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July 19, 2021

Katherine St. James
Project Assessment Director
Environmental Assessment Office

by email to: Katherine.StJames@gov.bc.ca

Dear Katherine;

This letter and the supporting document are our further submission to the 2 options proposed by the EAO in February 2021 and our comments on the June 17th draft of the Morrison Mine Proposed Change to Further Assessment Report that PBM received from the EAO.

PBM has submitted Supplemental Application Information Requests ("SAIR") in December 2015, which was prepared by Kohn Crippen Berger Ltd. ("KCB"), in April 2019 and August 2019. In addition, in December 2019, PBM submitted a draft for further discussion in response to the comments made in response to the original three SAIR's. PBM believes that the responses provided in the three SAIRs, together with the supplemental document from December 2019, address all of the matters under the Section 17 Order. Without further specifics being provided by the EAO, it is difficult to see how PBM's responses can be more complete than those already provided and PBM does not believe it is advantageous for PBM to speculate on what further information is required without specifics being provided. While the Section 17 Order outlines a broad scope of further assessment matters, there is unfortunately little in the way of specifics or clarity provided with respect to the purpose of the additional data and studies and what further concerns need to be addressed. PBM is prepared to address any perceived deficiencies once the details requested are provided in such a manner that the responses will be meaningful and relevant.

PBM also sets out its position on the three options below.

PBM Response to Option 1

The Section 17 Order was issued after the court ordered reconsideration. At this time it appears that the 2012 conclusions of the EAO appear not to have been taken into account by the deciding Ministers.

The main concern with the Section 17 Order is that it does not provide sufficient detail of the potential deficiencies of concern to the EAO. While it outlines a broad scope of further assessment matters, there is little or no clarity with respect to the purpose of the additional data and studies and what further concerns need to be addressed.



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The Section 17 Order outlines the scope of further assessment, which identifies areas which have been determined to require further information collection and analysis. PBM proposed that a series of technical sessions be held with EAO, MOE, MEM and First Nations to assist in determining the "Scope" for further assessment. These proposed technical sessions were described in Section 2, of the December 2015 SAIR report, for each of the Section 17 Order areas of interest. This report is included in the supporting document on pages 4 to 40.

KCB included a series of tables in the December 2015 SAIR that detail the information already provided in our application that applies to many of the items listed in the Section 17 Order. Table 3.1 provides a Summary of Section 17 Requests and PBM Status of Technical Analysis Request. This table is included in the supporting document on page 12. Table 2.2 provides a summary of the Key Baseline Data on Morrison Lake and its Hydrogeology. This table is included in the supporting document on page 8.

The proposed technical sessions are detailed on page 2 & 3 of the supporting document.

Our lead consultant, Klobb Crippen Berger Ltd. (KCB) prepared a detailed work plan (which included work scopes from senior professionals with relevant experience to address the technical components of the Section 17 Order and their work program is included in the "for discussion draft" SAIR sent to EAO December 12, 2019. KCB notes that they have only had one preliminary conference call with the EAO (September 12, 2019) and that there has been no material discussion on technical requirements of the SAIR work scope with the EAO.

PBM has, on numerous occasions, requested assistance from the EAO to determine what further data is required. The response from the EAO was that the scope of the further assessment for Morrison is set out in the Order and that the next step in the process was for PBM to begin preparing the SAIR. Details of some of these requests can be found on page 47 of the supporting document.

Without any industry examples to follow, PBM had also requested templates and/or guidance in how to prepare an SAIR. The only guidance received in that area was an instruction to follow the guidelines for an AIR. PBM prepared our AIR prior to the 2012 decision and understood that this was to be a supplement to the original application, not essentially a new Assessment of the project.

It is the opinion of Harvey McLeod, FEC, P.Eng., P.Geo., a Principal of KCB, that the challenge with Option 1 is that PBM may not get material feedback from the Working Group until the scope of work is completed, which is not acceptable as it increases the risk that PBM may do further studies which may be later deemed to be incomplete, leading to further delays. The Working Group would need to be engaged at the beginning to ensure alliance/coordination of the work required to reduce their level of uncertainty, and this would need to be a condition for Option 1.

Since the EAO still has not been able or willing to provide PBM with any guidance in determining the details of the information required, it appears that this option is not likely to be productive unless the technical sessions, or at least some specifics on what is required, as requested by PBM can occur.

