterations](#) as well as the *Mines Act* and *Environmental Management Act* permit application, described below.

3.0 REVIEW PROCESSES AND FIRST NATIONS ENGAGEMENT

3.1. Consent for Material Alteration Review

Condition #2 of EAC M96-07 describes that if a change is considered 'material', then consent of the Ministers must be provided before the Certificate Holder can implement the proposed change. In this two-step process:

- Step 1: MCM led the technical review and consultation with First Nations associated with the materiality determination; and,
- Step 2: The EAO led the review of the Springer Expansion, with technical input from MCM and ENV's permit amendment process, and provided a recommendation to Ministers as to whether or not consent should be provided to MPMC to implement the proposed changes (Consent for Material Alteration Review).

The application under the *Environmental Management Act* to authorize continued Quesnel Lake discharge is not included as part of the consent decision under Condition #2 because Ministers Mary Polak and Bill Bennett already consented to the operational discharge to Quesnel Lake and discharge at closure involving passive water treatment at the mine site as a material alteration to the EAC on [April 6, 2017](#).

While there is no legislated requirement for consensus seeking with First Nations for the process under Condition #2 of the EAC, the EAO undertook a consultation process with First Nations grounded in the principles of consensus seeking on key process steps and the recommendation to Ministers. This included consideration of the matters in Section 25 of the Act.

The Ministers' consent process for the Springer Expansion is not considered an amendment under Section 32 (amendments) of the Act as it does not require any changes to EAC M96-07. Xat'sull First Nation does not agree with the EAO's interpretation of the statutory requirements, and this was the subject of extensive discussion with Xat'sull First Nation, which is described further in Section 4.1 of this report and in EAO's March 12, 2025 [Recommendation Regarding Consent for Material Alteration for the Mt. Polley Interim Tailings Storage Facility Raise](#).

As part of Step 1 described above and Condition #2 of EAC M96-07, MCM reviewed MPMC's proposed Springer Expansion to consider whether the change was material. On February 18, 2025, the Honourable Jagrup Brar, Minister of MCM, determined that the Springer Expansion is a "material alteration" as described in Condition #2.

On April 17, 2025, the EAO commenced Step 2 and informed MPMC that it would begin the Consent for Material Alteration Review. The EAO noted that this process would incorporate the issues and concerns from potentially impacted First Nations and be informed by the issues and findings of the *Mines Act* review of MPMC's permit application for the Springer Expansion (described further in Section 3.2 below) and the [Assessment of Alterations](#). On the same date, the EAO sent letters to Williams Lake First Nation and Xat'sull First Nation about its proposed process for the Consent for Material Alteration Review. The letters invited them to provide input on MPMC's [Assessment of Alterations](#), to submit comments on the proposed process, and offered a meeting to discuss the proposed process.

On [April 30, 2025](#), Williams Lake First Nation submitted a letter to the Ministers indicating their general support of MPMC's proposed Springer Expansion. Williams Lake First Nation advised they will continue to engage with MPMC through their Participation Agreement following the conclusion of the consultation process, to endeavour to appropriately address potential impacts on Aboriginal rights and title during the planning and implementation phases of the expansion.

On [May 1, 2025](#), June 2, 2025¹, and [June 3, 2025](#), Xat'sül First Nation submitted comments to the EAO describing their concerns and objections to the EAO's proposed Consent for Material Alteration Review process and concerns with MPMC's Assessment of Alterations related to aquatic effects and the receiving environment. These comments are described further below in Section 4. The EAO provided a letter in response to these concerns on [July 7, 2025](#), and are summarized below in section 4.1.2 and 4.3.4.

The EAO obtained technical review of a draft of this report from MCM and ENV staff. A draft of this report which included EAO's recommendation to Ministers, was provided to MPMC and First Nations for review on July 25, 2025. At that time, the EAO also invited First Nations to share any additional comments or concerns regarding the Springer Expansion that had not been resolved during the technical review of the permit application and that were relevant under Section 25 of the Act.

Consensus was sought on the content of this report as well as the EAO's recommendation to Ministers regarding the decision to provide consent to the material alteration. A meeting with the EAO to discuss any final consensus-seeking points was offered to First Nations during this review, but First Nations did not take up the offer to meet. Williams Lake First Nation provided edits on the draft report and a letter with concluding comments on the process to the EAO on August 8, 2025 and Xat'sül First Nation provided report edits on August 15, 2025. The EAO made revisions to the report to reflect comments from First Nations, where appropriate, and provided feedback to First Nations on changes made. All feedback received during the Consent for Material Alteration Review was taken into consideration in the drafting of this report.

3.2. Permit Amendment Application

An assessment of the potential effects and associated mitigation measures of the proposed Springer Expansion was conducted through the joint *Mines Act* and *Environmental Management Act* amendment application review process, starting July 4, 2024. The Major Mines Office (MMO) of MCM, in cooperation with ENV, led the Mine Review Committee (MRC) to conduct a thorough technical review of the application and consulted with Williams Lake First Nation and Xat'sül First Nation on the assessment of the effects of the proposed changes. The EAO joined the MRC as an observer starting in April 2025, so as to receive all information regarding the permitting process, stay abreast of the status of issues and attend some of the MRC technical meetings.

The EAO understands that Williams Lake First Nation and Xat'sül First Nation were provided the following opportunities to participate in the *Mines Act* and *Environmental Management Act* permit amendment process:

- Review of permit amendment application materials;
- Meetings with MCM; and,
- Opportunity through the MMO-led technical review processes for Williams Lake First Nation and Xat'sül First Nation to share concerns about the Springer Expansion and to identify appropriate means of mitigating and accommodating impacts to asserted or established Aboriginal rights and title, recognized and affirmed by Section 35 of the *Constitution Act*, (1982) ("Section 35 Rights").

First Nations comments on the Springer Expansion were thoroughly considered over three rounds of review, with substantial engagement at the MRC level and with Provincial B.C. reviewers. First Nations also made meaningful

¹ Available in <https://www.projects.eao.gov.bc.ca/api/public/document/68a5de6ca27b4d00222e6c7b/download/Springer%20Expansion%20-%20Comment%20Tracking%20Table.pdf>

contributions throughout the permit drafting process and ENV and MCM revised permits to reflect First Nation comments.

Concerns raised by MRC reviewers and Williams Lake First Nation during the permit application review regarding technical issues and impacts to Section 35 Rights were resolved through technical discussions and informed the draft permits which were shared with First Nations on July 21, 2025, and August 11, 2025 (second iteration). Xat'sull's First Nation commented that some of its technical-level concerns in the *Mines Act* and *Environmental Management Act* processes were addressed, and others were not. However, Xat'sull First Nation's view was that resolution of those issues did not say anything about whether or not Xat'sull First Nation's higher-order concerns with the Springer Expansion have been addressed (i.e., whether it should proceed or not, either at all or as proposed by MPMC). Xat'sull First Nation referred to its [August 1, 2025 letter](#) regarding the *Mines Act* and *Environmental Management Act* processes for more detail.

The amendment application was referred to statutory decision makers for MCM on August 18, 2025, and is scheduled to be referred for ENV on August 21, 2025. The statutory decision makers will each decide whether to approve the proposed *Mines Act* and *Environmental Management Act* permit amendments, following the Ministers' determination on whether to grant MPMC consent for the material alteration.

