

Ministers' Reasons for Decision

Morrison Copper-Gold Project

Proposed by Pacific Booker Minerals Inc.

On February 7, 2022, pursuant to Section 17(3)(c) of the *Environmental Assessment Act* (2002), we, the Minister of Environment and Climate Change Strategy and the Minister of Energy, Mines and Low Carbon Innovation, have refused to issue an Environmental Assessment Certificate for the Morrison Copper-Gold Project. This document sets out the reasons for this decision.



1.0 BACKGROUND

Morrison Mine is a proposed open-pit copper/gold/molybdenum mine proposed by Pacific Booker Mines Inc (PBM) and would be located approximately 65 kilometers (km) northeast of Smithers and 35 km north of Granisle, B.C., on the shore of Morrison Lake. The Morrison Mine is proposed to be constructed on provincial Crown land and designed to extract 30,000 tonnes of ore per day over an anticipated 21-year mine life.

The proposed Morrison Copper Gold Project (Morrison Mine) entered the environmental assessment process in 2003, under the former *Environmental Assessment Act* (2002). In 2010, PBM submitted an Application for an Environmental Assessment Certificate (EAC) to the Environmental Assessment Office (EAO).

In October 2012, the then Minister of Energy and Mines and the Minister of Environment (together, the former Ministers) refused to issue an EAC for the Morrison Mine. In April 2013, PBM filed a petition for judicial review in the B.C. Supreme Court seeking to have the former Ministers' decision set aside. In December 2013, the B.C. Supreme Court quashed the decision of the former Ministers not to issue an EAC and ordered that the matter be remitted to the former Ministers for reconsideration. The court ordered that PBM, the Working Group, and the Indigenous nations should have an opportunity for further comment on, but did not quash, the Executive Director's Reasons and Recommendations.

In July 2015, the former Ministers reconsidered the decision, including the additional comments on the Executive Director's Reasons and Recommendations as well as information on a panel report regarding the Mount Polley tailings dam breach. The former Ministers determined that more information was required and issued an order under Section 17(3)(c)(iii) of the *Environmental Assessment Act* (2002), outlining requirements for further assessment of the Morrison Mine (the 'Further Assessment Order'). On December 2, 2021, we decided to rescind the Further Assessment Order, with reasons issued that day.

The result of rescinding the Further Assessment Order is that the decision as to whether to issue an EAC for the Morrison Mine has arisen again. That is, we are in the same position that the former Ministers were in 2015. On December 17, 2021, the EAO provided to us the materials that were before the former Ministers in 2015, including:

- The EAO's 2012 Assessment Report, Certified Project Description and Table of Conditions;
- September 2012 Reasons and Recommendations of the Executive Director;
- July 2015 Reasons of the former Ministers to issue the Further Assessment Order;
- The materials collected during the EAO's process to comply with the 2013 court's ruling for the reconsideration, including:
 - A copy of the December 9, 2013 court ruling; and
 - Responses from PBM, the Working Group, and Indigenous nations during the reconsideration process.
- Comments on the Mount Polley Report on the Tailings Storage Facility Breach by the Independent Expert Engineering Investigation and Review Panel, including:

- Comments from PBM and the Indigenous nation interveners (Lake Babine Nation, Gitanyow Hereditary Chiefs' Office and Gitksan Treaty Society);
- Comments from the three Indigenous nations on PBM's response to the Mount Polley Report; and
- Final comments from PBM on three Indigenous nations' perspectives on PBM's response to the Mount Polley Report.

We note that in the period following the Further Assessment Order, PBM did not provide an acceptable draft Supplemental Application Information Requirements, and so no further assessment was conducted. Accordingly, the materials provided to us are the same as those that were provided to the former Ministers in advance of their 2015 decision, plus the reasons for decision of the former Ministers that led to the Further Assessment Order.

The Morrison Mine was subject to federal review through a coordinated federal environmental assessment process under the former Canada-British Columbia Agreement for Environmental Assessment Cooperation (1997), which was put on hold pending resolution at the provincial level. On August 13, 2019, the Impact Assessment Agency of Canada communicated to PBM that the federal environmental assessment process for the Morrison Mine was terminated under the transition provisions of the *Impact Assessment Act* (2018). Morrison Mine, as proposed, would require PBM to complete a federal environmental assessment under the *Impact Assessment Act*.

2.0 CONSIDERATIONS

We have considered the documents provided to us by the EAO. All of these materials have been made publicly available.

In making their decision in 2015, the former Ministers considered the new comments provided by PBM, the Working Group, and Indigenous nations. In their 2015 Reasons for Decision the former Ministers noted that Indigenous nations and members of the Working Group in the environmental assessment process leading up to the 2015 decision expressed continued concern with the level of risk associated with fundamental aspects of Morrison Mine's design and with the level of certainty that mitigation measures would succeed as modelled. Our predecessors expressed that further information was necessary to adequately understand the potential impacts of the project. At the time of their decision to order further assessment, the former Ministers said that "given the nature of the materials before us and the values at stake, we find that the information before us does not provide us with a sufficient level of confidence that Morrison's design can sufficiently protect the environment."

We have considered the views of the former Ministers' and the referral materials provided to us. We note that PBM had the opportunity to provide us with further information, through the further assessment process the former Ministers ordered in 2015. However, as we noted in our December 2, 2021 reasons, there was no progress made in the further assessment process to address the uncertainty they identified.

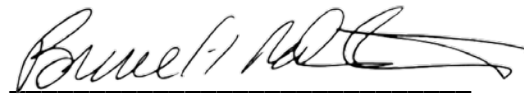
Having reviewed the material provided to us, we have reached the same conclusion as our predecessors:

there remain uncertainties and risks to fish and water quality. In light of that uncertainty, we do not think it would be in the public interest to grant an EAC for the Morrison Mine. That leaves us with two other options: refuse to grant an EAC or order further assessment. The latter course is, in our view, no longer a logical one in light of PBM's position regarding further assessment and our decision to rescind the Further Assessment Order for the reasons we gave. Therefore, the only logical option available to us is to refuse to grant an EAC for the Morrison Mine.

In our view, this conclusion is supported by the fact that the application for an EAC is now more than 10 years old, and there may well be new scientific or on-the-ground information that should be taken into account through a full environmental assessment, should PBM wish to re-apply for an EAC.¹



Honourable George Heyman
Minister of Environment and Climate Change
Strategy



Honourable Bruce Ralston
Minister of Energy, Mines and Low Carbon
Innovation

Signed this 07 day of February, 2022

¹ See in this regard *Glacier Resorts Ltd. v. British Columbia (Minister of Environment)*, 2019 BCCA 289 in which Groberman J.A. held that “The [EAA], however, is also mindful of the fact that environmental science progresses. The perceived impact of a proposed project may change over time, not only due to changes in public attitudes, but also due to increasing knowledge of the harm caused by certain types of development. Further, the character of a development site may change substantially over time. Finally, advances in technology may result in more effective mitigation measures becoming available. It would be unwise to allow long-delayed projects to proceed based on reports and conditions that have become outdated.”