

# The EAO's Assessment of an Application for Certificate Amendment Amendment #4

*GALORE CREEK GOLD-COPPER-SILVER*

REQUESTED BY:

GALORE CREEK MINING CORPORATION

DECEMBER 02, 2024

*Pursuant to Section 32 of the Environmental Assessment Act, S.B.C. 2018, c.51*



**EAO**

Environmental  
Assessment Office

## ACRONYMS AND ABBREVIATIONS

The Act	<i>Environmental Assessment Act</i> , S.B.C. 2018, c. 51
Amendment Application	Application to amend the Environmental Assessment Certificate for Amendment #4 – Access Development and Partial Modernization
B.C.	British Columbia
Certificate	Environmental Assessment Certificate
EAO	Environmental Assessment Office
ENV	Ministry of Environment and Climate Change Strategy
Galore Creek or the Project	The Galore Creek Copper-Gold-Silver Project
GCMC	Galore Creek Mining Corporation
HMSP	Health and Medical Services Plan
km	Kilometre
m	Metre
SEEMP	Socio-economic Effects Management Plan
TCG	Tahltan Central Government
This Report	The EAO's Assessment of an Application for Certificate Amendment: Amendment #4 – Access Development and Partial Modernization

## 1.0 OVERVIEW OF PROPOSED AMENDMENT

### Background

The Galore Creek Copper-Gold-Silver Project (Galore Creek or the Project) is a certified open pit copper, gold and silver mine and associated facilities currently under development located in northwestern British Columbia (B.C.), approximately 160 kilometres (km) north of Stewart, B.C. and 120 km southwest of Iskut, in the traditional territory of the Tahltan Nation.

On February 16, 2007, the Minister of Environment and the Minister of Energy and Mines issued Environmental Assessment Certificate #M06-04 (the Certificate) for Galore Creek to NovaGold, following a three-year long environmental assessment under the *Environmental Assessment Act*, 2002. Following approval of the Certificate, construction commenced in July 2007 and was suspended in November 2007 by NovaGold.

The Environmental Assessment Office (EAO) has issued three amendments to the Certificate to date:

- On June 7, 2007, to repeal and replace Certificate Condition 5 related to indemnity for the Crown arising out of the granting of a certificate for the Project or any other subsequent approvals (Amendment #1);
- On January 24, 2008, to change the name of the Certificate Holder from NovaGold to Galore Creek Mining Corporation after NovaGold advised the EAO it had entered into a partnership with Teck Cominco Metals to establish the Galore Creek Mining Corporation (GCMC) (Amendment #2); and,
- On October 2, 2018, to include the locations of the Isbā Camp, associated gravel pit, and main staging area into a new Certified Project Description (Amendment #3).

In addition to the above noted amendments, the EAO has worked with GCMC on compliance oversight. The Certificate is an “old-style” Environmental Assessment Certificate as was typically done prior to 2012. “Old-style” EACs include the original environmental assessment Application and supplementary information that were intended to inform the assessment rather than be used for enforcement. This poses challenges for both the EAO and GCMC in managing compliance and allowing flexibility to incorporate new information and changing practices. These challenges provided the context for the EAO’s consideration of how to provide modern and adaptive regulatory oversight at Galore Creek.

### Amendment Request #4

On July 21, 2023, GCMC submitted an Application to amend the Certificate (Amendment Application) for Galore Creek, per [Section 32](#) of the *Environmental Assessment Act*, S.B.C. 2018, c.51 (the Act).

GCMC requested this fourth amendment to the Certificate to modernize aspects of the Certificate related to access development to align with the EAO’s current approach to environmental assessment certificates and to update the Certificate with proposed changes to access development. GCMC’s proposed changes are as follows:

- Realigning the South West More Bypass road to avoid the Upper More Creek Crossing and improve road safety;
- Relocating Isbā Camp up to 5 km east along the access road to avoid a high-risk avalanche zone; and,
- Allowance for variable camp capacities so that worker camps can contract and expand as road construction is completed, while not exceeding the total approved camp capacity of 1640 beds at any given time.

