

EAO's Recommendation Regarding Consent for Material Alteration

MT. POLLEY COPPER/GOLD PROJECT'S 987 M RAISE

REQUESTED BY:
MOUNT POLLEY MINING CORPORATION

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EAO

Environmental
Assessment Office

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1.0 PURPOSE OF THIS REPORT

The EAO's Recommendation Regarding Consent for Material Alteration (this Report) provides the findings of the review process conducted by the Environmental Assessment Office (EAO) for the Mt. Polley Copper/Gold Project (Mt. Polley Mine). This Report is provided to the Ministers of Mining and Critical Minerals (MCM) and Environment and Parks (ENV), the provincial Ministers who are responsible for making the decision under Condition 2 of the Mt. Polley Mine Environmental Assessment Certificate (EAC M96-07) respecting whether to provide their written consent to the proposed material alterations of the Mt. Polley Mine.

This Report provides a summary of Mount Polley Mining Corporation's (MPMC) proposed changes, the EAO's Consent for Material Alteration review process and how it interfaces with the Major Mines Office technical permit review, the key issues raised, the EAO's assessment of effects in consideration of the requirements of the *Environmental Assessment Act* and, finally, the rationale for the EAO's conclusions and the recommendation that the Ministers grant consent for MPMC's proposed material alteration to raise the Tailings Storage Facility (TSF) dam by 13 metres (m) to a total elevation of 987 m and referred to through this Report as the 987 m Raise.

2.0 HISTORY OF MT. POLLEY COPPER/GOLD MINE

The Mt. Polley Mine is an open pit copper/gold mine located in the Cariboo region of central British Columbia (B.C.), approximately 56 kilometres (km) northeast of Williams Lake. On October 6, 1992, a Mine Development Certificate (MDC) was issued under the *Mine Development Assessment Act*, (1990) to Imperial Metals Corporation (now MPMC) for the Mt. Polley Mine. The MDC continued in force as a Project Approval Certificate #M96-07 under the first *Environmental Assessment Act* (1996) and then as an EAC under the *Environmental Assessment Act* (2002) (the Former Act) and later the *Environmental Assessment Act* (2018) (the Act) (EAC M96-07). Following the initial certification, permits were issued to MPMC under the *Mines Act*, *Environmental Management Act*, and other required authorizations.

Construction of the Mt. Polley Mine ended in 1997, and mine operations began. Mine operations were paused in October of 2001 due to low metal prices but reopened in December 2004, starting production in March 2005. On August 4, 2014, there was a breach in the dam of the Tailings Storage Facility (TSF), which caused tailings, water, and construction materials to flow into Polley Lake, Hazeltine Creek, and Quesnel Lake. After the breach, mining operations stopped, and the TSF was built up to 950 m to temporarily store freshet flows in 2015 and 2016. Limited operations resumed on August 4, 2015, with tailings being deposited in Springer Pit. On November 6, 2015, MPMC requested permission to fully restart operations, including raising the TSF to 970 m and using it again for tailings storage. Approval was granted on June 23, 2016, and tailings deposition in the TSF resumed on June 27, 2016.

Since Mt. Polley Mine's initial certification and permitting, the *Mines Act* permit has been amended several times related to expansion of mining capacity, mine plan changes, and changing operational requirements. The *Environmental Management Act* permit has also been amended for various reasons including authorization of discharge to Quesnel Lake via Hazeltine Creek on November 29, 2016, and directly to Quesnel Lake on April 17, 2017.

[EAC M96-07](#) requires in Condition 2 that MPMC obtain the written consent of the Ministers of MCM and ENV prior to any Consent for Material Alteration and that the determination of what may constitute a material alteration is made by the Minister of MCM.

To date, EAO has granted two EAC amendments and Ministers have consented to four Material Alterations, including:

- Amendment #1, September 2, 1997 – To transfer EAC M96-07 to the Mount Polley Holding Company;
- Amendment #2, May 19, 2016 – To increase the maximum annual milling rate to 8.2 million tonnes of ore, remove the restriction of a maximum 14-year mine life, and change the Holder's name to Mount Polley Mining Corporation;
- Consent for Material Alteration #1, November 23, 2015 – To allow discharge of mine effluent to Hazeltine Creek where it would flow into a sediment pond and via pipeline to discharge at depth in Quesnel Lake;

- Consent for Material Alteration #2, April 6, 2017 – To allow for the operational effluent discharge to Quesnel Lake to address the management of mine water during the remainder of mine life;
- Consent for Material Alteration #3, March 27, 2025 – To raise the TSF dam height from an elevation of 970 m above sea level to 974 m to accommodate tailings from the materials milled under the current authorization; and
- Consent for Material Alteration #4, August 28, 2025 – to extend the life of the Mt. Polley Mine to 2033 via the Springer Pit Expansion, providing an additional eight years of operation.

