

# Ministers' Reasons for Decision

IN THE MATTER OF AN APPLICATION FOR AN ENVIRONMENTAL  
ASSESSMENT CERTIFICATE FOR THE ESKAY CREEK REVITALIZATION  
PROJECT

JANUARY 26, 2026



## NATURE AND SCOPE OF THE DECISION

On January 16, 2026, the Chief Executive Assessment Officer (CEAO) referred Skeena Resources Ltd. (Skeena)'s application for an environmental assessment certificate (Certificate) for the Eskay Creek Revitalization Project (ECRP) to us for decision. We are the "ministers," as defined in the *Environmental Assessment Act* (2018) (the Act).

The ECRP is a proposed open pit mine located within Tahltan territory, approximately 83 kilometres northwest of Stewart, B.C. and 40 kilometres from the BC-Alaska border. Skeena would mine up to 3.6 million tonnes per year of ore and produce a mineral concentrate to be transported to port facilities in Stewart for overseas shipment.

The ECRP is subject to the first consent-based decision-making agreement (the *Declaration Act Agreement*) under the Province's *Declaration on the Rights of Indigenous Peoples Act* (*Declaration Act*), which requires consent from the Tahltan Central Government (TCG) for the ECRP to proceed. Portions of the ECRP's transportation route between the mine site and port facilities in Stewart along Highway 37 and 37A are located within the Treaty areas of the Nisga'a Nation and the asserted territories of the Gitanyow Nation, Tsetsaut Skii km Lax Ha and seven Alaska Tribes<sup>1</sup>.

We note that the federal Minister of Environment, Climate Change and Nature substituted the ECRP assessment process to B.C. The EAO worked in close coordination with the Impact Assessment Agency of Canada (IAAC) and other federal agencies to complete the assessment that met both B.C.'s Act and federal *Impact Assessment Act* (IAA), well as Crown consultation obligations.

The CEAO provided the following materials for our consideration:

- The EAO's Assessment Report that considers all required matters under Section 25 of the Act, includes the recommendation referred to in Section 29(2)(b)(i) of the Act (the sustainability recommendation) and contains an assessment conducted by TCG under Section 19(4) of the Act, with respect to the potential effects of the project on a nation and its rights recognized and affirmed by Section 35 of the *Constitution Act, 1982* (Section 35 Rights);
- A draft Certificate, with a Certified Project Description and Table of Conditions;
- Recommendations of the CEAO that a Certificate be issued, having concluded that the ECRP is consistent with the promotion of sustainability in British Columbia (B.C.), and that the matters in Section 25 have been assessed sufficiently;
- The Tahltan Risk Assessment Report, authored by TCG, which provides conclusions on potential effects and/or cumulative effects on Tahltan Values and Tahltan Aboriginal rights;
- The Tahltan Notice of Decision, dated January 11, 2026, which indicates the TCG Board of Directors' consent to the ECRP proceeding, subject to conditions outlined in their Notice; and,
- Separate submissions received from Indigenous groups regarding support or lack of support for the ECRP proceeding, including:
  - **Tahltan Central Government:** provided a notice of consent for the project proceeding as a participating Indigenous nation.
  - **Nisga'a Lisims Government:** provided a letter of support for the project proceeding on January 15, 2026.
  - **Gitanyow:** provided a letter to the EAO on January 16, 2026, reflecting objection to the EAO's conclusions on the ECRP's potential effects to Gitanyow interests.

---

<sup>1</sup> Craig Tribal Association, Hydaburg Cooperative Association, Ketchikan Indian Community, Klawock Association, Metlakatla Indian Community, Organized Village of Kasaan, and Organized Village of Saxman

- **Southeast Alaska Indigenous Transboundary Commission (SEITC):** provided, on behalf of the seven Alaska Tribes, a letter of lack of consent to the issuance of a Certificate for the ECRP on October 3, 2025; the EAO provided a response to the letter on December 22, 2025.
- **Ketchikan Indian Community:** a member of SEITC and one of the seven Alaska Tribes, provided a separate submission on October 1, 2025, indicating lack of consent to the issuance of a Certificate for the ECRP; the EAO provided a response to the letter on December 23, 2025.