GCMC also proposed that a new Certified Project Description and set of modern conditions and management plans be established for an Access Development Corridor and camp polygons to address the approximately 1,400 commitments in the Certificate related to Access Development. GCMC states that a corridor approach would also allow more flexibility to adjust the road alignment in response to geotechnical, safety and environmental risks and issues, and permitting requirements.

To make the changes outlined in the Amendment Application, GCMC would also need to pursue an amendment to its Special Use Permits, Occupant Licence to Cut and *Mines Act* permit M-230. A list of additional anticipated regulatory approvals for access development can be found in Table 3 of the [Amendment Application](#).

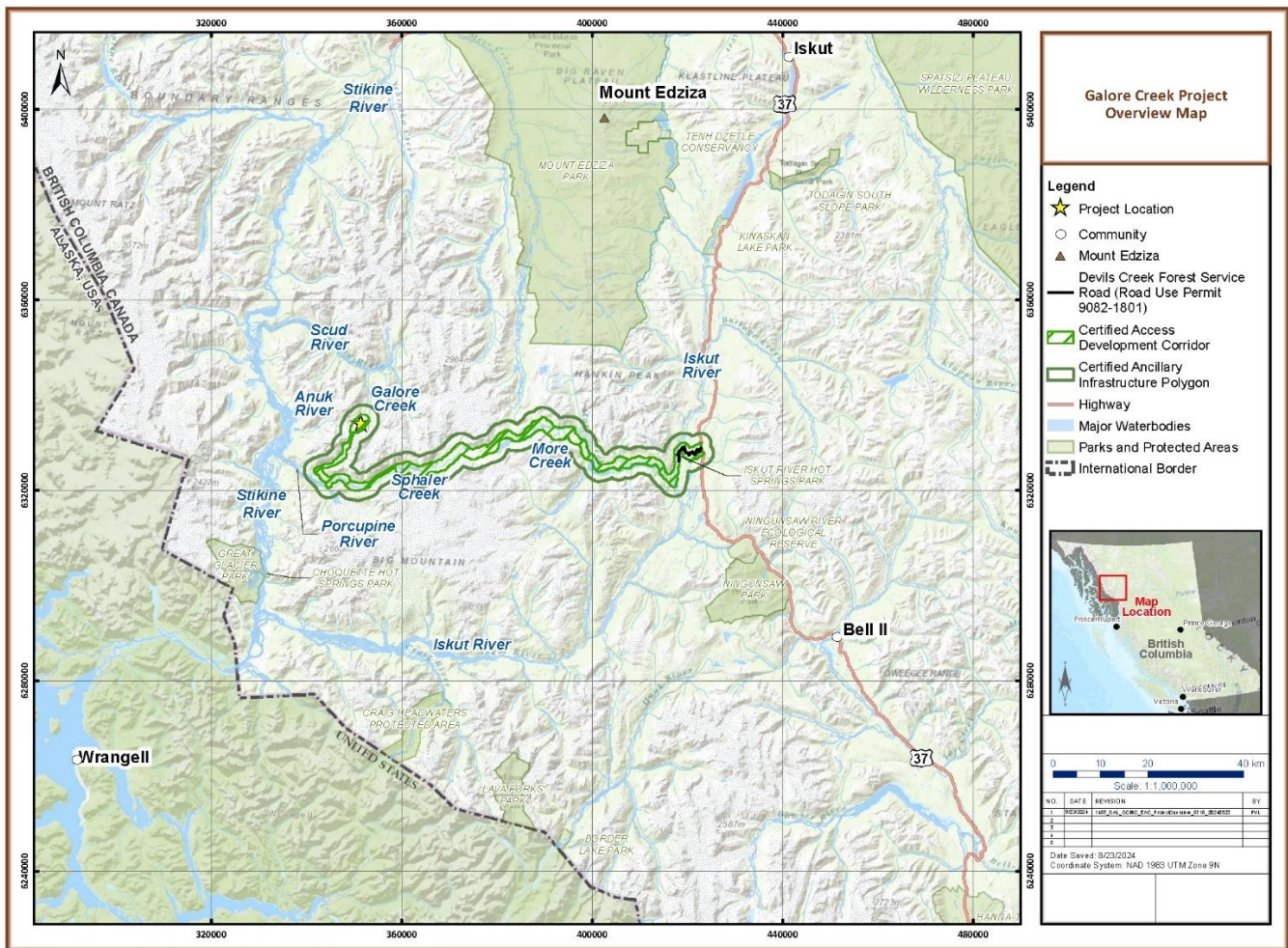


Figure 1. Proposed access development corridor



## 2.0 THE EAO'S AMENDMENT REVIEW PROCESS

Following GCMC's submission of the Amendment Application, the EAO established procedures for conducting the amendment review.<sup>1</sup> The EAO considered the nature of the proposed physical changes to the Project, the potential for these changes to cause new effects to Valued Components, Indigenous interests and/or treaty rights, and other assessment matters under [Section 25\(2\)](#) of the Act. As part of considering the Amendment Application, the EAO noted the following:

- Galore Creek is within the traditional territory of the Tahltan Nation, as represented by Tahltan Central Government (TCG). TCG indicated that Tahltan Nation would be a participating Indigenous nation for this amendment review process; and,
- No other First Nation's traditional territory is expected to be impacted by the proposed changes to Galore Creek.

The EAO established a Technical Advisory Committee to review the Amendment Application, inviting representatives from TCG; the Ministry of Environment and Climate Change; the Ministry of Energy, Mines and Low Carbon Innovation; the Ministry of Forests; the Regional District of Kitimat Stikine; and the Northern Health Authority (Northern Health). Only TCG and Northern Health submitted comments on the Amendment Application. Issues raised by the Technical Advisory Committee and the outcomes are provided in [section 4.2](#) of this Report.

The EAO determined that there was low potential for public interest in the amendment due to the limited scope of the proposed changes, the remote location of the Project and lack of interaction with the public or other land users, and the low number of public comments received during the original environmental assessment. As a result, the EAO did not establish a public comment period for the amendment review process. The EAO provided an opportunity for members of the public to indicate an interest in joining a Community Advisory Committee; no members of the public indicated an interest, so a Community Advisory Committee was not established.

