



Ministers' Reasons for Decision

IN THE MATTER OF AN APPLICATION FOR AN ENVIRONMENTAL
ASSESSMENT CERTIFICATE FOR HIGHLAND VALLEY COPPER MINE
LIFE EXTENSION

JUNE 17, 2025

1.0 NATURE AND SCOPE OF THE DECISION

On May 22, 2025, the Acting Chief Executive Assessment Officer (CEAO) referred an application from Teck Highland Valley Copper Partnership for an environmental assessment certificate for the Highland Valley Copper (HVC) Mine Life Extension (MLE) project and for an amendment to extend its existing Basal Aquifer Dewatering Project Approval Certificate to us, as the deciding ministers as defined in the *Environmental Assessment Act*, 2018 (the Act). The HVC mine has been operating in some capacity since the 1960s; the scope of our decision is the application for the continuation of mining, through extension, expansion, upgrades, and modification of some of the existing mine infrastructure.

The CEAO provided the following materials for our consideration:

- An Assessment Report from the Environmental Assessment Office (EAO) that considers all required matters under Section 25 of the Act;
- A draft Environmental Assessment Certificate (Certificate), with a Certified Project Description and Table of Conditions;
- A recommendation that a Certificate be issued, having concluded that HVC MLE is consistent with the promotion of sustainability in British Columbia (B.C.) and that the matters in Section 25 have been assessed sufficiently;
- A recommendation to amend the Project Approval Certificate for the Basal Aquifer Dewatering Project (#W02-01), issued in 2002;
- Indigenous-led assessments and separate submissions received from the following participating Indigenous nations:
 - Citxw Nlaka’pamux Assembly provided a report and results from their nle?képmx Impact Assessment;
 - Lower Nicola Indian Band carried out a Tmíx^w Effects Assessment;
 - Nlaka’pamux Nation Tribal Council provided their temEEwuh Effects Assessment, along with a report from the NNTC-B.C. Shared Decision Making Board; and,
 - Stk’emlúpsmc te Secwépemc Nation provided their Panel Recommendations Report, with 105 conditions to accompany any approval of HVC MLE.
- Notifications received from participating Indigenous nations regarding consent or lack of consent to issuing a Certificate:
 - Citxw Nlaka’pamux Assembly, on behalf of its Participating Bands, provided a conditional letter of support for the issuance of a Certificate for HVC MLE;
 - Kanaka Bar Indian Band issued a letter of consent for the issuance of a Certificate for HVC MLE;
 - Lower Nicola Indian Band issued a letter of consent for the issuance of a Certificate for HVC MLE;
 - Nlaka’pamux Nation Tribal Council stated in a letter requesting dispute resolution that it did not consent the issuance of a Certificate for HVC MLE; that request was subsequently withdrawn; and,
 - Stk’emlúpsmc te Secwépemc Nation’s Joint Council stated that it does not consent to the issuance of a Certificate for HVC MLE.
- Reports from two dispute resolution facilitators, appointed to provide support on disputed matters between the EAO and the Stk’emlúpsmc te Secwépemc Nation and the Nlaka’pamux Nation Tribal Council, respectively; and
- Information regarding arrangements reached with participating Indigenous nations in relation to HVC MLE.

2.0 MINISTERS' CONSIDERATIONS

To make our decision on HVC MLE, we considered the following, explained further below:

- All the materials provided by the CEAO, including the findings of the EAO with respect to effects of HVC MLE, and the recommendations for a Certificate;
- How the environmental assessment of HVC MLE was consistent with the purpose of the EAO to support reconciliation with Indigenous peoples in British Columbia; and,
- Whether HVC MLE is consistent with the purpose of the EAO to promote sustainability by protecting the environment and fostering a sound economy and the well-being of British Columbians and their communities.