On April 15, 2025, Xat'sùll First Nation filed a petition for judicial review, challenging two provincial decisions regarding the approval of the TSF dam raise to 974 m for the Mount Polley Mine: (1) the decision to “consent to material alteration” made by the Ministers of MCM and ENV on March 27, 2025; and (2) the decision of the Deputy Chief Permitting Officer for an amendment to the *Mines Act* Permit. The judicial review was heard by the court on June 24 to June 27, 2025. On August 6, 2025, the Xat'sùll First Nation petition and associated application for a court order to stop mining activity was dismissed.

3.0 PROPOSED 987 METRE RAISE

MPMC has submitted an application to raise the TSF dam by 13 m, from its currently permitted elevation of 974 m above sea level to an elevation of 987 m above sea level; from the ground surface, this would be an increase from 64 m to 77 m. This change, also called the “987 m Raise” is needed to enable storage of the tailings for the remainder of the approved mining activity (to 2033) and is understood to bring the TSF to its final dam height under the current mine plan. The footprint of the TSF will increase by 28.12 hectares (ha) due to additional buttress (engineered material placed against the downstream face or toe of the TSF dam to increase stability) as well as downstream water management and collection infrastructure, all contained within the existing *Mines Act* boundary. Additional minor changes will be location of powerlines and access and haul roads; however, these components were not included for further assessment due to having low potential to result in environmental effects different than those reflected in the EAC. Further details on the 987 m Raise and MPMC's assessment of the effects of the changes is provided in the [Assessment of Alterations](#) as well as the *Mines Act* permit application.

4.0 REVIEW PROCESSES AND FIRST NATIONS ENGAGEMENT

The process for approval of changes to the EAC for Mt. Polley is unique, as compared to other EAC's. Condition 2 of EAC M96-07 describes that if a change is considered ‘material’, then consent of the Ministers must be provided before the Certificate Holder can implement the proposed change. In this two-step process:

Step 1: MCM led the technical review and consultation with Williams Lake First Nation and Xat'sùll First Nation (First Nations) associated with the materiality determination; and,

Step 2: The EAO led the consent for material alteration review of the 987 m Raise. As MCM possesses the expertise and responsibility for technical matters, the EAO's review was informed by the technical input from MCM's permit amendment process. The EAO then provided a recommendation to Ministers as to whether or not consent should be provided to MPMC to implement the proposed changes (Consent for Material Alteration Review).

As part of Step 1 described above and Condition 2 of EAC M96-07, MCM reviewed MPMC's proposed 987 m Raise to consider whether the change was material. On February 24, 2026, the Honourable Jagrup Brar, Minister of MCM, determined that the 987 m Raise is a “material alteration” as described in Condition #2 of the EAC.

The structure of Condition 2 of the Mt. Polley Mine's initial MDC (now an EAC) means that the Ministers' consent process for the 987 m Raise is not considered an amendment under Section 32 (amendments) of the Act as it does not require any changes to EAC M96-07. While there is no legislated requirement for consensus seeking with First Nations for the process under Condition #2, the EAO undertook a consultation process with First Nations, grounded in the principles of consensus seeking, on key process steps and the recommendation to Ministers. The EAO's process also included consideration of the matters in Section 25 of the Act.

The EAO acknowledges that Xat'sull First Nation does not agree with the EAO's interpretation of the statutory requirements; this has been the subject of extensive discussion with Xat'sull First Nation and of a judicial review, which is described further in Section 5.1 of this report and in EAO's March 12, 2025 [Recommendation Regarding Consent for Material Alteration for the Mt. Polley Interim Tailings Storage Facility Raise](#).

4.1. Permit Amendment Application

From December 8, 2025 to June 29, 2026, the Major Mines Office (MMO) of MCM led a Mine Review Committee (MRC) process to conduct a thorough technical review of MPMC's application for the 987 m Raise and to assess the potential effects and associated mitigation measures. The EAO joined the MRC as an observer to receive all information regarding the permitting process, stay abreast of the status of issues and attend MRC technical meetings, where appropriate.

MMO consulted with Williams Lake First Nation and Xat'sull First Nation on the assessment of the effects of the proposed changes through the Type 3 Decisions consultation framework set out in the Economic and Community Development Agreements of the respective First Nations.