## 3.0 THE EAO'S CERTIFICATE MODERNIZATION PROCESS

In the Amendment Application, GCMC proposed a partial modernization of the Galore Creek Certificate for the components and activities related to Access Development.<sup>2</sup> GCMC's view is that a modern certificate would provide greater transparency for tracking and ensuring compliance, precision and predictability of requirements where needed and, as appropriate, increased flexibility to construct and operate the access road within approved and modern practices. The EAO agreed with this objective and GCMC intends to modernize the rest of the Certificate in a future major amendment.

The process for modernizing a Certificate requires updating, replacing, or otherwise bringing existing Certificate requirements into current EAO standards through an amendment process. For Galore Creek, this meant identifying relevant commitments in the original Certificate that should be captured under a clear, measurable and enforceable Table of Conditions and Certified Project Description and identifying commitments that are better addressed within management plans or through provincial permitting. An updated Certificate should reflect the purpose and intent of the existing Certificate, while improving clarity, compliance, and consistency.

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<sup>1</sup> For more information on amendment assessment procedures, please see the EAO's [Amendments to Environmental Assessment Certificates and Exemption Orders Guidelines](#).

<sup>2</sup> Access Development refers to the construction and operation of components and activities described in the Certified Project Description for Amendment #4. This excludes components and activities associated with the mine site, including but not limited to the tailings management facility, waste rock storage facilities, pipeline(s), and electricity transmission line(s).

The EAO developed the procedures for the assessment of the potential effects from the proposed changes and modernization in collaboration with TCG. For more information on how the EAO worked with TCG during the Amendment, refer to [section 5.0](#) of this report.

The Project components that were considered for Access Development modernization include: the access road, camps, staging, laydown and borrow areas, and associated ancillary infrastructure. To evaluate and propose an approach to address each commitment in the Certificate that related to Access Development, GCMC extracted over 1,200 commitments from the Certificate into a table (referred to as the commitments database or commitments table) and classified them into one of five categories for future integration and oversight – new condition in the Certificate, component of the Access Development Certified Project Description, permitting consideration, management plan consideration, or no longer relevant or applicable (e.g., out of date, contextual, etc.).