2.1. Recommendations of the Chief Executive Assessment Officer

The CEAO advised us that, after considering the EAO's Assessment Report and other materials, he was satisfied that the proposed Certificate conditions and the requirements set out in the proposed Certified Project Description, along with proposed amended and new permits and permit conditions, would prevent or reduce potential adverse environmental, economic, social, cultural and health effects, such that no significant adverse effects are expected from HVC MLE.

The CEAO acknowledged that the Assessment Report's finding that there are existing adverse cumulative effects in the Highland Valley, particularly to water availability, cultural heritage, and the ability of the Nlaka'pamux Nation to exercise their Aboriginal rights, and that HVC MLE would contribute to those existing cumulative effects. The CEAO considered this finding, along with the existing and new mitigations proposed for HVC MLE, in reaching his recommendations.

The CEAO proposed ten project-specific conditions to manage the potential effects from HVC MLE, developed in collaboration with First Nations. Conditions are proposed to:

- Advance water management on the HVC mine to mitigate effects on watersheds around the Highland Valley;
- Mitigate or offset the loss of wetlands and riparian ecosystems caused by HVC MLE;
- Monitor and mitigate effects of HVC MLE on Nlaka'pamux food sovereignty that supports food, social, and ceremonial needs;
- Support planning for the social and economic effects of mine closure on nearby communities;
- Require GHG emissions tracking and reporting;
- Support planning for employee health and medical services to reduce any effects to the regional health services;
- Reduce potential effects on regional housing availability from the construction workforce for HVC MLE;
- Mitigate effects from light produced at the mine site;
- Require HVC to participate in any cumulative effects assessment carried out jointly by First Nations and B.C.; and,
- Support planning for other parties by requiring a tracking system for upcoming regulatory submissions.

We are aware that the combined environmental assessment and permitting process carried out for HVC MLE, the first such coordinated process under the 2018 *Environmental Assessment Act*, meant that important issues for First Nations and technical advisors were able to be considered in a coordinated and holistic manner, and resolutions for concerns addressed by the most appropriate party. We understand that HVC, as an operating mine since the 1960s, which predates provincial environmental assessment legislation, has requirements for existing, revised and substantial new essential mitigations contained in proposed permit conditions under the *Mines Act*, *Environmental Management Act*, and *Water Sustainability Act* related to air quality monitoring, groundwater monitoring, surface water quality improvement, water

management, waste management, end land use planning, reclamation and closure planning, wildlife management and vegetation management.

Following his obligations under the Act, the CEO provided us with his [recommendations](#) that:

- A Certificate be issued for HVC MLE, with a 10-year timeline by which the project must be substantially started;
- HVC MLE is consistent with the promotion of sustainability in B.C.; and,
- The matters in Section 25 of the Act were assessed sufficiently, and the Crown's duty to consult and accommodate First Nations has been fulfilled for HVC MLE.

2.2. First Nations engagement, consultation, and notifications of consent or lack of consent

As part of making our decision, we carefully considered the perspectives and assessments undertaken by participating Indigenous nations, as well as the engagement and consultation with First Nations carried out by the EAO. We appreciate the extensive efforts by participating Indigenous nations, the EAO, and other provincial agencies to collaboratively identify and resolve issues and concerns and seek consensus on the Assessment Report and proposed Certificate conditions, as well as on the draft permits. We can see that this reflects the principle of free, prior and informed consent, consistent with the United Nations Declaration on the Rights of Indigenous Peoples, and the obligations set out in the Act and common law.

We respect the right of all First Nations in British Columbia to self-expression and to carry out activities in accordance with their Indigenous practices, laws, and preferences. The seventeen First Nations who engaged in the environmental assessment (represented by six participating Indigenous nations under the Act), chose to participate in a variety of ways. We particularly wish to recognize the four Indigenous-led assessments carried out by the Citxw Nlaka'pamux Assembly, the Lower Nicola Indian Band, the Nlaka'pamux Nation Tribal Council, and the Stk'emlúpsmc te Secwépemc Nation. We appreciate the significant work that was put into these assessments on behalf of their communities.