4.0 SUMMARY OF KEY ISSUES AND THE EAO'S ASSESSMENT OF EFFECTS

Section 25 of the Act includes a list of matters that must be considered in each assessment. Although not a requirement under Condition #2 of EAC-M96-07, the EAO nevertheless considered the applicability and potential effects to each of these matters, taking into account the technical review and consultation that was conducted by MCM, in addition to the consultation undertaken by the EAO.

MPMC assessed the effects of the Springer Expansion in its Assessment of Alterations and in their *Mines Act* and *Environmental Management Act* permit application. MPMC assessed that there would be potential effects to the following valued components (VCs):

- Air quality;
- Water quality;
- Aquatic resources;
- Terrestrial resources;
- Heritage resources;
- Health effects; and,
- Socio-economic effects, including employment, housing, services, transportation and infrastructure.

At the EAO's request, MPMC also provide a supplementary assessment of greenhouse gas emissions, as a required assessment matter under the Act.²

ENV, MCM, Williams Lake First Nation, and Xat'sull First Nation raised concerns about, or otherwise noted the following topics regarding the proposed Springer Expansion through a combination of the *Mines Act* and *Environmental Management Act* permit review and the review of MPMC's Assessment of Alterations and comments received in relation to the Consent for Material Alteration Review:

- Proposed review process and statutory approval requirements;
- 2014 dam breach;
- Receiving environment, water quality and aquatic effects;
- Groundwater;
- Reclamation;
- Selenium concentrations;
- Water treatment;

² Available on the Mt. Polley Copper EPIC page: <https://www.projects.eao.gov.bc.ca/p/58851049aaecd9001b80de7d/project-details>.

- Potential for acid rock drainage;
- Climate change; and,
- Best available technologies.

Of these topics, Williams Lake First Nation and Xat'sül First Nation raised the process concerns, dam breach and receiving environment to the EAO in relation to the Consent for Material Alteration Review. Those issues, and EAO's responses, are described below. MCM, in cooperation with ENV, led a comprehensive technical review of all issues raised through the MRC, as described above in Section 3.2.

4.1. Process Concerns Regarding Consent for Material Alteration

4.1.1. Xat'sül First Nation concerns

Xat'sül First Nation did not agree with the EAO's proposed assessment process for the Consent for Material Alteration Review, which relied on the *Mines Act* permitting review for the majority of the technical portion of the review. Xat'sül First Nation maintains that because the Mt. Polley EAC was originally issued (as an MDC) prior to the introduction of the *Environmental Assessment Act* in 1994, the Mt. Polley Mine was not subject to an environmental assessment under B.C.'s regulatory regime. In addition, Xat'sül First Nation raised concerns that both the original Mt. Polley application materials and the associated effects determinations were completed before the Crown's constitutional duty to consult and accommodate First Nations was legally recognized.

As Xat'sül First Nation views the Mt. Polley Mine as never having undergone a proper environmental assessment, and believes Indigenous knowledge was inadequately considered, their position is that a review of the original materials will further support their position that the current approval process is inadequate. As such, Xat'sül First Nation objected to MPMC's multiple references in MPMC's Assessment of Alterations to "the original environmental assessment," including statements that environmental, economic, social, heritage and health effects were considered by the Ministers. Xat'sül First Nation also opposes any reliance on conclusions from the "original environmental assessment" as the basis for determining the potential impacts of the Springer Expansion. Accordingly, Xat'sül First Nation requested that MPMC update their Assessment of Alterations to remove all references to an environmental assessment and clearly state that the Mt. Polley Mine has never been subject to an environmental assessment.

Xat'sül First Nation maintains that because the Springer Expansion is not included within the scope of the Mt. Polley Mine definition in the EAC, that the EAC must be amended (under Section 32 of the Act) before the Ministers can grant consent under Condition #2 of the EAC. Xat'sül First Nation has further communicated that it is not appropriate to ground the EAO recommendation report in a discussion of the assessment factors under Section 25 of the Act without carrying out the detailed process Xat'sül First Nation says is required in an EAC amendment. Xat'sül First Nation referred to its January 23, 2025 letter at page 3, for further detail on its concerns regarding the EAO's consideration of Section 25 factors, which Xat'sül First Nation noted also apply to the Springer Expansion.

Xat'sül First Nation noted that if the Province intended to proceed with the Consent for Material Alteration Review process, the Springer Expansion should be considered material, and the parties ought to discuss which factors inform the granting of Ministerial consent. Xat'sül First Nation proposed a meeting with the EAO to discuss their issues with the Springer Expansion review process. The EAO agreed to this meeting as described in the following section.

Xat'sül First Nation raised the above issues in their April 15, 2025 application for judicial review of the TSF Raise. On August 6, 2025, Xat'sül First Nation's judicial review was dismissed. Xat'sül First Nation provided additional comments in their August 15, 2025 submission with comments on this report that if the Province relies on the court decision to support its current approach to the Springer Expansion (i.e., that no EA process is required), this confirms that there is currently a 'regulatory gap' and there is no forum established by the Province to actually discuss Xat'sül First Nations's key concerns: whether the Springer Expansion should be approved (at all, or as proposed by MPMC) in light of its benefits and costs. Xat'sül First Nation emphasized the serious impacts the Springer Expansion will have on Xat'sül First Nation: both further

impacts to the economic component of its Aboriginal title, as well as the effectively permanent removal of further land base within Xat'sül First Nation's territory (through the broadening of the footprint of the pit), and extended remediation timelines, that will keep Xat'sül First Nation members off of this part of the Territory for longer. They state that the *Mines Act* and *Environmental Management Act* processes dealt with the technical minutiae of the Springer Expansion but did not provide Xat'sül First Nation with the ability to discuss these issues in its view. Xat'sül First Nation expressed that the "Consent for Material Alteration" process has, similarly, been largely a desktop exercise focused on a high-level amalgam of the Section 32 factors but in the absence of all the other procedural safeguards of the environmental assessment process. In these circumstances, they state the Province is required to take further steps to ensure that Xat'sül's higher-order concerns can actually be assessed, understood, addressed, and, if appropriate, mitigated. Xat'sül First Nation referred to its [August 1, 2025 letter](#) regarding the *Mines Act* and *Environmental Management Act* processes for more information.

4.1.2. EAO response

The EAO acknowledges that Mt. Polley was originally assessed under the *Mine Development Assessment Act*, under the procedure generally known as the Mine Development Review Process and was issued an MDC in 1992. While the process that Mt. Polley underwent during the Mine Development Review Process from 1990 to 1992 differs from the process under the Act today, the original application considered the environmental, social and economic effects of the proposed mine. The Application was reviewed by technical experts and mitigation measures were developed and required through the course of the review. The MDC is deemed to be an EAC under the Act and its predecessors. As there is nothing in the Act that would repeal or amend the provisions of the EAC³, its conditions remain in effect. Condition #2 sets out the requirements for considering changes to the project (that is, the "Development") from what was approved in 1992. This is distinct from amendments to the EAC itself, such as provided for by Conditions #3 and #4, including those made in May 2016 (Amendment #2). Where the EAC itself is amended, the EAO would follow the process in Section 32 of the Act.

Similar concerns regarding the validity of the EAC were raised by Xat'sül First Nation in the review of the TSF Dam Raise and were presented to the court for determination in their judicial review of the Ministers' consent to material alteration and the *Mines Act* permit amendment decisions. On August 6, 2025, the Supreme Court of British Columbia confirmed via oral reasons for decision that MPMC's MDC is deemed to be an EAC because of transitional provisions in the legislation, and that the legislature intended Condition #2 to remain in full force and be applied. Unless the EAC is cancelled or suspended, it remains in effect for the life of the Mt. Polley Mine.

