

**IN THE MATTER OF THE ENVIRONMENTAL ASSESSMENT ACT S.B.C. 2018, c.51
(ACT)
AND
NON-COMPLIANCES
WITH ENVIRONMENTAL ASSESSMENT CERTIFICATE M05-02
ORDER UNDER SECTION 53(1)**

WHEREAS:

- A. The Red Chris Porphyry Copper-Gold Mine Project (Project) is a reviewable project under the *Environmental Assessment Act* (the Act).
- B. Environmental Assessment Certificate M05-02 (Certificate) for the Project, held by Newcrest Red Chris Mining Ltd. (Certificate Holder), has requirements in Commitment C11 of the Table of Proponent's Commitments (Schedule B of the Certificate) with respect to implementing mitigation measures to prevent or reduce the potential for wildlife conflict at the mine site.
- C. On January 9, 2019, in response to non-compliance with Commitment C11 due to a failure to implement mitigation measures to prevent or reduce the potential for wildlife conflict at the mine site, the Environmental Assessment Office Compliance and Enforcement Branch (EAO CEB) issued an enforcement order (the Order) under Section 34(1) of the *Environmental Assessment Act* (2002). The Order requires operational electric fencing around all camp facilities that contain wildlife attractants to be installed prior to April 1, 2019. The Order specifies that the electric fencing must be designed, operated and maintained in accordance with the BC Agricultural Fencing Handbook, and requires that the electric fence must be operational, maintaining a minimum of 6000 volts through all electrified strands, between April 1 and November 15 each year for as long as the camp facilities contain wildlife attractants.
- D. On June 15, 2020 and January 12, 2022, EAO CEB issued Warnings to the Certificate Holder for non-compliance with the Order. On August 3, 2022, EAO CEB advised the Certificate Holder that ongoing non-compliance with the Order was being referred to an Administrative Penalty under the Act.
- E. On July 18, 2023, EAO CEB conducted a site inspection of the Project and determined that the Certificate Holder was not compliant with the Order.
- F. Section 53(1)(c) of the Act specifies that the Chief Executive Assessment Officer (CEAO) may order the Certificate Holder to stop doing something that is or is likely to be in contravention of the Act or the Certificate, or cause it to be stopped; order the Certificate Holder to carry out measures to mitigate the effects of non-compliance; and order the Certificate Holder to cease, either altogether or to the extent specified by the CEAO, the construction, operation, modification, dismantling or abandonment

of anything or any other activities under the Certificate.

G. The undersigned has received written delegation of the Chief Executive Assessment Officer's powers under Section 53(1)(c) of the Act.

NOW THEREFORE:

Pursuant to Section 53(1) of the Act, I order that the Certificate Holder must:

1. Install and operate electric fencing around all camp facilities in accordance with the January 9, 2019 Order.
2. By 18:00hrs PDT on August 17, 2023, provide photographic documentation to the undersigned and eao.compliance@gov.bc.ca that the fencing in clause 1 is installed and operational. This documentation must include full perimeter photographs as well as confirmation of the voltage at each fence controller.
3. Effective 18:00hrs PDT on August 18, 2023, cease the operation of any camp facilities associated with the Project that does not have electric fencing in accordance with clause 1 until such a time that clause 1 is satisfied and the documentation required by clause 2 has been provided to EAO CEB.
4. Complete the actions in clauses 1 through 3 to the satisfaction of EAO CEB.
5. Complete the measures identified in clauses 1 through 3 unless otherwise authorized by EAO CEB.



Christie Lombardi
Compliance and Enforcement Officer
Environmental Assessment Office

Dated July 27, 2023
Order Ref: 20230059_OR001