According to information provided to EAO by MCM, the EAO understands that Williams Lake First Nation and Xat'sull First Nation were provided the following opportunities to participate in the *Mines Act* permit amendment process:

- Review of permit amendment application materials and draft permits;
- Meetings with MCM; and,
- Opportunity through the MMO-led technical review processes for Williams Lake First Nation and Xat'sull First Nation to share concerns about the 987 m Raise and to identify appropriate means of mitigating and accommodating impacts to asserted or established Aboriginal rights and title, recognized and affirmed by Section 35 of the *Constitution Act*, (1982) ("Section 35 Rights").

As part of issues resolution, MMO provided Williams Lake First Nation and Xat'sull First Nation with draft M-200 permit conditions, the final Issues Tracking Table and the draft permitted mine area figure on May 29, 2026. The draft permit conditions incorporated outcomes from the MRC technical review process and consultation with First Nations. This included two rounds of MRC review, two MRC meetings and an additional third round of comments from Xat'sull First Nation. Provincial Agency Summaries were provided to Williams Lake First Nation and to Xat'sull First Nation, pursuant to section 5(5) of Appendix D of each Nation's respective Economic and Community Development Agreement.

Williams Lake First Nation's final written comments as part of the MRC technical review, received May 19, 2026, noted that while progress has been made in addressing many comments, several remain open and require continued consideration. Williams Lake First Nation indicated that these outstanding items are not necessarily a barrier to the current amendment application. On June 11, 2026, Williams Lake First Nation submitted to MCM their comments on the draft M-200 permit conditions.

Xat'sull First Nation's final written comments as part of the MRC technical review, received May 14, 2026, included 11 items categorized as "Pending Future Information" tied to existing M-200 permit condition deliverables with defined deadlines. Xat'sull First Nation submitted their initial comments on the draft M-200 permit to MCM on June 10, 2026, as well as in a letter on June 17, 2026, and provided a comment table with additional comments on June 18, 2026. MCM responded to the issues raised through the consultation record which was put before the statutory decision maker.

The *Mines Act* amendment application has been referred to the statutory decision maker for MCM. The statutory decision maker will decide whether to approve the proposed *Mines Act* amendment, following the Ministers' determination on whether to grant MPMC consent for the material alteration.

4.2. Consent for Material Alteration Review

On December 15, 2025, the EAO commenced Step 2 of the Consent for Material Alteration Process. The EAO noted that this proposed process would occur concurrently with the MCM permitting process and therefore would be able to

incorporate the issues and concerns from potentially impacted First Nations and be informed by the issues and findings of the *Mines Act* review of MPMC's permit application for the 987 m Raise (described above) and the [Assessment of Alterations](#). As part of Step 2, the EAO:

- Sent letters to Williams Lake First Nation and Xat'sùll First Nation about its proposed process for the Consent for Material Alteration Review, inviting them to provide input on MPMC's [Assessment of Alterations](#), to submit comments on the proposed process, and offered a meeting to discuss it.
- Joined the MRC as an observer and, additionally, sent notification to MCM and the Climate Action Secretariat (CAS) seeking input on MPMC's Assessment of Alterations. MCM opted to provide feedback on the 987 m Raise through the *Mines Act* permit amendment review process. Since there were no greenhouse gas (GHG) implications for the 987 m Raise, CAS determined they did not need to provide input on the Assessment of Alterations.
- Received a letter on [February 3, 2026 from Williams Lake First Nation](#) along with [comments on MPMC's Assessment of Alterations](#) which are summarized in detail in section 4.0 of this Report. Williams Lake First Nation's letter stated that the information provided was sufficient to inform EAO's review but did not necessarily agree with MPMC's conclusions regarding potential effects. Williams Lake First Nation raised concerns that MPMC's Assessment of Alterations characterizes Indigenous interests and potential effects of the 987 m Raise from MPMC's perspective alone and that the assessment should not be treated as a complete representation of Williams Lake First Nation's interests.
- Met regularly with Williams Lake First Nation throughout this process to discuss concerns, provide schedule updates and follow-up on any action items as appropriate.
- Received a letter on [February 3, 2026 from Xat'sùll First Nation](#) providing comments on both EAO's Consent for Material Alteration review process proposed in [EAO's December 16, 2025, letter](#) and MPMC's *Mines Act* permit amendment application. Xat'sùll First Nation expressed that the *Mines Act* permit amendment application should not be approved in its current form due to significant information deficiencies related to dam safety, water quality, potentially acid-generating materials, closure planning, and alternative tailings management methods. In addition, Xat'sùll First Nation raised concerns with EAO's Consent for Material Alteration review process.
- Received a [follow-up letter on March 19, 2026 from Xat'sùll First Nation](#) providing their second round of technical comments to MCM on MPMC's *Mines Act* Application and reiterating their expectation that EAO respond to their concerns regarding the proposed process for the Consent for Materials Alteration review.
- [Responded to Xat'sùll First Nation in writing](#), and summarized concerns from the February 3, 2026, and March 19, 2026, letters in Section 4.0 of this Report.
- Received a [follow-up letter on May 6, 2026 from Xat'sùll First Nation](#) expressing concerns regarding the BC Court of Appeal's decision in *Gitxaala* and its implications for provincial decision-making, including the meaningful implementation of Article 32 of United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and section 8.1(3) of the *Interpretation Act* in the review of the 987 m Raise.
- [Responded to Xat'sùll First Nation in writing](#) addressing Xat'sùll First Nation's process concerns as summarized in Section 4.3 of this Report.
- Received a [letter on May 15 from Xat'sùll First Nation](#) addressed to the EAO and MCM providing their concerns and proposed next steps coming out of the May 7, 2026 Mine Review Committee meeting. As these comments focused on the *Mines Act* technical review process, [MCM responded in writing on behalf of the Province](#).