The EAO acknowledges that the original assessment was conducted in a time when the consultation and accommodation obligations owed to First Nations were different and that Xat'sül First Nation is of the view that the Mt. Polley Mine has not been subject to an environmental assessment. Case law has identified consultation is confined to addressing adverse impacts flowing from the specific proposal at issue and not to the historical impacts stemming from the project of which it is a part.

The EAO is committed to ensuring that the provincial Crown fulfils its statutory and constitutional obligations to First Nations relating to the Ministers' decision whether to provide their Consent for Material Alteration for the Springer Expansion. There is no legislated requirement for consensus-seeking with First Nations for this process. However, in upholding its commitment to reconciliation, the EAO undertook a consultation process with the potentially affected First Nations, grounded in the principles of consensus-seeking, on the process and the recommendation to Ministers.

The EAO is of the view that it is not necessary to require MPMC to update the Assessment of Alterations (to remove references to the original environmental assessment) because this report will provide a record of the views of all parties for the Ministers' consideration. The EAO confirms that the Springer Expansion was determined to be material, as noted

³ This can be contrasted with Section 78(4), in which the Legislature explicitly cancelled certain EAC provisions: "A condition in an environmental assessment certificate referred to in subsection (3) that is in respect of the transfer of the certificate to another person is, on the coming into force of this section, cancelled and Section 33 of this Act applies." There is no similar section respecting EAC provisions related to amendments.

above in Section 3 of this report. The EAO has assessed the effects of the proposed Springer Expansion on the Section 25 matters set out in the Act, where applicable and relevant, below in Section 4.4 of this report.

The EAO has made multiple offers to meet with Xat'sül First Nation respecting the process for the review of proposed Springer Expansion, starting with its April 17, 2025, letter and including agreeing to Xat'sül First Nation's request to meet. The EAO responded on May 7, 2025, to Xat'sül First Nation's May 1, 2025, letter indicating that EAO was available to meet to discuss the consultation process related to the Springer Expansion with the limitation that it could not respond to any of their concerns relating to the current litigation regarding the TSF Dam Raise (including the points raised in the letter relating to the use of Condition 2) while that matter was before the court. The EAO provided Xat'sül First Nation reminders of its offer to meet to discuss the process for the Consent for Material Alteration Review for the Springer Expansion on May 15, May 26, June 5, and July 7. Xat'sül First Nation initially followed up on the May 26th offer to meet but did not reply to subsequent email invitations from the EAO to identify dates and no meetings were scheduled prior to referral of this report to Ministers.

In its August 15, 2025 comments on this report, Xat'sül First Nation noted that over this time period it was also occupied with the capacity-intensive technical review process for the *Mines Act* and *Environmental Management Act* permitting, as well as review of the Assessment of Alterations document sent on April 17th 2025 by the EAO. Xat'sül's respectful view is that if the EAO was not willing to discuss these process issues in light of the litigation, then there may not have been much utility in a meeting during this time frame.

The EAO joined the MRC in April 2025, which allowed the EAO to receive all information regarding the permitting process, stay abreast of the status of issues and attend some of the MRC technical meetings. The EAO also inquired about attending another set of meetings, the regularly occurring check-in meetings between MCM and Xat'sül First Nation, as a means to connect with Xat'sül First Nation through an already established forum between the Province and the Nation. Xat'sül First Nation objected to the EAO's participation in these meetings, based on their views that any consultation with Xat'sül First Nation during the *Mines Act* permitting process cannot serve as a substitute for consultation with Xat'sül First Nation as part of the Consent for Material Alteration Review. The EAO did not attend these check-in meetings out of respect for Xat'sül First Nation's objection, but notes that the duty to consult rests with the Province and can be carried out by multiple agencies on behalf of the Province.

With regard to Xat'sül First Nation's concerns that there is a regulatory gap without an amendment under Section 32 of the Act and that the permitting processes did not provide sufficient space for the discussion of higher-order concerns, as noted above in Section 3.2, the EAO is of the view that the Consent for Material Alteration Review provided a venue for discussing these specific impacts and concerns that is substantively similar to a Section 32 amendment. While the EAO was limited in its ability to discuss Xat'sül First Nation's process concerns under litigation, the EAO did not suggest there were any limits on discussing potential impacts of the Springer Expansion on Xat'sül First Nation's Section 35 Rights. In addition, the EAO and MCM continue to work closely with Xat'sül First Nation and MPMC on ways to improve trust and continue discussions through other forums, including the development of a new government-to-government mining agreement, improved data collection and transparency, and increased communication regarding the concerns raised.

While acknowledging Xat'sül First Nation's ongoing concerns regarding the Consent for Material Alteration Review process, the EAO is of the view that it has followed an approach for the Consent for Material Alteration Review that sought to address Xat'sül First Nation's concerns with the Springer Expansion, to the extent practicable, while following the legal requirements of the Certificate.

4.2. Dam Breach

4.2.1. First Nation concerns

In its submissions to the EAO dated August 12, 2024 (pages 2-6) as part of the Consent for Material Alteration Review process for the TSF dam raise, Xat'sül First Nation described that the 2014 Mt. Polley dam breach caused widespread and long-lasting environmental damage and corresponding impacts to their title, rights, culture and way of life. Xat'sül First Nation described impacts to Hazeltine Creek, fish and fish habitat, wildlife and medicinal plant habitat, harvesting, interruption to Rainbow Trout spawning from 2014 to 2017, as well as the destruction of archaeological sites and cultural

heritage resources. As a result, Xat'sūll First Nation described serious impacts to their culture, way of life, ability to transmit traditional knowledge as well as Indigenous legal order and governance systems.

In Williams Lake First Nation's August 8, 2025, letter to the EAO, it noted that it is important to acknowledge the significant and lasting effects of the 2014 TSF dam breach on William Lake First Nation's title, rights, and way of life, which continue to influence the scope and context of the Springer Expansion assessment. This includes damage to Hazeltine Creek, fish and wildlife habitat, medicinal plant areas and cultural heritage sites. While substantial remediation work has occurred, and MPMC has demonstrated a sustained commitment to addressing these impacts, concerns persist among some William Lake First Nation Members, particularly regarding the safety of the mine and the harvesting and consumption of wild foods in affected areas. Restoring these lands to a self-sustaining state that supports William Lake First Nation's cultural use remains a priority. William Lake First Nation views continued collaboration on environmental monitoring and closure planning as essential to remedying these impacts and ensuring long-term recovery.

4.2.2. MPMC response

In response to these concerns, MPMC noted that it has been committed to the remediation and restoration work related to the breach since 2014. This includes the full reconstruction of Hazeltine Creek and the restoration of fish habitat along its length, from the breach site to Quesnel Lake. MPMC has worked closely with local First Nations, regulators, and technical experts throughout the remediation process. This collaboration helped guide environmental monitoring, habitat design, and long-term stewardship plans. MPMC commented that fish have returned to the remediated creek, and habitat restoration continues to be monitored through an ongoing environmental program developed in coordination with First Nations and provincial agencies. MPMC noted that in recognition of these efforts, in 2023, Mt. Polley Mine and members of its Habitat Remediation Working Group received the Jake McDonald Annual Reclamation Award from the B.C. Technical and Research Committee on Reclamation. MPMC is of the view that this award highlights the high standard of environmental restoration, research and collaboration demonstrated throughout the site's recovery process.