PBM Response to Option 2

PBM has stated our preference for Option 2. As well, the LBN have stated a preference for this Option.

The LBN states that the impact to the water and thereby, the salmon, is of the greatest concern.

PBM recognizes and acknowledges the high value placed on salmon and this has resulted in a project which has a negligible risk of a significant adverse effect to the water quality of Morrison Lake, the sockeye population and to First Nations use of the fisheries.

Morrison Lake (15 km long) drains into the 153 km long Babine Lake. Babine Lake is drained by the Babine River, a 100 km long river, which is a tributary to the Skeena River. According to Department of Fisheries and Oceans (DFO), Morrison Creek sockeye escapement represents 3% of the Babine River sockeye escapement. Although most salmon are genetically distinct, Morrison River sockeye is reported to be one of 17 identified distinct wild populations that report to Babine Lake. The Project footprint occupies approximately 0.0000046% of the Skeena River catchment area.

A Third Party Review of the lake water quality model was carried out for the EAO by Dr. Bernard Laval, Ph.D, P.Eng., and his findings are summarized in his report dated 19 June 2012. While the report was forwarded to PBM, PBM had been advised by the EAO not to communicate with the 3rd Party Reviewers, and, therefore did not have the opportunity for a technical discussion regarding the review. Nonetheless, PBM's reading of the review report was that it supported the EAO's and PBM's assessment of the lake water quality predictions and the resulting conclusion that the Project can be designed to mitigate the potential for an adverse effect on Morrison Lake.

The EAO, in the Assessment Report dated August 21, 2012, states that practical means have been identified to prevent or reduce any potential negative environmental, social, economic, heritage or health impacts of the proposed Project such that no direct or indirect significant adverse effect is predicted or expected (with the successful implementation of mitigation measures and conditions).

PBM supported and agreed to the certificate conditions in recognition that ongoing data collection and analysis is part of good environmental design practice and that such analyses would facilitate support of the permitting process.

PBM has always intended for the Morrison Mine, which is located in an historical mining area and is part of the Morice Land and Resource Management Plan area (additional information in supporting document page 259 & 260), to be operated in a way that will not impact the environment in a negative manner on the surrounding communities. PBM acknowledges that the protection of the water quality of Morrison Lake is a key environmental component of the project and has appropriately incorporated a high level of protective measures to protect the water quality of Morrison Lake. These measures include:

- Control of seepage from the tailings storage facility with low permeability tailings overlying a geomembrane liner overlying low permeability soils. The tailings facility is approximately 2 km from the lake.
- Placement of potentially acid generating mine rock back into the open pit (and below lake level), where it will be submerged and capped with a wetland/pond environment.
- A closure system that will collect runoff from the residual pit walls for water treatment. Treated water is then mixed with Morrison Lake water, which is not unlike many water treatment systems in BC.

PBM has committed to implementation of “best available, practical technology” and acknowledges that best practices must and will be adhered to in the design, permitting, operation and closure of the mine.

PBM retained independent Qualified Professionals to carry out the work and prepare reports. That information was provided to the First Nations and the EAO Working Group, discussed and revised as necessary, and mitigations discussed and revised as necessary.

The conclusions in the 2012 Executive Director report stated:
EAO is satisfied that:

- the Assessment process has adequately identified and addressed the potential adverse environmental, economic, social, heritage and health effects of the proposed Project, having regard to the successful implementation of the conditions and the mitigation measures set out in Schedule B to the draft EA Certificate;
- public consultation, and the distribution of information about the proposed Project, has been adequately carried out by the Proponent; and,
- the Crown has fulfilled its obligations for consultation and accommodation to Lake Babine Nation, Yekooche First Nation and Gitxsan and Gitanyow Nations relating to a decision on whether to issue an EA Certificate for the proposed Project.

That report also states that “the CEA Agency considers that the issues examined by its agencies have been addressed through project design, mitigation measures and other commitments agreed to by the Proponent. The CEA Agency had produced a draft Comprehensive Study Report that concluded that the proposed Project is not likely to cause significant adverse environmental effects.”