We acknowledge that, despite significant efforts of all parties over the duration of the environmental assessment, not all concerns have been resolved. We recognize that mining, along with forestry, agriculture, and other development in the area, has deeply affected Indigenous communities and ways of life, and that extending the life of the Highland Valley Copper mine will contribute to existing cumulative effects on ecosystems and communities in the Highland Valley. While the scope of our decision relates only to the future Mine Life Extension activities, we recognize that the history of mining in the Highland Valley is important and has been considered in the EAO's assessment of how impacts of the MLE would contribute to cumulative effects.

At the conclusion of the environmental assessment, we understand that there remain differences in perspectives on whether the project should proceed. The Act requires that, prior to making a decision, we offer to meet with any participating Indigenous nation that provides a notice of consent or non-consent that is contrary to the recommendations from the CEO. For HVC MLE, we offered to meet with any participating Indigenous nation that requested to do so.

2.2.1. Nlaka'pamux Nation

We met with the Citxw Nlaka'pamux Assembly (CNA) leadership prior to making our decision. We recognize CNA's substantial efforts and extensive collaboration during the environmental assessment and permitting process, and CNA's interest in continuing their involvement over the remaining HVC mine life. This was the first time that CNA implemented their nte?képmx Impact Assessment and we congratulate their team for reaching that milestone and the work they did on behalf of their communities. We value their support for the issuance of a Certificate for HVC MLE, and we acknowledge that there are remaining concerns from CNA around arrangements reached outside the environmental assessment with other participating Indigenous nations. We understand that there are continuing discussions happening to resolve these concerns.

We met with leadership of the Lower Nicola Indian Band (LNIB) prior to making our decision. We heard about LNIB's ongoing concerns about the effects of the Highland Valley Copper mine and how the existing mine has affected their members' ability to exercise their Aboriginal rights. LNIB expressed frustration that the scope of the environmental assessment did not include a full consideration of historical impacts, and that LNIB was a participant in the provincial process rather than an equal decision maker on the project. We appreciate hearing LNIB's views, which we have considered in this decision.

We met with Nlaka'pamux Nation Tribal Council (NNTC) leadership prior to making our decision. NNTC communicated the long-standing significant impacts the mine has had on their communities. We understand that there are ongoing discussions with NNTC and that arrangements have been reached with the Province that address a number of their concerns. NNTC also requested that we change three conditions in the draft Certificate. We considered these requests, as well comments from the proponent. We appreciate NNTC's interest in establishing a greater role for the Nlaka'pamux Nation in the ongoing mitigation and management efforts for HVC MLE. We believe that the Certificate conditions that were developed through deep consultation between the EAO, participating Indigenous nations and the proponent, include sufficient requirements to ensure there will be meaningful consultation and collaboration with First Nations on an ongoing basis. We therefore decided not to change the Table of Conditions as provided to us by the CEAO.

2.2.2. Stk'emplúsemc te Secwépemc Nation

We acknowledge that Stk'emplúsemc te Secwépemc Nation (SSN) does not consent to issuing a Certificate for HVC MLE. We offered to meet with SSN leadership prior to making our decision, in accordance with Section 29 (6) of the Act. A scheduled meeting was unfortunately cut short and our attempts to reschedule did not receive a response. SSN subsequently sent us a letter outlining their perspectives on the environmental assessment and the reasons for their non-consent. We have considered the matters in that letter in our decision. Having reviewed the Assessment Report and the Facilitator's Report on dispute resolution between SSN and the EAO, we believe that the EAO's consultation with SSN was adequate and carried out in good faith. We have considered SSN's Panel Recommendations Report and are of the view that the EAO has provided a reasonable and substantive response. Where SSN's recommendations and proposals have not been adopted, the EAO has provided a clear rationale.