4.2.3. EAO response

The EAO acknowledges the strong concerns of Williams Lake First Nation and Xat'sūll First Nation relating to the 2014 dam breach and its impacts on the environment and Indigenous communities, and the ongoing work of MPMC to work with First Nations on remediation. The EAO appreciates that the impact of 2014 dam breach is important for all of Xat'sūll First Nation's comments on the Springer Expansion, while respectfully noting that is not an effect that is being directly considered within this Consent for Material Alteration Review. Information on the Provincial response to the 2014 dam breach is available on the following ENV and MCM websites: [Mount Polley Mine Tailings Dam Breach](#) and [Mount Polley Tailings Breach](#).

4.3. Impacts to the Receiving Environment

4.3.1. Technical and First Nation concerns

Xat'sūll First Nation, Williams Lake First Nation, ENV and MCM raised concerns regarding MPMC's assessment of potential effects on water quality, aquatic health, and fish and fish habitat. Specifically, reviewers are concerned that MPMC did not include predictions for the receiving environment in the water quality model. Xat'sūll First Nation is of the view that there is not enough information for MPMC to conclude that there would be no significant adverse effects on these VCs. Xat'sūll First Nation also raised concerns regarding the continued discharge to Quesnel Lake and the potential impact this might have on the receiving environment. Xat'sūll First Nation further noted concern regarding the potential for transitioning to distributed discharges from the mine site into nearby watersheds using passive/semi-passive treatment options during closure. Xat'sūll First Nation strongly believes that the water quality model needs to be updated to include receiving environment predictions so that the potential impacts of distributed discharges during closure on water quality, fish, and fish habitat can be properly assessed.

4.3.2. MPMC response

MPMC states that since 2016, treated mine water has been discharged into Quesnel Lake under a provincially approved Long-Term Water Management Plan. A comprehensive Water Management Plan has been developed to guide water handling during mine operations, closure, and long-term monitoring phases, extending over the next 100 years. The plan also commits to assessing and selecting the best available water treatment technologies, with a final decision on the long-term treatment system to be made during operations. Ongoing monitoring and environmental effects studies have been completed to assess how treated water may affect Quesnel Lake. MPMC noted that results to date indicate that the discharges are not causing harm to aquatic life or to human users of Quesnel Lake including for drinking water or exposure (for example, through bathing and similar activities). Further, MPMC noted that there are no requested changes to the volume or quality of the discharge and that their monitoring program provides direct measurements of water quality conditions which provides greater certitude than a computer model would provide. Nevertheless, MPMC have advised that they will agree to develop a water quality model of an appropriate scope.

4.3.3. ENV comments

ENV noted that no changes to water quality, quantity or monitoring are proposed as part of this amendment (extension of discharge to Quesnel Lake). Recent effluent quality results indicate no permit limit exceedances for copper, arsenic, or selenium at the treatment plant outlet location in 2023 and 2024, although two exceedances for total copper were recorded in 2022. Initial Dilution Zone (IDZ) objectives at the edge of IDZ, which are based on chronic water quality guidelines or lower, continue to be met. The risk to Quesnel Lake water quality is considered low. This assessment is supported by the absence of significant changes in water quality for key analytes such as copper, arsenic, and selenium, as these concentrations continue to meet IDZ objectives.

Continued monitoring under the Comprehensive Environmental Monitoring Plan will support evaluation of potential ongoing or cumulative effects and allow for monitoring or management adjustments if needed.

4.3.4. EAO response

The EAO understands that the continued discharge to Quesnel Lake and the potential impact on the receiving environment were reviewed as part of the Springer Expansion *Mines Act* and *Environmental Management Act* permit amendment application and that conditions for an updated site-wide water balance water quality model including receiving environment predictions and a receiving effects assessment, are proposed as part of the *Environmental Management Act* permit amendment for MPMC.

Furthermore, MPMC has a Comprehensive Environmental Monitoring Plan as part of their *Environmental Management Act* permit which is designed to identify and report on any mine related impacts in the receiving environment. The *Environmental Management Act* permit also sets discharge limits for the effluent discharge to Quesnel Lake via the Water Treatment Plant. The EAO also understands that MCM has proposed *Mines Act* permit conditions related to water quality including requirements for a Surface Water and Groundwater Management Plan, a Monitoring Program, annual reporting and a Water Treatment System. As stated in Section 3.1 of this report, the matter of discharge to Quesnel Lake cannot be reconsidered as part of this Consent for Material Alteration Review as ministerial consent for the charge (i.e. discharge to Quesnel Lake) was previously granted; however, the EAO is satisfied that these concerns are being addressed through the *Mines Act* and *Environmental Management Act* permit amendment process.

4.4. The EAO's Assessment of Effects

The EAO considered the information provided by MPMC, the potential effects of the proposed change, and the key issues raised by reviewers as described above in assessing the Section 25 matters. See Section 4.1.1 of this report for a summary of Xat'sùll's views on the use of the Section 25 factors in the context of this report.

4.4.1. Effects to Indigenous Nations and Rights

The EAO considered the effects of the Springer Expansion on Williams Lake First Nation's and Xat'sùll First Nation's Section 35 Rights.

4.4.1.1. Williams Lake First Nation

Williams Lake First Nation noted that because Mt. Polley Mine is located within Williams Lake First Nation's Stewardship Area, Williams Lake First Nation possesses inherent rights and a vested interest in this process and the expectation that the Nation's input meaningfully influences this regulatory outcome. Williams Lake First Nation indicated their general support of the Mt. Polley Mine and the proposed Springer Expansion and noted that it has maintained a positive working relationship with MPMC for over a decade formalized through a Participation Agreement (signed in 2011 and renewed in 2022).

This Participation Agreement allows Williams Lake First Nation to provide input on environmental impacts within their traditional territory, enabling them to address potential impacts on Aboriginal rights and title. Williams Lake First Nation stated that MPMC has proven their commitment to environmental stewardship through the rehabilitation of the mine site following the TSF dam breach in 2014 and through their responsible mining practices. Williams Lake First Nation expressed confidence in the potential positive regional and local economic effects of the Springer Expansion through the addition of approximately 400 direct jobs. Furthermore, Williams Lake First Nation indicated that the Springer Expansion aligns with their shared goals of environmental sustainability and economic prosperity and are confident the operation of the Mt. Polley Mine will be conducted responsibly and benefit not only their community but the region more broadly.

In its August 8, 2025, submission, Williams Lake First Nation noted that it has actively contributed to the evaluation of technical documentation, collaborated with Crown agencies and MPMC, and worked to ensure the integrity of Williams Lake First Nation's rights and interests are reflected in project planning over the course of the review. Williams Lake First Nation acknowledged the inclusion of several proposed permit conditions shared on July 21, 2025, intended to incorporate input their Nation provided regarding water quality, climate change, wildlife management and First Nations involvement in Environmental and Closure Planning, as well as Compliance. Williams Lake First Nation concluded that, while formal consensus has not been declared, it is satisfied that the majority of Williams Lake First Nation's concerns have been reasonably addressed within the draft permitting framework. Williams Lake First Nation remains committed to ongoing collaboration with MPMC, MCM, ENV, Xat'sül First Nation, and the EAO to ensure responsible mining, environmental sustainability and meaningful Indigenous involvement throughout the remaining life of the Mt. Polley Mine and into closure.