The EAO Assessment Report dated August 21, 2012 said (in the Project Issues, Effects and Mitigation Identified during Application Review section) “Water quality effects could have a significant influence on cultural foods. In particular, uptake of metals in fish tissues from Morrison Lake and in wildlife species at the TSF are potential sources of adverse effects to cultural foods. The water quality effects assessment was refined substantially during the Application Review period and concluded that water quality effects would be within BC Water Quality Guidelines (“BCWQG”). Consequently, adverse effects to edible fish from uptake of metals were considered to be minimal.”

And (in the Potential Impacts to Lake Babine Nation Asserted Aboriginal Rights and Measures to Mitigate or Otherwise Accommodate Impacts section) “EAO has concluded that the effects of the proposed Project would not interact cumulatively with other past projects or those reasonably foreseeable in the future.”

And (in the Conclusions Regarding Lake Babine Nation section) “Based on the EA of the proposed Project, and on a careful consideration of the record of consultation with Lake Babine Nation, EAO concludes that the risk of adverse effects to lands and resources associated with the exercise of Lake Babine Nation asserted aboriginal rights has been appropriately avoided or mitigated (with the successful implementation of mitigation measures and conditions) to the extent necessary to maintain the honour of the Crown.”

And the CONCLUSIONS section details the items that the EAO was satisfied had been adequately addressed.

In contrast, Derek Sturko, (Executive Director at that time) recommended to the Ministers that in addition to the technical conclusions presented in the Assessment Report, which assumes successful implementation of all mitigation strategies, that they consider a number of additional factors including adopting a risk/benefit approach.

On October 1, 2012, Ministers Lake and Coleman decided to refuse to grant the EA Certificate.

Subsequent to the announcement of the refusal to grant the EAC, the market trading value of our common shares dropped from \$14.95 to \$4.95, a \$10 drop in value for 12,286,539 issued shares, the loss of Market Value overnight was \$122,865,390.

In December 2013, BC Supreme Court Justice Affleck ruled that PBM was entitled to a declaration that the executive director's referral of the application for a certificate to the ministers and the ministers' decision refusing to issue the certificate failed to comport with the requirements of procedural fairness."

The Court ordered that the Ministers' decision be quashed and set aside, and ordered that the Company's application for an environmental certificate be remitted to the current Ministers for reconsideration. This time, the Company and interveners (the LBN and the Gitksan Hereditary Chiefs) would be entitled to be provided with a copy of the recommendations, if any, sent to the Ministers and will be entitled to provide written response to the recommendations in advance of a further decision.

On January 13, 2014, PBM announced that the 30 day period for the BC Government to appeal the BC Supreme Court decision had ended without an appeal being filed. During this 30 day period there was no acknowledgement of the judgement in favour of PBM or of the decision made by the EAO not to appeal the judgement.

The statements the Background section of the June 17th draft in reference to the BC Supreme Court case in 2013 are lacking some important details. They do not reflect the Court's stated reason for quashing the decision, which was that the referral and decision failed to comport with the requirements of procedural fairness. Please see page 257 in the supporting document for discussion on this subject.

It is the opinion of Harvey McLeod, FEC, P.Eng., P.Geo., a Principal of KCB ("KCB") that these three documents be included in the consideration of the EA application as they were developed specifically for that purpose, or at the request of MEM. Subsequent to the 2012 decision to deny the EA application, KCB carried out three technical studies which addressed EA review comments that came in after the decision and a specific Ministry of Energy and Mines (MEM) request that all mines in BC address issues associated with the Mount Polley Mine dam failure (Item 3 below). Further to the letter dated January 24, 2014 from the Deputy Minister and Executive Director of the EAO, PBM was provided an opportunity to respond to the 2012 EAO decision (Items 1 and 2, below).

The three documents submitted are:

1. EA application: EAO Decision Response, March 10, 2014
2. EA application: Response to Final Comments from the Working Group, May 23, 2014
3. EA application/MEM: Response on Mount Polley Panel Recommendations, March 19, 2015

PBM Response to Option 3

The addition by the EAO of a third option of continuing with the status quo was not mentioned when the EAO approached PBM with the offer in February. It is PBM's opinion that this option would not be acceptable to any of the involved parties.

PBM's Comments on a Lack of Fairness in the EAO

PBM has experienced a lack of fairness by the EAO in various aspects of First Nations participation and this has negatively impacted on the entire process.