The EAO assessed the commitments table and provided comments to GCMC and TCG on April 11, 2024. Two workshops were held with representatives from the EAO, TCG, and GCMC on April 22, 2024, and June 4, 2024, to facilitate discussions on the modernization process, commitment categorization, and proposed outcomes, as well as to support resolution of issues raised during the comment period.

## 4.0 SUMMARY OF KEY ISSUES AND EFFECTS

### 4.1. Effects Assessed by GCMC

In the Amendment Application, GCMC analysed how each Valued Component<sup>3</sup> could be affected by proposed Project changes and determined that the effects to Valued Components would not be substantially different than what was predicted in the original environmental assessment. GCMC's assessment reported that either no interactions with Valued Components were anticipated, or if an interaction was expected, the effects would be similar to what was previously assessed. GCMC concluded that the application of mitigation measures proposed in the Certificate, management plans and permitting were sufficient to prevent or minimize residual effects. [Section 25\(2\)](#) of the Act outlines additional matters that must be considered in every assessment. GCMC reported that the proposed changes are not anticipated to result in any changes to [Section 25\(2\)\(a-j\)](#) matters.

### 4.2. Key Issues Raised and GCMC's Responses

The EAO, TCG, the Ministry of Environment and Climate Change (ENV), and Northern Health, reviewed and/or provided comments on the Amendment Application, which are summarized below. The full list of comments and responses by GCMC are detailed in the final Issues Tracking Table.

#### Potential impacts on regional health services due to variable camp capacity

Northern Health commented on aligning requirements for Galore Creek with current standard for health and socio-economic assessments. Guidelines, best practices, and the understanding the impacts of resource development projects have advanced since the Certificate was issued, and Northern Health felt that a modernized certificate should reflect those advances.

Northern Health also raised concerns about the cumulative effects of mining projects in northwest B.C., noting increased pressure on regional healthcare systems from an increased labour force in the area. Northern Health indicated five

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<sup>3</sup> Valued Components are components of the biophysical and human environment that are considered by the public, First Nations, the proponent, government agencies, or scientists and other technical specialists involved in the environmental assessment process to have scientific, ecological, economic, social, cultural, archeological, historical, or other importance.

operational, approved and proposed mining projects in the region that present competing labour demands with Galore Creek. The cumulative labour requirements of all six projects would potentially require employment of a temporary, non-local workforce and may exert additional pressure on local health services infrastructure.

Northern Health requested that GCMC develop a Socio-Economic Effects Management Plan (SEEMP) and a Health and Medical Services Management Plan (HMSP) to monitor and mitigate potential effects. Northern Health further advised that permitting does not require management plans related to health and medical services planning for industrial camps and that therefore both the SEEMP and HMSP should be captured under Conditions in the modernized Certificate. Northern Health noted that the SEEMP should include a Worker Accommodation Strategy to address design, capacity, policies and procedures around worker accommodation camps at Galore, as well as strategies for providing and adaptively scaling camp services, amenities and facilities across several camps to a fluctuating workforce.

GCMC responded to Northern Health's comments with a commitment to develop an HMSP and a SEEMP, including a worker accommodation strategy, in consultation with TCG, Northern Health, and additional parties as determined by the EAO. GCMC noted that these plans would apply to Access Development initially but would expand for subsequent Project phases in order to accommodate broader socio-economic concerns associated with each phase. GCMC also noted that it would be supportive of the EAO implementing Certificate Conditions related to a HMSP and SEEMP.

The EAO has considered the concerns raised by Northern Health and GCMC's responses and proposes new Certificate Condition 14: Socio-economic Effects Management Plan and Condition 15: Health and Medical Services Plan, which would require GCMC to develop and implement an HMSP and SEEMP for Access Development in consultation with TCG and Northern Health. The SEEMP would include a Worker Accommodation Plan. As indicated by GCMC, the expectation is that these plans will be revisited and modified as needed to support subsequent Project phases.