4.4.1.2. Xat'sül First Nation

In Xat'sül First Nation's letter dated August 12, 2024, Xat'sül First Nation raised concerns about the potential risks of the Springer Expansion including the potential for significant adverse effects on Xat'sül First Nation's Section 35 Rights, culture and way of life. The EAO also heard from Xat'sül First Nation that Xat'sül First Nation and MPMC have been in negotiations regarding a Participation Agreement for several months at the time of writing of this report.

Xat'sül First Nation's August 12, 2024, letter referenced the impacts to Quesnel Lake and Hazeltine Creek resulting from the 2014 TSF dam failure, leading to what Xat'sül First Nation described as impacts to, and unjustified infringements of, Xat'sül First Nation's Aboriginal rights. Regarding impacts to Xat'sül First Nation's Aboriginal rights, Xat'sül First Nation's letter explained that Xat'sül First Nation's members have stopped harvesting in areas impacted by the TSF dam failure due to concerns related to contamination, resulting in a reduced ability to hunt wildlife and harvest fish, reduced confidence in consuming fish and wild game due to contamination, an increased reliance on non-traditional foods, and an inability to practice cultural activities associated with traditional harvesting in the areas impacted. Xat'sül First Nation shared that the Nation has serious, ongoing concerns related to the operation and proposed expansion of the mine and its associated TSF, adding that Xat'sül First Nation considers Provincial approval for the proposed expansion as "inconceivable" without the completion of an environmental assessment.

In an [August 1, 2025 letter](#) addressed to MCM, Xat'sül First Nation stated that the Springer Expansion would result in impacts to the economic component of Xat'sül First Nation's Aboriginal title by allowing further ore to be extracted from Xat'sül First Nation's title lands. Xat'sül First Nation also indicated that expanding the mine footprint and life of the mine

would result in impacts to all of Xat'sül First Nation's land based Aboriginal rights (such as hunting, fishing and gathering) and would further limit their ability to enjoy the benefits of these lands in the future. Xat'sül First Nation considered these changes to be effectively permanent through extending remediation timelines, such that Xat'sül First Nation's would be kept off this part of the territory for longer.

4.4.1.3. The EAO's Assessment of Impacts on Section 35 Rights

The EAO acknowledges that First Nations have expressed that they are experiencing impacts to their rights from the existing mine. As part of the Consent for Material Alteration Review, the EAO is considering the impacts from the changes proposed in the Springer Expansion specifically. The EAO acknowledges that the scope of the EAO's consideration is different from the full scope of impacts that concern First Nations.

While the Springer Expansion does not propose new disturbance outside the existing mine footprint, the EAO concludes that the temporal extension of mine operations and the expansion of the mined area (within the mine boundary) may result in continued minor impacts on Xat'sül First Nation's and Williams Lake First Nation's Section 35 Rights. Ongoing minor to moderate impacts on aquatic resources could continue to affect Xat'sül First Nation's and Williams Lake First Nation's ability to harvest fish and other aquatic resources in the lake and its tributaries. Ongoing minor effects on terrestrial resources may continue to impact rights related to hunting, trapping and the gathering of plants and medicines. Extending the mine's operational life may also prolong access restrictions and land use impacts. Additionally, continued air quality and dust emissions may continue to interfere with the quiet use and enjoyment of culturally important areas, including those used for ceremony and intergenerational knowledge sharing.

The temporal extension of mine operations may also result in continued minor impacts on Xat'sül First Nation's and Williams Lake First Nation's asserted Aboriginal title, including impacts arising from ongoing ore extraction, restrictions on the ability to exercise decision-making authority, delayed reclamation, and limitations on economic uses of lands.

The EAO notes that *Mines Act* and *Environmental Management Act* permit requirements and regulations are designed to mitigate effects to water quality, aquatic resources and fish, terrestrial resources and air quality from the Springer Expansion, as described in Table 1 below, which are also relevant to addressing potential impacts on Section 35 Rights. The EAO understands that any potential adverse impacts on Xat'sül First Nation's and Williams Lake First Nation's Section 35 Rights from the proposed Springer Expansion were discussed and addressed through the development of *Mines Act* and *Environmental Management Act* permit requirements and regulations, the development of which included opportunities for the Nations to participate, including membership in the MRC and direct discussions with the permitting agencies regarding impacts and mitigations.

The EAO also understands that Williams Lake First Nation and Xat'sül First Nation both signed an Economic and Community Development Agreement with the Province for Mt. Polley Mine in 2013, which provided the Nations with a share of the direct mineral tax revenue the Province receives from this mine, to support the enhancement of social, economic and cultural well-being of the First Nations' members, and is a component of any obligation the Province has to accommodate in relation to potential adverse impacts on their Section 35 Rights. In addition, and as described above in section 4.1.2, the Province continues to work closely with Xat'sül First Nation to discuss overarching concerns through other forums, including the development of a new government-to-government mining agreement.

Overall, the EAO is satisfied that adverse impacts on the Nations' rights and interests have been avoided, minimized, or otherwise accommodated to an acceptable level through the EAO's Consent for Material Alteration process, the *Mines Act* and *Environmental Management Act* permitting conditions and the accommodation provided through the Economic and Community Development Agreement with the Province.

4.4.2. Assessment of positive and negative effects

The EAO considered the positive and negative direct and indirect effects of the Springer Expansion, including environmental, economic, social, cultural and health effects and adverse cumulative effects. These are described in Table 1 below.

Table 1: Assessment of the Effects of the Proposed Material Alteration

Assessment Matters ⁴	MPMC's Assessment	Key Concerns Raised	Mitigation and Follow-up	EAO's Assessment of Effects
Air quality	MPMC states that extra dust from the Springer Expansion will be actively controlled by dust management/reduction practises and air quality monitoring. Regular monitoring shows that air quality remains within acceptable limits, with no evidence of negative impacts on nearby communities as a result of the Springer Expansion.	No concerns were raised regarding air quality.	Managed under <i>Environmental Management Act</i> air emissions discharge permit; no changes to mitigations recommended.	The EAO considered the proposed project changes, MPMC's analysis and the existing mitigations under the <i>Environmental Management Act</i> permit and concludes that any negative changes to effects to the air quality VC would be minor and addressed under the <i>Mines Act</i> / <i>Environmental Management Act</i> permit requirements and regulations.
Water quality	MPMC states that since 2016, treated mine water has been discharged into Quesnel Lake under a provincially approved Long-Term Water Management Plan. A comprehensive Water Management Plan has been developed to guide water handling during mine operations, closure, and long-term monitoring phases, extending over the next 100 years. Ongoing monitoring and environmental effects studies have been completed to assess how treated water may affect Quesnel Lake. Results to date indicate that the discharges are not causing harm to aquatic life or other receiving environment uses. MPMC also monitors fish tissue chemistry and notes that the fish are safe to eat.	Xat'sull First Nation, Williams Lake First Nation, ENV and MCM are concerned that MPMC did not include predictions for the receiving environment in the water quality model. Xat'sull First Nation also raised concern regarding the continued discharge to Quesnel Lake associated with continued mining and the potential impact this might have on the receiving environment. Xat'sull First Nation further noted concern regarding the potential for transitioning to distributed discharges from the mine site into nearby watersheds using passive/semi-passive treatment options during closure. Xat'sull First Nation strongly believes that	MPMC has submitted updated water balance models to support water treatment planning and has committed to continue to do so on an annual basis. MPMC also committed to considering the inclusion of data on inflows, outflows and groundwater interactions in the next iterations of the annual water balance model calibration report. As stated in Section 4.3.3 of this report, the EAO understands that a condition is proposed as part of the <i>Environmental Management Act</i> permit amendment for MPMC to include receiving environment predictions as part of the site-wide Water Balance Water Quality Model.	As stated in Section 3.1 of this report, the Quesnel Lake discharge for the life of mine was authorized in November 2017 by Ministers, and the Springer Expansion does not propose any changes. The EAO acknowledges Xat'sull First Nation's concerns but notes that the matter of discharge cannot be reconsidered as part of this Consent for Material Alteration Review as ministerial consent for the change (i.e., discharge to Quesnel Lake) was previously granted. The EAO considered the proposed project changes, MPMC's analysis, the concerns raised, the views of ENV, and