MCM and ENV completed technical review of this Report and MPMC was also provided with a draft version for review.

Consensus was sought with First Nations on the content of this Report as well as the EAO's recommendation to Ministers regarding the decision to provide consent to the material alteration. The EAO provided a draft of this report to MPMC

and First Nations for review on June 4, 2026. At that time, the EAO also invited First Nations to share any additional comments or concerns regarding the 987 m Raise that had not been resolved during the technical review of the permit application and that were relevant under Section 25 of the Act, to provide a separate submission that would be provided to Ministers, and to meet with the EAO to discuss any final consensus-seeking points during this review.

Williams Lake First Nation provided edits on the draft Report and a [letter](#) with concluding comments on the process on June 18, 2026. Xat'sūll First Nation provided Report edits and a letter on June 17, 2026. As the comments in Xat'sūll First Nation's June 17, 2026 letter focused on the *Mines Act* draft permit and permitting review process, MCM responded in [writing](#) on behalf of the province. The EAO made revisions to the Report to reflect comments from First Nations, where appropriate, and provided feedback to First Nations on changes made. First Nations did not take up the EAO's offer to meet regarding this Report. All feedback received during the Consent for Material Alteration Review was taken into consideration in the drafting of this Report.

5.0 SUMMARY OF KEY ISSUES

MCM, Williams Lake First Nation, and Xat'sūll First Nation raised concerns about, or otherwise noted the following topics regarding the proposed 987 m Raise through the *Mines Act* permit review and the review of MPMC's Assessment of Alterations:

- Review process for the *Mines Act* permit amendment and the Consent for Material Alteration;
- Impacts to Fish and Fish Habitat;
- Impacts to Heritage Resources;
- Dam Safety;
- Perceived Information Gaps in MPMC's Mines Act Permit Amendment Application, including:
 - Closure and Post-Closure Plan;
 - Water Quality and Effects on Receiving Environment;
 - Groundwater Monitoring; and,
 - Best Available Technology Assessments.

5.1. Process Concerns Regarding Consent for Material Alteration

5.1.1. Xat'sūll First Nation concerns

In their February 3, March 19 and May 6, 2026 letters to the EAO and MCM, Xat'sūll First Nation raised concerns regarding EAO's material alteration review process stating that the EAO's process is inadequate and must be restructured to comply with the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) by seeking Xat'sūll First Nation's free, prior and informed consent. In Xat'sūll First Nation's view, the EAO should require MPMC to apply for an EAC amendment which they assert would consider broader, higher-order issues, including long-term tailings management and alternatives to conventional slurry tailings. In support of its position, Xat'sūll First Nation highlights BC Court of Appeal's ruling in *Gitxaala v. British Columbia* (2025) asserting that the decision confirms that BC legislation must be interpreted consistently with the UN Declaration. Xat'sūll First Nation is of the view that the EAO has not revisited the material alteration review process in light of the *Gitxaala* decision. Xat'sūll First Nation stresses that meaningful implementation of the UN Declaration Article 32(2) requires States to seek Indigenous peoples' free, prior and informed consent for projects affecting their lands and resources, demands more than procedural consultation. Xat'sūll First Nation stated the review process must be designed from the outset to work toward agreement, rather than collecting comments after key decisions are effectively made. Xat'sūll First Nation requested a more substantive, collaborative process that enables dialogue, transparency, and accommodation, rather than procedural repetition.