## MINISTERS' CONSIDERATIONS

To make our decision, we considered the following:

- All materials provided by the CEOA, including the findings of the EAO with respect to the effects of the ECRP and his recommendation that a Certificate be issued;
- The Tahltan Notice of Decision, indicating Tahltan's consent to the project proceeding;
- How the environmental assessment of the ECRP was consistent with the purpose of the EAO to support reconciliation with Indigenous peoples in British Columbia;
- Whether the ECRP 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; and,
- The role of the Government of Canada in addressing matters under federal jurisdiction.

## Recommendations of the Chief Executive Assessment Officer

The CEOA advised us that, after considering the EAO's Assessment Report and other materials, he was satisfied that the proposed Certificate conditions and Certified Project Description would prevent or reduce potential adverse environmental, economic, social, cultural and health effects, such that no significant adverse residual effects or cumulative effects are expected from the ECRP.

The CEOA proposed twenty-seven project-specific conditions to manage the potential effects from the ECRP, developed in collaboration with First Nations. Sixteen of these conditions were developed collaboratively by the EAO and TCG to address issues that were identified by TCG through their own assessment process. The proposed conditions will, among other things:

- Establish criteria for how Skeena must work collaboratively with the TCG when preparing project-related documents;
- Define how project documents must meet Tahltan Satisfaction and outline a process to resolve disagreements between Tahltan and the EAO;
- Ensure the public has access to project information through various communication channels, including updates, safety details, and ways to provide feedback;
- Require greenhouse gas emissions reductions and reporting;
- Verify predicted impacts on water quality and quantity from the project application are accurate;
- Verify predicted water quality effects and seepage rates prior to increasing the height of the tailings storage facility or expanding the mine rock storage area;

- Provide baseline data on fish tissue quality, identifying contaminants and their concentrations, and confirm predicted effects on fish and aquatic habitat to inform any potential revisions of a required management plan under the *Environmental Management Act*;
- Require a long-term plan to monitor and manage impacts on wildlife, including bioaccumulation, habitat loss, and the formation of a Tahltan Wildlife Advisory Committee;
- Mitigate and monitor air quality impacts;
- Monitor and manage environmental contaminants that could affect human health, both for workers and nearby land users;
- Outline how health services will be provided to workers, including disease prevention and reporting on medical service usage;
- Address potential social and economic impacts on nearby Indigenous and non-Indigenous communities, including employment, healthcare demand, and recreational access;
- Require traffic management and monitoring along key highways to avoid and reduce impacts on wildlife, road users and First Nations communities along the transportation route;
- Minimize socioeconomic impacts from project closure and ensure that mitigation measures are culturally appropriate for First Nations;
- Describe the intended final land use and reclamation goals to address long-term effects;
- Require Skeena to participate in regional initiatives that address broader social and environmental issues, if invited by provincial or local governments;
- Require Skeena to collaborate with TCG on plans to manage, mitigate and reduce effects to water, fish, air quality and wildlife within Tahltan Areas of Interest;
- Require Skeena to report on the ECRP's progress in aligning with Tahltan Sustainability Requirements and Tahltan Core Priorities;
- Require Skeena to manage and mitigate effects to Tahltan Quiet Enjoyment of Land, Food Sovereignty and Way of Life; and,
- Require Skeena to support TCG in future regional socio-cultural and cumulative effects initiatives led by TCG.

Through the substituted environmental assessment, key issues raised by Indigenous nations, the public, and provincial and federal technical advisors were considered in a coordinated manner. We understand that technical review of required provincial permits occurred in coordination with the environmental assessment, and that the EAO worked collaboratively with TCG and provincial and federal agencies to identify the necessary authorizations for the ECRP. This approach ensured that important technical issues could be resolved by the most appropriate agency and reduced duplicative regulatory requirements. We note that, to clearly show how issues arising in the EA are being addressed or will be managed through future regulatory processes or other government initiatives, the EAO provided us with the [Joint Permitting Regulatory Coordination Plan](#).