⁴ Effects described in s. 25(2)(a) as applicable to the Consent for Material Alteration Review of the Springer Expansion.

Assessment Matters ⁴	MPMC's Assessment	Key Concerns Raised	Mitigation and Follow-up	EAO's Assessment of Effects
	The Long-Term Water Management Plan also commits to assessing and selecting the best available water treatment technologies, with a final decision on the long-term treatment system to be made during operations.	the Water Quality Model needs to be updated to include receiving environment predictions so that the potential impacts of distributed discharges during closure on water quality, fish, and fish habitat can be properly assessed. Williams Lake First Nation raised concern with the lack of real-time data in the water balance model which may create gaps during critical weather events. They suggested that the addition of data on inflows, outflows and groundwater interactions to improve the water balance model.	Furthermore, MPMC has a Comprehensive Environmental Management Plan as part of their <i>Environmental Management Act</i> permit which is designed to identify and report on any mine related impacts in the receiving environment. The <i>Environmental Management Act</i> permit also sets discharge limits for the effluent discharge to Quesnel Lake via the Water Treatment Plant. As noted above in Section 4.3.3., The permit limits and Comprehensive Environmental Monitoring Program will continue to be used for managing and monitoring the discharge. Regarding the concern on the potential for discharges to other watersheds, that is not part of the proposed Springer Expansion.	the existing mitigations under the <i>Environmental Management Act</i> permit and considers that any changes to effects to the Water Quality VC would be minor and addressed under the <i>Mines Act</i> / <i>Environmental Management Act</i> permit requirements and regulations.
Aquatic Resources	MPMC's analysis concluded that the Springer Expansion does not directly affect fish habitat areas. Protective measures, including a 15 metre buffer along streams, remain in place to safeguard fish habitat. Since 2016, the mine has been conducting aquatic health monitoring through the Environmental Effects Monitoring program. Results to date show that fish populations and health in Quesnel Lake have not been negatively affected by	Xat'sull First Nation, ENV and MCM raised concerns regarding MPMC's assessment of potential effects on fish and fish habitat resulting from the Springer Expansion. Specifically, concerns were noted that MPMC did not include predictions for the receiving environment in the Water Quality Model. Xat'sull First Nation is of the view that there is not enough information for	Water quality mitigations and proposed permit amendments as described in the Water Quality section above would also mitigate effects to aquatic resources.	Although ministerial consent was previously granted for this Quesnel Lake discharge, the EAO considered effects of the Springer Expansion on aquatic resources. The EAO considered the proposed project changes, MPMC's analysis, the concerns raised, and the existing mitigations under the <i>Environmental Management Act</i> permit and considers that

Assessment Matters ⁴	MPMC's Assessment	Key Concerns Raised	Mitigation and Follow-up	EAO's Assessment of Effects
	the Mt. Polley Mine. MPMC notes that direct measurement is more reliable than computer simulation modeling. Direct measurements show that water quality, habitat quality and fish tissue chemistry are not negatively affected after more than a decade of discharge.	MPMC to conclude that there would be no significant adverse effects on this valued component. Williams Lake First Nation did not provide specific comments on potential effects to fish and fish habitat directly; however, they did provide comments emphasizing the importance of continued water quality monitoring, comprehensive hydrogeological assessment, and more robust water balance and water quality modeling. These elements are critical to understanding and mitigating potential downstream effects, including those on aquatic habitat.		any changes to effects to the aquatic resources would be minor and addressed under the <i>Mines Act</i> and <i>Environmental Management Act</i> permit requirements and regulations.
Terrestrial resources	MPMC stated that since the original project approval, some parts of the mine layout—such as rock piles and haul roads—have shifted, but these changes remain within the overall approved project area. MPMC's assessment concludes that these adjustments do not significantly change the expected impacts on wildlife or their habitat compared to what was originally assessed. The mine has a conceptual reclamation and closure plan in place, which outlines how disturbed areas will be stabilized, replanted, and monitored after closure to help restore local ecosystems over time.	MCM raised concerns regarding MPMC's use of outdated baseline information for the assessment of impacts to caribou specifically, but also for moose and other species. Due to the outdated baseline information, MPMC did not bring caribou into the Springer Expansion assessment. MCM stated that the Springer Expansion appears to overlap with caribou habitat and that an updated assessment should be provided. MCM also requested a Caribou Mitigation and Monitoring Plan (CMMP) which includes information regarding	MPMC has developed a CMMP as part of the <i>Mines Act</i> permit amendment application. The CMMP has been shared with First Nations and MCM with the goal of the CMMP becoming part of a collaborative and regional contribution. The EAO understands that a permit condition is proposed to require MPMC to implement the CMMP. This will include an assessment of the impacts to caribou and caribou habitat as well as a requirement to discuss the need for offsetting with Williams Lake First Nation and Xat'sull First	The EAO considered the proposed project changes, MPMC's analysis, the concerns raised and the existing mitigations under the <i>Environmental Management Act</i> permit and concludes that any negative changes to effects to the Terrestrial Resources VC would be minor and addressed under the <i>Mines Act</i> and <i>Environmental Management Act</i> permit requirements and regulations.

Assessment Matters ⁴	MPMC's Assessment	Key Concerns Raised	Mitigation and Follow-up	EAO's Assessment of Effects
		measures taken to avoid and mitigate impacts, onsite restoration, an accounting of residual impacts, and how MPMC intends to offset the impacts to caribou and caribou habitat. Williams Lake First Nation and Xat'sull First Nation requested that the CMMP include Indigenous knowledge and that monitoring results be shared with the Nations. Williams Lake First Nation also requested participation in required offsetting discussions with relevant ministries and MPMC. Xat'sull First Nation also raised concerns about sensitive ecological communities.	Nation. The Springer Expansion will continue to be subject to the current Reclamation and Closure Plan. Regarding sensitive ecological communities, MPMC noted that field verification is scheduled for sensitive ecological communities and MPMC committed to developing mitigation measures. A new permit condition has been proposed to ensure that this verification and any necessary mitigation are completed.	
Heritage resources	MPMC indicated the changes to the mine layout do not overlap with any known archaeological or heritage sites. Previous heritage assessments were completed for the Mt. Polley Mine, and areas with cultural significance have been identified and protected. MPMC will continue following its Cultural Resource Management Plan, which includes procedures for protecting any heritage resources that might be found during future work. Engagement with Indigenous nations has informed this approach, and no additional impacts to heritage resources are expected as a result of the Springer Expansion.	Xat'sull First Nation expressed the potential for archaeological resources near Bootjack Creek. Xat'sull First Nation and Williams Lake First Nation have requested that the Archaeological Impact Assessment process include opportunities for community participation and that culturally appropriate mitigation measures be developed in collaboration with the Nations.	MPMC will continue following its Cultural Resource Management Plan, which includes procedures for protecting any heritage resources that might be found during future work. MPMC is also planning an Archaeological Impact Assessment to inform protective measures.	The EAO considered the proposed project changes, MPMC's analysis and the existing mitigations under the <i>Environmental Management Act</i> permit and concludes that any negative changes to effects to the Heritage Resources VC would be minor and addressed under the <i>Mines Act</i> and <i>Environmental Management Act</i> permit requirements and regulations.