5.1.2. EAO response

The matters raised in Xat'sūll First Nation's February 3, March 19 and May 6, 2026 letters have been raised previously by Xat'sūll First Nation, and the EAO has responded to them in previous correspondence and reports, including the August 21, 2025, Recommendation Regarding Consent for Material Alteration for the Springer Expansion and the March

12, 2025 Recommendation Regarding Consent for Material Alteration for the Mt. Polley Interim Tailings Storage Facility Raise, including most recently in the EAO's April 9, 2026 letter response. Xat'sül First Nation also raised these issues in their April 15, 2025, application for judicial review of the 974 m TSF Raise. On August 6, 2025, Xat'sül First Nation's judicial review was dismissed, upholding the reasonableness of the process concerning the previous TSF Raise to 974 m. The EAO considers that this issue has been sufficiently responded to. However, as Xat'sül First Nation has filed an appeal of the August 2025 BC Supreme Court decision, the EAO is not able to comment further on these concerns.

The EAO noted that Xat'sül First Nation had concerns regarding the BC Court of Appeal's decision in *Gitxaala* and its implications for provincial decision-making, including the meaningful implementation of Article 32 of the UN Declaration (enshrining the free, prior and informed consent standard) and Section 8.1(3) of the *Interpretation Act* in the review of the 987 m Raise. The EAO stated that its purposes, as set out in Section 2 of the *Environmental Assessment Act*, include supporting the implementation of the UN Declaration and collaborating with Indigenous nations on reviewable projects in a manner consistent with the UN Declaration.

The EAO further stated that it is committed to ensuring that the provincial Crown fulfils its statutory and constitutional obligations to First Nations in relation to the consent for material alteration process under Condition #2 of the Certificate. In upholding its commitment to reconciliation, the EAO was committed to undertaking a consultation process with the potentially affected First Nations, grounded in the principles of consensus-seeking with respect to both the process and for the recommendation to Ministers. The EAO provided opportunities for First Nations to review and comment on the proposed process, as well as on documents that assess effects of the 987 m Raise and has offered meetings to support this engagement. The EAO also consulted with First Nations on a draft of this Report. The EAO and provincial agencies have made best efforts to provide comprehensive responses to the issues and concerns raised by First Nations.

In its December 16, 2025 letter to Xat'sül First Nation, the EAO offered a meeting to discuss the process for the review of the 987 m Raise with the limitation that the EAO cannot discuss any of Xat'sül First Nation's concerns relating to the active litigation of the Ministers' decision on the 974 m TSF Raise. On January 7, 2026, Xat'sül First Nation declined to meet with the EAO on the process issue given the EAO's stated limitations of what it could discuss. Xat'sül First Nation continued to engage substantively in the process thereafter through technical-level meetings with MCM, letters, and providing multiple rounds of comments. However, given the outstanding questions and concerns regarding the process, the EAO reiterated that it remained open to meet about the 987 m Raise, if Xat'sül First Nation wished to discuss these matters further.

5.2. Fish and Fish Habitat

5.2.1. Williams Lake First Nation Concerns

In their February 3, 2026 submission to the EAO, Williams Lake First Nation raised concern that the proposed extension of the TSF Main Embankment has the potential to further impact upper Edney Creek tributaries and adjacent wetlands that function collectively to support downstream aquatic ecosystems relied upon by Williams Lake First Nation. Williams Lake First Nation is concerned that water quality modelling and the effects assessment do not sufficiently extend into the receiving environment creating uncertainty in MPMC's conclusions that the 987 m Raise would not have an effect on water quality. While the Assessment of Alterations acknowledges these environmental sensitivities, the potential effects to Williams Lake First Nation's interests associated with the 987 m Raise remained, in Williams Lake First Nation's view, undefined. Williams Lake First Nation requested engagement with the Department of Fisheries and Ocean (DFO) to ensure Williams Lake First Nation's interests are understood and appropriately considered in MPMC's Request for Review of the upper Edney creek tributaries and adjacent wetlands.

5.2.2. MPMC Response

On February 23, 2026, MPMC responded to Williams Lake First Nation's concerns committing to consultation with Williams Lake First Nation throughout the permitting process. MPMC confirmed that both a *Water Sustainability Act* Section 11 application, as well as a DFO Request for Review are required for the 987 m Raise and regardless of DFO's

determination, MPMC will engage with Williams Lake First Nation on the potential effects of the 987 m Raise on its interests.