We recognize that SSN and B.C. do not agree about the ethnohistoric use of the Highland Valley, which has made it very challenging to reach consensus on the effects of HVC MLE on SSN's Aboriginal rights and title. We note, however, that SSN is currently consulted on aspects of HVC mine operations and will continue to be as part of HVC MLE through requirements in the Certificate and permit conditions. We accept the EAO's recommendations to include SSN in some, but not all, of the Certificate conditions, which we think strikes a reasonable balance between SSN's interests and the EAO's conclusions on the effects from HVC MLE on SSN's Aboriginal rights and title. It is our view that the potential for adverse effects on SSN's Aboriginal rights and title from HVC MLE has been appropriately avoided, minimized or otherwise accommodated.

2.2.3. Conclusion and Ongoing Engagement and Collaboration with First Nations

We want to thank the leadership of all the First Nations for taking the time to meet with us to share ongoing concerns on behalf of their communities and their perspectives on how First Nations and the Province can move forward together. We appreciate these important relationships, and we are committed to continuing to work collaboratively on HVC MLE and other projects in the region. We received input from all nations regarding concerns with our legislation and processes, and we welcome further consultation with, and input from, these nations as we review the Act in the year ahead. We also understand that there are ongoing and broader government-to-government agreements and discussions with all the participating Indigenous nations that are outside the scope of our decision on HVC MLE. We look forward to hearing how those negotiations advance.

2.3. Benefits to the Province, Local Communities and First Nations

We also considered that, as an operating mine, the Highland Valley Copper mine currently benefits surrounding communities and the province as a major employer and economic contributor in the region. The HVC mine currently employs approximately 1,320 people and HVC MLE would add 200 new permanent positions and an average of 500 construction jobs over the 2025-2027 period. These continuing and new jobs will have positive effects in the surrounding communities and the whole province.

The Application from Teck Highland Valley Copper Partnership reported that in 2021, the mine provided about \$170 million dollars in wages and benefits to its workforce, bought more than \$150 million dollars of local goods and services from local businesses, and paid nearly \$200 million dollars in municipal, provincial, and federal taxes. In 2021, the total direct, indirect, and induced gross domestic product from HVC's operations was about \$425 million. These economic benefits contribute directly to local, regional and provincial economies and support needed services and infrastructure.

We are also aware of the positive effects of HVC MLE on Indigenous economies, contracting opportunities, and jobs. The EAO's report acknowledged there are existing mineral tax revenue sharing agreements that provide community benefits to the Nlaka'pamux Nation that continue for the duration of mine operations. As earlier noted, we have also been made aware of provincial arrangements and discussions with First Nations regarding accommodation in relation to HVC MLE.

We note that as a major copper supplier, HVC MLE would support B.C.'s supplying of critical minerals to help B.C., Canada and the world transition to cleaner energy sources. Considering these benefits and the mitigations set out in the Certificate and proposed permits to reduce adverse effects, we agree with the EAO that overall, HVC MLE is consistent with the promotion of sustainability.

3.0 CONCLUSION

Having considered all materials provided by the EAO, and after meeting with First Nations that may be affected by HVC MLE, we have adopted the recommendations from the CEO and have decided to issue a Certificate for HVC MLE.

The Certificate includes conditions and requirements that the Certificate Holder must abide by. We are aware that statutory decision makers in other ministries are also considering related permits and conditions required for HVC MLE to proceed and adverse effects to be monitored and managed. Together, these give us the confidence to conclude that HVC MLE will be carried out such that no additional significant adverse effects are likely to occur. We are of the view that issuing a Certificate for HVC MLE would continue the current benefits from the mine to First Nations, local communities, and the province.

We express our gratitude to everyone who participated in the environmental assessment for their contribution and engagement in the process, including the public, technical advisors, and First Nations leadership and staff. Finally, we would like to thank the EAO for all their work throughout the assessment.



Honourable Tamara Davidson
Minister of Environment and Parks



Honourable Jagrup Brar
Minister of Mining and Critical Minerals

Signed this 17th day of June, 2025.