Assessment Matters ⁴	MPMC's Assessment	Key Concerns Raised	Mitigation and Follow-up	EAO's Assessment of Effects
Socio-economic effects	MPMC states that the Springer Expansion is expected to continue providing positive socio-economic benefits, particularly through employment opportunities and contributions to the local and regional economy. Engagement with local communities and First Nations has been ongoing to promote equitable distribution of benefits. Overall, the Springer Expansion is not expected to create new or different socio-economic effects beyond what has already been occurring. The Springer Expansion would provide the direct support of 382 jobs and indirect support of 700 jobs. MPMC states they plan to operate in a socially and environmentally responsible manner including continuing to provide benefits accruing to First Nations and non-First Nations communities.	Williams Lake First Nation expressed confidence in the potential positive regional and local economic effects of the Springer Expansion through the addition of approximately 400 jobs. Furthermore, Williams Lake First Nation indicated that the Springer Expansion aligns with their shared goals of environmental sustainability and economic prosperity and are confident the operation of the Mt. Polley Mine will be conducted responsibly and benefit not only their community but the region more broadly.	Participation Agreement in place between MPMC and Williams Lake First Nation. The EAO understands from Xat'sull First Nation that Xat'sull First Nation and MPMC have been in negotiations for several months at the time of writing of this report.	The EAO considered the proposed project changes and MPMC's analysis and concludes that changes to the socio-economic effects as a result of the Springer Expansion would be positive by extending the life of the mine and providing continued employment and regional economic development.
Health	MPMC's analysis concludes that the Springer Expansion is not expected to increase risks to human health. Air quality is being actively monitored, and dust levels remain within acceptable limits, except during wildfire events. Water quality monitoring shows that treated discharges into Quesnel Lake meet regulatory requirements and are not harming aquatic life, or other uses including human uses for drinking water, direct exposure to water, or fish consumption. The mine has plans in place to continue monitoring air quality,	No key concerns were raised regarding Human Health but Williams Lake First Nation, Xat'sull First Nation, ENV and MCM acknowledge robust water quality monitoring is critical for continued evaluation of potential impacts to Human Health.	MPMC has plans in place to continue monitoring air and water quality and to implement additional treatment if needed to mitigate any potential effects to the Human Health VC.	The EAO considered the proposed project changes and MPMC's analysis and concludes that any negative changes to human health effects as a result of the Springer Expansion would be minor.

Assessment Matters ⁴	MPMC's Assessment	Key Concerns Raised	Mitigation and Follow-up	EAO's Assessment of Effects
	water quality, and fish tissue quality and to implement additional treatment if needed. Overall, with these mitigations in place, no additional impacts to human health are expected from the Springer Expansion.			
Cumulative Effects	Mt. Polley Mine is the only hard rock mine in operation in the Quesnel Lake watershed. The proposed Spanish Mountain project has not completed regulatory approvals and is currently on hold; to MPMC's knowledge, decisions have not been made on water treatment or discharge plans for the Spanish Mountain project. There are some areas of placer mining in the Quesnel River watershed but the effects from those mines are not additive to those of the Mt. Polley Mine. Although concerns about cumulative effects have not been expressed by Williams Lake First Nation or Xat'sull First Nation with respect to this application, MPMC acknowledges the cumulative effects of industrial development that have affected First Nations since colonization.	In Xat'sull First Nation's August 12, 2024, letter to the Minister of Mines and Low Carbon Innovation and the Minister of Environment and Climate Change Strategy, Xat'sull First Nation raised concerns about significant cumulative impacts resulting from the Mt. Polley Mine, other large-scale mining operations, natural resource extraction activities, historical mining, and existing and proposed pipelines, which together are contributing to a patchwork of land alienation across their Territory. Both Xat'sull First Nation and Williams Lake First Nation have also raised concerns about the 2014 TSF dam breach, which they noted, continue to contribute to cumulative impacts to water quality, fish and wildlife habitat, medicinal plant areas, and cultural heritage sites. ENV noted that guideline exceedances of metal concentrations in sediments, along with observed effects on aquatic organisms and the benthic invertebrate community,	Cumulative effects would be addressed by the <i>Mines Act/Environmental Management Act</i> permit requirements and regulations for water quality, as described above, and other applicable VCs.	The EAO considered the proposed project changes and MPMC's analysis and concludes that any additional contributions to negative cumulative effects as a result of the Springer Expansion would be minor.

Assessment Matters ⁴	MPMC's Assessment	Key Concerns Raised	Mitigation and Follow-up	EAO's Assessment of Effects
		have occurred in Quesnel Lake since the 2014 breach (i.e., breach-related material deposited at the bottom of the lake), but these are relatively stable and continued monitoring under the Comprehensive Environmental Monitoring Plan will support evaluation of potential ongoing or cumulative effects and allow for monitoring or management adjustments if needed.		

4.4.3. Other Assessment Matters

Although Condition #2 of EAC-M96-07 does not prescribe the assessment of matters under Section 25(2) of the Act, the EAO has considered how the Springer Expansion could affect these matters. The EAO's assessments are described in Table 2 below.

Table 2. Applicability and Effects to Section 25(2)(b)-(k) Matters

Section 25(2) Matters	Assessment
Risks and uncertainties associated with the effects set out in s.25(2)(a)	The EAO considered the uncertainties and risks with impacts to First Nations and positive and negative effects as described above in Sections 4.4.1 and 4.4.2. The Springer Expansion consists of a temporal extension of mine operations and an expansion of the mined area (within the mine boundary). The Springer Expansion does not involve new disturbance outside the existing mine footprint. Due to the limited scope of project changes, the EAO concludes that the risks and uncertainties associated with effects from those changes are low overall. Concerns raised regarding lack of updated predictions for the receiving environment raises the uncertainty for water quality, aquatic resources, and impacts on First Nations' ability to harvest fish and other aquatic resources from low to moderate; however, the EAO is satisfied that the current and proposed permit conditions will support evaluation of ongoing or cumulative effects and allow for monitoring or management adjustments if needed and will therefore adequately address this risk.
Risks of malfunctions or accidents	The EAO considers that the Springer Expansion may increase the potential risks of malfunctions or accidents due to the longer period of operation but has not otherwise identified new malfunction or accident risks due to the proposed changes. The EAO is confident that such risks at mines are regulated under the Health, Safety and Reclamation Code for Mines in B.C. This includes the consideration of TSF oversight, geotechnical matters, the transportation and storage of explosives, vehicle collision and accidental breach of mine-affected water. Fuel management and spill control will be regulated under the <i>Environmental Management Act</i> Spill Regulation. The EAO is satisfied that risks due to malfunctions or accidents were considered in the <i>Mines Act</i> and <i>Environmental Management Act</i> permit amendment process, and that the legislative requirements in the Health, Safety and Reclamation Code and permits are sufficient to manage risks.
Disproportionate effects on distinct human populations, including populations identified by gender	The Springer Expansion would be a continuation of current mining activity and would therefore, the EAO concludes, that it would not result in a change to disproportionate effects on distinct human populations, including populations identified by gender.
Effects on biophysical factors that support ecosystem function	The EAO has considered the potential for changes to biophysical factors that support ecosystem function. The Springer Expansion may increase the potential for effects on these factors due to the longer mine life, but the EAO has not identified any new effects. The EAO has considered the regulatory requirements of the <i>Mines Act</i>, <i>Environmental Management Act</i> and the Health, Safety and Reclamation Code. The <i>Mines Act</i> permit amendment process considers areas of disturbance and types of ecosystems disturbed and informs reclamation requirements. The <i>Environmental Management Act</i> permit amendment process considers effects to water quality and sets monitoring and mitigation requirements. A reclamation and closure plan will be required and under Section 10.9.5 of the Health, Safety and Reclamation