#### **Age of existing conditions data and confidence in conclusions derived from the original assessment**

TCG raised concerns about GCMC relying on conclusions and recommendations from the original assessment to inform the determinations presented in the Amendment Application. TCG questioned the accuracy of the original assessment given the time that has passed since it was conducted and requested that GCMC provide its level of confidence and uncertainty in its determination in the Amendment Application. TCG's view was that areas of uncertainty in the previous assessment may necessitate the development of revised or additional conditions in order to protect Tahltan Nation's values and interests throughout the modernization process. TCG drafted a condition for a Peaceful Enjoyment Management Plan, to manage potential effects of sensory disturbance from Access Development affecting the exercise of rights by Tahltan Nation.

GCMC responded to TCG's comments regarding the level of confidence in the previous effects assessment for Galore Creek. GCMC noted that confidence and uncertainty levels would be addressed by adding conditions to the Certificate that would require long-term monitoring and adaptive management measures and committed to working with TCG on those conditions. GCMC pointed to recent surveys and data collection that will inform final road alignment, which will be developed in consultation with TCG and authorized through permitting. GCMC was also supportive of the EAO implementing a Certificate condition for a Peaceful Enjoyment Management Plan.

GCMC committed to continuing to work with TCG as Access Development progresses and in subsequent Project stages. GCMC also committed to understand how best to incorporate Tahltan Knowledge into Project planning, management plans, permitting and a potential future Certificate amendment.

The EAO has considered the comments from TCG and GCMC's responses and proposes new Certificate Condition 18: Peaceful Enjoyment Management Plan, which would require GCMC to work with TCG to manage effects from Access Development to Tahltan Nation's peaceful enjoyment to the land and waters. The EAO proposes to include current

standard conditions in the modernized certificate including Condition 8: Consultation, which sets out a process for consultation and includes consideration of Tahltan Nation-provided Indigenous Knowledge, recommendations, guidance and policies; and all the management plans require GCMC to consult with TCG as they are developed.

## 5.0 FIRST NATION ENGAGEMENT AND CONSULTATION

[Section 25 \(1\)](#) of the Act requires that every environmental assessment must include an assessment of the effects of a proposed project on Indigenous nations and their interests.

Prior to submitting the Amendment Application, GCMC sought early feedback from TCG on the proposed changes, the draft Amendment Application and Certificate modernization. Following GCMC's submission of the Application Amendment to the EAO and TCG, the EAO worked collaboratively with TCG on the assessment of effects and with GCMC and TCG on the modernization of the Certificate as it pertains to Access Development.

The Amendment Application provided a summary of the original Application for an Environmental Assessment Certificate's assessment of effects to the current use of lands and resources for traditional purposes as well as the potential effects from the Project on Tahltan Nation's rights and interests. GCMC also considered if the proposed changes would have any additional effects on Tahltan Nation's interests and concluded there would be no change to the effects on Tahltan or their interests as assessed in the original Application for an Environmental Assessment Certificate.

TCG provided comments on the Amendment Application related to the age of baseline conditions data and GCMC's levels of confidence and uncertainty in the conclusions derived from previous assessments. In response to TCG's request for more detailed information, GCMC provided TCG with a supplementary table containing additional information on how impacts to Valued Components were determined and the October 2023 Wildlife Existing Conditions Summary Report, which contains recent, consolidated survey and modelling data. As indicated above, GCMC has committed to ongoing work with Tahltan Nation as Access Development and other aspects of the Project progress.

### Access Development Certificate Modernization Consultation

The EAO developed the procedures for the Certificate modernization and the assessment of potential effects of the proposed changes in consultation with TCG. The EAO and TCG agreed on meaningful government to government collaboration as the guiding principle for the modernization process, and that it would involve:

- Regular meetings and communication between TCG and the EAO;
- TCG involvement and incorporation of Tahltan Knowledge in development of assessment materials and referral materials (e.g., assessment procedures, assessment report, draft conditions);
- TCG assessment under Section 25(1) of the Act on the effects of the proposed amendment on recognized and affirmed Indigenous rights of Tahltan Nation; and,
- Working within the spirit of agreements between TCG and the Government of B.C.