5.2.3. EAO Response

Williams Lake First Nation requested a summary of the additional information provided to DFO on February 17, 2026 and timely updates on this matter. The EAO understands that MPMC completed a Fish Habitat Assessment as a result of discussions with Williams Lake First Nation and DFO. This assessment allowed for field verification of habitat quality assumptions made in the permit application for both wet and dry conditions. The EAO understands that Williams Lake First Nation is satisfied that this particular issue has been adequately addressed by MPMC.

5.3. Heritage Resources

5.3.1. Williams Lake First Nation Concerns

Williams Lake First Nation stated that, although MPMC's Assessment of Alterations speaks to the archeological components of potentially affected heritage resources, the Traditional Knowledge and Land Use, Occupancy Study data seems to have limited consideration in the Valued Component (VC) section of the assessment and therefore the potential effects to Williams Lake First Nation's interests may not be appropriately characterized. For example, Williams Lake First Nation stated that while the proposed powerline realignment is characterized as having a low overall potential for environmental effects (therefore not included in MPMC's Assessment of Alterations as a pathway of effect to VCs), Williams Lake First Nation is unclear whether archeological or Traditional Use Study considerations were included in this assessment. Changes to transmission line alignment and pole placement may pose risks to undocumented archeological sites or culturally significant resources, particularly where the alignment differs from the original configuration. Williams Lake First Nation also identified a need for site-specific evaluation of proposed pole relocations to determine whether archeological assessments are warranted to avoid or mitigate potential adverse effects. Williams Lake First Nation also emphasized the importance of early engagement with contractors and regulators through applicable referral and consultation processes to address these considerations.

5.3.2. MPMC Response

In MPMC's February 23, 2026 response to Williams Lake First Nation's concerns, MPMC stated that any powerline relocation to support the TSF construction to 987 m will occur where other activities are already taking place. These include areas of previous disturbance and along roads and rights-of-way that are to be constructed. MPMC also indicated in their response to Williams Lake First Nation's comment that they have reached out to Williams Lake First Nation to discuss their archeological concerns more broadly. MPMC confirmed they will be seeking to integrate Traditional Knowledge and Land Use information into their project planning and will be providing Williams Lake First Nation with more opportunities to participate in the project directly.

5.3.3. EAO Response

On March 10, 2026, Williams Lake First Nation provided the EAO with an Executive Summary of the Williams Lake First Nation Traditional Knowledge, Land Use, and Occupancy Study. The information provided has been incorporated into the EAO's assessment of effects to Indigenous Nations and Rights in Section 4.4.1 of this Report. The EAO understands that Williams Lake First Nation is satisfied that this particular issue has been adequately addressed by MPMC.

5.4. Dam Safety

5.4.1. Xat'sull First Nation, Williams Lake First Nation and MCM Concerns

Dam safety was a key issue raised by multiple reviewers during review of the 987 m Raise permit amendment application, reflecting the ongoing heightened concern following the 2014 Mount Polley TSF breach. MCM, Williams Lake First Nation and Xat'sull First Nation expressed concern that the 987 m Raise increases the volume of stored tailings, extends the

operational life of the mine, and changes long-term closure conditions, thereby warranting an evaluation of failure modes, breach consequences, and downstream risks using current dam safety guidance under the Health, Safety and Reclamation Code. Specific concerns focused on the absence of a full, updated dam breach and inundation assessment for the 987 m configuration (MPMC used a 2017 assessment prepared for the prior dam raise) and that this assessment needed to be submitted prior to MCM making a decision on the permit amendment. Concern was raised regarding the adequacy of the TSF dam risk and consequence classification which lacked clarification in the main design assumptions for the TSF raise, and left uncertainty as to how the TSF raise is expected to perform safely over the long term. Williams Lake First Nation further emphasized that reshaping the downstream slope to a safer configuration is important for safety and reducing risk. Williams Lake First Nation recommended that the permit clearly require MPMC to re-slope the TSF prior to closure, and that the timing, implementation criteria, and completion of the re-sloping works be confirmed by the Engineer of Record. Finally, it was raised that the current 2022 Closure Plan does not incorporate the 987 m TSF raise and lacks an updated closure spillway design, resulting in insufficient information to assess post-closure water routing and dam safety risks. Reviewers also noted uncertainty regarding long-term pond levels and whether sufficient tailings beach width would be maintained to mitigate risks if the 970 m drains underperform over time.