To fulfill his role in completing the requirements under the Impact Assessment Cooperation Agreement between Canada and the Province, the CEOA also provided the federal Minister of Environment, Climate Change and Nature with the EAO's Assessment Report and the separate submissions received from Indigenous nations. The EAO's Assessment Report identified mitigation measures and follow up programs in areas of federal interest that could inform conditions under the IAA. Through the collaborative work of the EAO and IAAC with provincial permitting agencies regarding the regulator(s) best placed to set mitigation requirements, IAAC is proposing 10 project-specific conditions that relate to effects in

federal jurisdiction. This interjurisdictional approach demonstrates continued progress by the EAO and federal agencies to provide clear, efficient accountability measures for proponents that also reduce regulatory overlap and are aligned with our respective statutory responsibilities.

## Declaration Act Agreement

We recognize the significant collaboration of the EAO and TCG in implementing the first consent-based decision-making agreement under the *Declaration Act*. Under the *Declaration Act* Agreement, TCG undertook its own assessment of effects to Tahltan and their rights and interests (Tahltan Risk Assessment). The EAO and TCG demonstrated unprecedented collaboration and partnership in coordinating their assessments to ensure each party's decision-making requirements were met. Specifically, the EAO and TCG worked together to draft conditions that set out a clear process for TCG's involvement in overseeing Skeena's compliance with the Certificate, including significant requirements for collaboration with TCG. We met with TCG leadership on January 20, 2026, in recognition of their decision-making process. We considered the conclusions of the Tahltan Risk Assessment and the process undertaken by the EAO and TCG under the *Declaration Act* Agreement and are satisfied that the obligations under the *Declaration Act* Agreement have been met. We acknowledge that the Tahltan Risk Assessment concluded there are effects to Tahltan Nation that are better addressed outside the environmental assessment process, and that other provincial ministries are engaging with TCG to support advancement of these broader commitments and discussions. The ECRP decisions represent a historic milestone in the Province's efforts to support Indigenous decision making and reconciliation and we look forward to continued work together with TCG on future projects.

## Indigenous Nations' Engagement and Consultation

As part of making our decision, we carefully considered the perspectives of Indigenous nations, including the issues raised through the EAO's consultations carried out throughout the assessment. We appreciate the extensive efforts made by Indigenous nations, the EAO, and other provincial agencies to identify and resolve issues and concerns and to seek consensus on the Assessment Report and proposed conditions. We can see that this work 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 Indigenous nations to self expression and to carry out activities in accordance with their Indigenous practices, laws, and preferences. The potentially-affected Indigenous nations who engaged in the environmental assessment participated in a variety of ways. We recognize the substantial efforts that Indigenous nations put into participating in this environmental assessment; their efforts have contributed to a more robust assessment that considers their knowledge and perspectives.

We recognize that development of major mines in northwestern B.C. has affected Indigenous communities and ways of life, and that the ECRP will have lasting impacts on communities and ecosystems and in the region. While the scope of our decision relates to the potential effects of the ECRP activities, we recognize that existing major projects and other industrial development in the area has been considered in the EAO's assessment of how impacts of the ECRP would contribute to cumulative effects.

We acknowledge that the assessment of effects to Nisga'a Lisims Government was undertaken in accordance with Chapter 10 of the Nisga'a Final Agreement and fulfills the Crown's obligations to assess these effects according to paragraphs 8(e) and 8(f) of Chapter 10. We recognize that, on January 15, 2026, Nisga'a Lisims Government provided letter of support for the ECRP proceeding.

We acknowledge that, despite significant efforts made by Indigenous nations and the EAO during the environmental assessment process, not all concerns could be resolved within the scope of the ECRP environmental assessment. We reviewed the referral material with respect to Gitanyow Nation's independent Wilp Sustainability Assessment Process and their engagement with the EAO, including the January 16, 2026, letter from Gitanyow Nation's stating their lack of

support for the EAO's assessment of impacts to their Aboriginal rights and the EAO's response sent January 23, 2026. Our understanding is that Gitanyow Nation has not yet issued a Project Decision Statement pursuant to their Wilp Sustainability Assessment Process. We note that the EAO has communicated its acknowledgment and respect for the Wilp Sustainability Assessment Process throughout the environmental assessment and has appended the Wilp Sustainability Assessment Report in its entirety to the Assessment Report for our consideration. We are of the view that the consultation process the EAO followed was adequate and that the potential adverse effects on Gitanyow Nation's Section 35 Rights have been appropriately avoided, minimized, or otherwise accommodated.