Section 25(2) Matters	Assessment
	Code, excluding lands that are not to be reclaimed, the average land capability to be achieved on the remaining lands must not be less than the average that existed prior to mining. The EAO is satisfied that the potential for changes to effects on biophysical factors that support ecosystem function will be adequately mitigated through these regulatory processes and requirements.
Effects on current and future generations	Given the Springer Expansion is a continuation of current mining activity within the footprint of the existing mine for an additional period of time, the Springer Expansion has the potential to have an impact on current and future generations. However, the EAO concludes that changes to the effect on current and future generations would be primarily limited to the longer duration of mine life. This effect has both positive and negative effects, with continued impacts to First Nations' culture and way of life as described above in Section 4.4.1, but also positive effects through economic benefits and employment opportunities, including for First Nations.
Consistency with any land-use plan of the government or an Indigenous nation	The Springer Expansion is not anticipated to result in a change to any current land use plans such as the Cariboo-Chilcotin Land Use Plan (which establishes the long-term balance of environment and economy in the Cariboo region) and the Williams Lake Sustainable Resource Management Plan (which details the objectives and strategies for the management of natural resources and environmental values in Williams Lake). Both land use plans are administered by the Ministry of Water, Land and Resource Stewardship under the <i>Lands Act</i>. The Springer Expansion is also not anticipated to result in a change to the Williams Lake First Nation Land Management Authority which governs reserve lands under Williams Lake First Nation's Land Code. The EAO is not aware of any published land use plans with Xat'sūll First Nation.
Greenhouse gas emissions	The Springer Expansion will be a continuation of current mining activity and will therefore produce about the same amount of greenhouse gas (GHG) emissions as current operations in the second through sixth year. GHG emissions in the first year will increase as the mine will restart large-scale pit development and major construction on the TSF. In the last three years, the focus will be on using up lower-grade stockpiles and moving waste rock into the pit. This will need fewer machines and produce less GHG emissions. To reduce GHG emissions, MPMC determined the use of an electric wire-rope shovel, renewable diesel and a fleet management system are the GHG mitigation measure that are technically and economically feasible. MPMC stated the Springer Expansion's GHG emissions represent a small portion of provincial emissions—less than 0.07% of 2022 levels and about 0.17% of the 2030 target—making it unlikely to impact B.C.'s ability to meet its 2030 reduction goals. MPMC's GHG assessment was reviewed by the Climate Action Secretariat (CAS). CAS noted that, while the Springer Expansion's GHG emissions may appear insignificant on their own, it is important to recognize that B.C. is not on track to meet its 2030 reduction targets, and the emissions associated with the Springer Expansion will further contribute to that. As such, CAS feels it is inaccurate for MPMC to suggest that the Springer Expansion is unlikely to affect B.C.'s ability to meet the 2030 reduction targets and characterize the Springer Expansion's emissions as insignificant. CAS encourages MPMC to continue identifying and implementing opportunities for emissions reductions throughout the Mt. Polley Mine's operations in order to help mitigate its GHG impacts. The EAO notes that MPMC will be subject to the federal Output-Based Pricing System, which ensures

Section 25(2) Matters	Assessment
	there is a price incentive for industrial emitters to reduce their greenhouse gas emissions, and concludes that any increases in GHG emissions as a result of Springer Expansion would be minor.
Alternative means of carrying out the project	Alternative means were not proposed by MPMC which EAO believes to be reasonable. The alternative means of carrying out the Springer Expansion would be to halt pit development and process the ore stockpiles until depleted. In this scenario, pit development would halt in 2025 and result in a significant portion of the workforce being laid off.
Potential changes to the project that may be caused by the environment	Given the Springer Expansion would be a continuation of current mining activity, the EAO has not identified any new potential impacts to the Springer Expansion that may be caused by the environment. The EAO also understands that impacts related to meteorology and climate such as air temperature, precipitation, humidity, solar radiation, evaporation, wind, snow cover, and seismicity were considered through the <i>Mines Act</i> and <i>Environmental Management Act</i> permit amendment process.

5.0 CONCLUSIONS AND RECOMMENDATION

The EAO is satisfied that, through the permitting technical review and the Consent for Material Alteration Review:

- The effects of the proposed Springer Expansion on First Nations and their Section 35 Rights have been appropriately assessed and have been addressed to the satisfaction of the EAO;
- The review undertaken by the MRC and the permitting conditions applied by MCM and ENV to the issues raised was comprehensive, addressed technical issues raised by First Nations on permits, and did not result in gaps;
- The matters described in Section 25 of the Act have been considered and there would not be any significant changes in these effects as a result of the proposed Springer Expansion;
- Efforts to seek consensus on concerns that the First Nations raised with the proposed Springer Expansion and these conclusions were undertaken; and,
- The EAO has fulfilled its constitutional obligations owed to First Nations relating to the Consent for Material Alteration Review for the proposed Springer Expansion.

The EAO notes that Williams Lake First Nation concluded that, while formal consensus was not declared, it was satisfied that the majority of Williams Lake First Nation's concerns had been reasonably addressed within the draft permitting framework. Xat'sull First Nation did not provide a specific view on the outcomes of consensus-seeking at the conclusion of the process but the EAO is aware of Xat'sull First Nation's ongoing concerns with the process for the Consent for Material Alteration Review for the Springer Expansion (and the TSF raise process that preceded it) as well as concerns regarding the impacts of these project changes on its Section 35 Rights. While the EAO is satisfied that it made reasonable efforts to seek consensus with Xat'sull First Nation through inviting comments on the proposed process, seeking review of documents that assessed effects of the project, offering meetings and sharing drafts of the EAO's draft report, consensus was not reached.

Given that MCM and ENV conducted a comprehensive assessment of the potential effects and mitigation measures for the proposed Springer Expansion as part of the *Mines Act* and *Environmental Management Act* permit amendment process, which included a thorough technical review and consultation with First Nations, that feedback from First Nations and technical advisors was integrated into the draft permit through technical discussions and permit conditions, and that the *Mines Act* and *Environmental Management Act* permits are the most effective and appropriate regulatory avenue for mitigation of effects, the EAO recommends the Ministers of MCM and ENV grant consent for the material alteration to the Development to include the proposed Springer Expansion.