5.4.2. MPMC Response

In response, MPMC states that engineering analyses and sensitivity updates to existing breach assessments indicate that the 987 m Raise will not materially change breach consequences relative to previously approved configurations. MPMC further notes that dam safety is managed through conservative design consistent with the Health, Safety and Reclamation Code, ongoing Failure Modes and Effects Analysis, oversight by the Engineer of Record and Independent Engineering Review Panel, and regulatory review under the *Mines Act*. MPMC acknowledges that detailed closure design reflecting the final TSF height will be completed in a future Closure Design Report and maintains that outstanding dam safety considerations can be appropriately addressed through permitting, monitoring, and adaptive management rather than as a prerequisite to the current assessment.

5.4.3. EAO Response

Based on the EAO's review of the draft *Mines Act* permit conditions, the EAO is of the view that the Health, Safety, and Reclamation Code for Mines in British Columbia (HSRC) and the existing and proposed permit conditions address dam safety concerns associated with the 987 m Raise.

The EAO understands that the permit would authorize the 987 m Raise and require that an Engineer of Record define a minimum freeboard (which is the vertical distance between the defined height of the embankments and the maximum allowable free water elevation), which must be included in the quantifiable performance objectives and trigger action response plans. If pond levels (height of water within the TSF) exceed acceptable thresholds, the permit would require pre-established actions to return the facility to normal operating pond conditions. These controls must be documented and reported annually as required by the HSRC, providing transparency and regulatory oversight.

As per Williams Lake First Nation's concerns regarding re-sloping the TSF prior to closure, MCM has confirmed that MPMC must submit a permit amendment application for implementation of TSF closure designs as per the HSRC and that the *Mines Act* permit already requires MPMC to receive written approval from the Chief Permitting Officer prior to implementing the TSF closure design as referred to in the HSRC. The EAO is satisfied that, together with the enforcement of requirements under the HSRC, these legally-binding conditions will ensure that the TSF dam raise is designed, operated, and monitored in a manner that appropriately manages risks to dam safety, and that compliance verification and enforcement mechanisms are in place.

5.5. Perceived Information Gaps in MPMC's *Mines Act* Permit Amendment Application

5.5.1. Xat'sùll First Nation's Concerns

In their May 6, 2026, letter to MCM and the EAO, Xat'sùll First Nation stated their concern that MPMC's permit amendment application is incomplete and that it is MPMC's responsibility to submit a satisfactory, complete application

under section 10 of the *Mines Act*. Xat'sùll First Nation characterizes MPMC's approach as an "approve now, study later" strategy, where known data gaps, such as receiving environment water quality modeling and updated Closure Design Report, are deferred to future studies rather than addressed up front in the application package. Xat'sùll First Nation expressed that relying on future, undefined studies does not provide the Province with the information needed at the time of decision-making to assess impacts on Xat'sùll First Nation's Section 35 rights or determine appropriate accommodation. If MPMC's application lacks sufficient information, particularly given the past failure of the TSF, Xat'sùll First Nation states the Province must require MPMC to fill those gaps before granting the permit amendment or providing consent for the material alteration, in order to properly fulfill the duty to consult and accommodate.

5.5.2. MPMC Response

MPMC responded that detailed closure-phase elements and refined groundwater and surface water are appropriately addressed through the requirements of the closure design and Reclamation and Closure Plan (RCP) update process that is scheduled for 2027. MPMC maintains that current Closure designs satisfy current land use objectives and the requirements of the Application and are applicable to the TSF at 987 m. The 2027 RCP update will incorporate updated End Land Use (ELU) planning which is currently underway with MPMC seeking input from Xat'sùll First Nation in this process. The Closure designs and protocols will be modified to meet updated ELU objectives and incorporated into the 2027 RCP update. MPMC also maintains that existing approved frameworks and monitoring programs are sufficient to manage uncertainty in the interim, that current baseline data and models are adequate to characterize effects and support conclusions that impacts are manageable, and that additional information would mainly refine predictions rather than change outcomes. They further emphasized that outstanding gaps, including those related to water modelling, would be addressed through ongoing monitoring, adaptive management, and continued consultation after approval, rather than as prerequisites for the 987 m Raise.

5.5.3. EAO Response

The EAO understands MCM is of the view that the information provided in MPMC's permit amendment application is sufficient to support decision making on the current permit amendment application.