In addition to the consultation and engagement conducted by the EAO as described in this Report, the EAO sought to achieve consensus with TCG on the proposed amendment, pursuant to [Section 32\(7\)](#) of the Act. The EAO circulated a draft version of this Report and the draft amendment Order, Table of Conditions, and Certified Project Description to TCG for review and comment.

The EAO's view is that the issues and concerns raised by TCG have been addressed through the issues resolution process, additional mitigations presented by GCMC, and by the EAO's proposed conditions.

## 6.0 PROPOSED CONDITIONS

In consideration of the concerns raised by the participants in the Amendment process and the outcomes of the Certificate modernization process, including the categorization of commitments, the EAO proposes to add 18 new conditions in the Certificate that modify or set requirements for GCMC, support interpretation, and outline the development and implementation of eight management plans

The EAO proposes to add seven of its standard conditions as part of creating a modernized Certificate. These conditions establish general requirements for management plans including consultation and administrative requirements, including notification and reporting requirements, requirements for developing and updating documents, and requirements associated with the Holder's consensus-seeking with TCG.

The EAO proposes Condition 1: Application of Conditions, which clarifies that the conditions in this Amendment apply only to Access Development. Through the modernization process of commitment categorization, the EAO proposes seven additional conditions that would capture all the relevant commitments:

- Condition 9: Access Development Environmental Management Plan;
- Condition 10: Terrestrial Ecosystems and Wildlife Management Plan;
- Condition 11: Fish and Fish Habitat Management Plan;
- Condition 12: Archaeological and Heritage Resources Management Plan;
- Condition 13: Wetlands Management Plan;
- Condition 16: Indigenous Monitor; and,
- Condition 17: No Hunting, Fishing or Trapping.

To address the concerns raised by Northern Health related to impacts to healthcare and socio-economic impacts the EAO proposes Condition 14: Socio-Economic Effects Management Plan and Condition 15: Health and Medical Services Plan.

To address the concerns raised by TCG related to the uncertainty in the previous assessment around Tahltan Nation's values and interests, the EAO proposes Condition 18: Peaceful Enjoyment Management Plan.

## 7.0 CONCLUSIONS

The EAO is satisfied that:

- The Amendment Application and supporting information adequately identified and assessed the potential positive and negative adverse changes to the environmental, economic, social, cultural and health effects of the Project resulting from the proposed amendment;
- The proposed Table of Conditions and Certified Project Description adequately captures all the relevant commitments related to Access Development from the original certificate, as identified and categorized in the commitments table;
- Condition 14: Socio-Economic Effects Management Plan and Condition 15: Health and Medical Services Plan, will be adequate to manage the potential effects to healthcare and socio-economic impacts from Access Development;
- Condition 18: Peaceful Enjoyment Management Plan, will be adequate to manage potential effects of sensory disturbance from Access Development affecting the exercise of rights by Tahltan Nation;

- The effects of the amendment on Tahltan Nation as described in [Section 25\(1\)](#) of the Act have been appropriately assessed and have been addressed to the satisfaction of the EAO;
- Efforts to seek consensus on the concerns that TCG raised with the Application and these conclusions were undertaken, with consideration given to the purpose of the EAO to support reconciliation with Indigenous peoples in B.C. as set out in [Section 2\(2\)\(b\)\(ii\)](#) of the Act;
- The EAO has fulfilled its statutory and constitutional obligations owed to participating Indigenous nations relating to the issuance of an amendment to the Certificate for the changes proposed in the Application; and,
- The matters described in [Section 25\(2\)](#) of the Act have been considered and no material change is expected to the Project effects on these matters as a result of the amendment.

These conclusions are based on the EAO's consideration of the Amendment Application; the results of the EAO's engagement and consultation with TCG; comments from the Technical Advisory Committee on the Amendment Application and commitment table and GCMC's responses to these comments; and the requirements in the Table of Conditions and Certified Project Description

The EAO recommends that the Deputy Chief Executive Assessment Officer, upon consideration of the conclusions in this Report and any other relevant factors, issue an Amendment under [Section 32](#) of the Act to allow the requested amendment of the Certificate for the Galore Creek Copper-Gold-Silver Project, including updates to the Certified Project Description and Table of Conditions.