We note that the EAO met with Tsetsaut Skii km Lax Ha regularly to discuss Tsetsaut Skii km Lax Ha's concerns and provided opportunities for iterative feedback on materials throughout the environmental assessment. We acknowledge that Tsetsaut Skii km Lax Ha provided a separate submission directly to the EAO describing their perspective on the Province's approach to consultation with First Nations, and we appreciate Tsetsaut Skii km Lax Ha's comments. We reviewed the EAO's assessment of potential effects to Tsetsaut Skii km Lax Ha and agree with the EAO that those potential effects have been adequately avoided, minimized, or otherwise accommodated, and that the EAO fulfilled the Provincial Crown's duty to consult.

We acknowledge that not all Indigenous groups support the ECRP proceeding, in particular the Alaska Tribes who, during the ECRP environmental assessment, notified the Province that they assert Section 35 Rights in the area that the ECRP is located. The EAO consulted the Alaska Tribes directly and through SEITC accordance with B.C.'s constitutional obligations and in a manner consistent with *Haida Nation v. British Columbia* and *R v. Desautel*. We note that the CEO established the Alaska Tribes Transboundary Advisory Committee (ATTAC), which included regular meetings, notification of key milestones, and opportunities for the Alaska Tribes to review, provide input and receive responses. We have considered the October 2025 submissions from SEITC and Ketchikan regarding the potential effects of the ECRP and are of the view that the EAO has made appropriate efforts to mitigate impacts and that the duty to consult and accommodate the Alaska Tribes has been adequately discharged in relation to the issuance of an environmental assessment certificate for the ECRP.

## Contribution to Sustainability and Benefits to the Province, Local Communities and First Nations

We considered that, as a new mining operation on a previously mined site, the ECRP would provide benefits to communities, First Nations, and other British Columbians through regional employment and economic investment. During peak construction, the ECRP is expected to employ an average of 949 individuals. During 13 years of operations, the ECRP is expected to employ 771 individuals during peak years.

We are also aware of the potential positive effects of the ECRP on Indigenous economies, contracting opportunities and jobs. The CEO's recommendations acknowledged the existence of bilateral agreements between Skeena and Indigenous nations that will provide financial benefits to communities. We acknowledge the information from TCG regarding the proposed Impact Benefit Agreement with Skeena, and that the execution of that agreement is one of the conditions of TCG's decision to consent to the ECRP. As earlier noted, we have also been made aware of broader provincial discussions and commitments with Tahltan Central Government, separate from the environmental assessment, regarding additional measures in relation to the ECRP.

We note that the ECRP was identified by the Premier of B.C. as a priority project to drive economic development in B.C. Considering these benefits and the mitigations set out in the Certificate and proposed permits to reduce adverse effects, we agree that overall, the ECRP is consistent with the promotion of sustainability.

## CONCLUSIONS

Having considered all materials provided by the CEOA and the Notice of Consent issued by the TCG Board of Directors, we have decided to issue a Certificate for the ECRP.

The Certified Project Description, which forms part of the Certificate, limits what the Holder of the Certificate is authorized to do with respect to the Project. The Certificate also includes conditions that the Holder must abide by. These aspects of the Certificate, in the context of the other regulatory measures that are described in the Joint Permitting Regulatory Coordination Plan referred to above, give us the confidence to conclude that the ECRP will be carried out such that no significant adverse effects are likely to occur.

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 Indigenous nations leadership and staff. In particular, we would like to thank the EAO for all their work throughout the assessment. We recognize the significance of the collaboration you carried out in the assessment. And finally, we wish to recognize the landmark work done by Tahltan Central Government staff and leadership in partnering with B.C. to successfully conclude the first environmental assessment under a consent-based decision-making agreement under the *Declaration Act*.



Honourable Tamara Davidson  
Minister of Environment and Parks



Honourable Jagrup Brar  
Minister of Mining and Critical Minerals

Signed this 26<sup>th</sup> day of January 2026