For example, the Executive Directors Recommendation document (2012) included the statements: "Lake Babine Nation, Gitxsan Nation and Gitanyow Nation have taken strong positions against the proposed Project and have not accepted EAO's conclusions on the potential for adverse effects and the Lake Babine Nation also did not agree that they had been consulted and accommodated appropriately." And in the Recommendation section of that report, Mr. Sturko recommended that the Ministers consider the views of the Gitxsan and Gitanyow Nations and the LBN. In the same report, Mr. Sturko questioned the effectiveness of the mitigation plans that were deemed to be satisfactory by the Working Group. So, the First Nations statements of disbelief or non-agreement were worthy of being given a place in the final recommendations, but the mitigations proposed by our qualified professionals and vetted by the Working Group were treated as suspect in their effectiveness and the doubt was clearly stated or implied.

The March 2011 amendment of the Section 11 Order (under Section 13) gave the Gitxsan and Gitanyow Nations a direct line to the Ministers (and thereby influence the decision) without input from the Proponent. The EAO alone had the obligation to consult with the Gitxsan Chiefs' Office and the Gitanyow Hereditary Chiefs' Office; to meet to discuss their respective Aboriginal interests in relation to the Project at their request; and a commitment to informing the Chiefs' Offices of all major milestones with respect to the environmental assessment of the Project. The proponent was not given an opportunity or obligation to consult with the Gitxsan and the Gitanyow Nations.

As part of the amendment, the First Nations, the Gitxsan Chiefs' Office and the Gitanyow Hereditary Chiefs' Office were given the opportunity to provide to the EAO their respective written submissions about the Assessment Report, which would be included in the package of materials sent to ministers when the Project was referred to ministers for decision, effectively giving the right to a "last word" by the First Nations directly to the Ministers without the proponent having the opportunity to respond to those written submissions. The original Section 11 order allowed all parties to be consulted in the preparation of the draft of the Assessment Report and did not allow for additional written submissions to accompany the materials given to the Ministers. This amendment gave the First Nations input a larger impact on the decision makers. That made for a biased decision, particularly when the EAO appears to accept, without scientific evidence, any statements made by First Nations.

More details on our history with the LBN, including some details of the direct correspondence between the EAO and the LBN is included in the supporting document on pages 278 to 294. This continued during the reconsideration exercise and as late as February 2019. A letter dated February 4, 2019 from Kevin Jardine to PBM was in the possession of Dominique Nouvet, legal professional for LBN. Neither Ms. Nouvet nor the LBN were cc'd on the letter or on the delivery email. That letter was not posted online until June of 2021. PBM has concluded that the letter was most likely sent to Ms. Nouvet by someone in the EAO office. PBM became aware of it when Ms. Nouvet attached the Feb 4th letter to her submission to the Chief Gold Commissioner in September 2020. If the EAO had decided

that the LBN needed to be aware of PBM comments, Ms. Nouvet should have been copied in the normal way and not as a secret communication between the EAO and Ms. Nouvet. The email text and a copy of the Feb 4th letter are included in the supporting document on pages 291 to 294.

PBM's Concluding Comments

PBM's intention is to continue to pursue the development of the Morrison Project, but our concern is how to address the EAO issues.

To date, the EAO has shown no interest in assisting PBM in the process by discussing the scope of information required for inclusion in the SAIR yet demands that we proceed with providing it.

According to the NI43-101 compliant Technical Report (2009), the Morrison deposit is proposed as a 30,000 tonnes/day open-pit mine for a proposed 21 year mine life.

PBM is owned by small shareholders and to the best of our knowledge, no major company is a shareholder. Most of the shareholders of PBM are individuals that have invested their hard earned, after tax dollars in PBM's project. Most had "done their homework" before investing and were prepared for the "long haul" that is the fate of any start-up company and many have been shareholders for years.

PBM hopes that our comments in this letter and the supporting document provided will assist the current Ministers in making the proper decision and allow all impacted parties to move forward.

Regards,

*"original signed by
Ruth Swan"*

Ruth Swan
Chief Financial Officer

cc: Nathan Braun, Executive Project Director, Environmental Assessment Office
by email to: Nathan.Braun@gov.bc.ca

Brennan Hutchison, Environmental Assessment Office
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Attachment: Documentation and Discussions dated July 19, 2021
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