With respect to items characterized by Xat'sùll First Nation as deferred:

- **Receiving-environment water quality modelling:** Discharges to the receiving environment are regulated under the *Environmental Management Act* by the Ministry of Environment and Parks. The updated numerical groundwater model was submitted in May 2026, and receiving-environment water quality modelling is required by June 30, 2026, under existing EMA Permit PE-11678 requirements. ENV has confirmed to MCM and XFN that MPMC's current EMA permit requires updated modeling at specific intervals and that these submissions are sufficient to address Xat'sùll First Nation's view that there are data gaps.
- **Updated Closure Design Report:** Feasibility-level closure designs for the TSF reflecting the 987 m configuration will be required through the HSRC TSF closure design and costing requirements, which MPMC must submit to the Chief Inspector of Mines by April 2027, and the 2027 RCP update, which aligns with the five-year update cycle required under the HSRC and is a required *Mines Act* permit deliverable. Under the M-200 permit conditions, MPMC must engage with Williams Lake First Nation and Xat'sùll First Nation on end land use planning and the RCP Update.

MCM notes that outstanding items in Xat'sùll First Nation's final Issues Tracking Table are addressed by the existing M-200 permit condition deliverables with defined deadlines. MCM is of the view that these regulatory mechanisms provide appropriate oversight of information related to the issues Xat'sùll First Nation has characterized as creating project uncertainties. The EAO is satisfied that MCM and ENV, as the primary regulators that set and enforce detailed permitting requirements, have adequately responded to and addressed the issues raised by Xat'sùll First Nation.

6.0 THE EAO'S ASSESSMENT OF EFFECTS

Section 25 (1) and (2) of the Act includes a list of matters that must be considered in each assessment. Although not a requirement under Condition #2 of EAC-M96-07, the EAO nevertheless considered the applicability and potential effects to each of these matters, taking into account the technical review and consultation that was conducted by MCM, in addition to the consultation undertaken by the EAO.

MPMC assessed the effects of the 987 m Raise in its Assessment of Alterations and in their *Mines Act* permit application. MPMC determined that there would be potential effects to the following valued components (VCs):

- Air Quality;
- Water Quality and Aquatic Health;
- Fish and Fish Habitat;
- Terrestrial Resources;
- Heritage Resources;
- Socio-economic effects; and,
- Health.

At the EAO's request, MPMC also provided an assessment of matters under Section 25 (1) and (2) of the Act in the [Assessment of Alterations](#).

The EAO considered the information provided by MPMC, the potential effects of the proposed change, and the key issues raised by reviewers as described above in assessing the Section 25 (1) and (2) matters.

6.1. Effects to Indigenous Nations and Rights

Section 25 (1) of the Act requires the EAO to assess the effects of a project on Indigenous nations and their rights recognized and affirmed by section 35 of the *Constitution Act, 1982*. The EAO considered the effects of the 987 m Raise on Williams Lake First Nation's and Xat'sull First Nation's Section 35 Rights.

6.1.1. Williams Lake First Nation

On March 10, 2026, Williams Lake First Nation provided EAO with an Executive Summary of the 2012 Williams Lake First Nation Traditional Knowledge, Land Use, and Occupancy Study which indicates that the Mount Polley Mine area, including the TSF is situated within a landscape of ongoing cultural, subsistence, and stewardship importance to Williams Lake First Nation. The study documents the historical and ongoing exercise of Williams Lake First Nation's Section 35 rights within the study area, including, but not limited to, hunting, fishing, gathering, cultural and ceremonial activities, and stewardship practices related to culturally significant species, habitats, and landscapes. While current land use in the mine area by Williams Lake First Nation is occurring at a reduced level due to existing mine operations, access restrictions, and concerns related to environmental contamination, the proposed TSF raise to 987 m has the potential to further affect these rights through additional soil disturbance, loss of riparian habitat, and potential effects on water quality in nearby watercourses such as Edney and Hazeltine creeks. Collectively, Williams Lake First Nation's view is that these changes may directly or indirectly affect Williams Lake First Nation's ability to meaningfully exercise Section 35 Rights within the project area.

MPMC's Assessment of Alterations states that Williams Lake First Nation has expressed general support for the mine's continued operation and maintains a long-standing Participation Agreement with MPMC, renewed in 2022. This agreement provides opportunities to address potential impacts on Williams Lake First Nation's Aboriginal rights and title while ensuring economic benefits for the community. MPMC's Assessment of Alterations states that Williams Lake First Nation views continued expansion as supportive of its economic and social interests and notes that permit conditions related to dam safety, water quality, climate change, wildlife management, First Nations involvement, and compliance provide reassurance that environmental and cultural concerns will continue to be addressed.

6.1.2. Xat'sùll First Nation

Xat'sùll First Nation has emphasized the continued risks they perceive, including the possibility of another tailings dam breach, which they fear would further affect fish, wildlife, and culturally important harvesting areas. These ongoing concerns have contributed to reduced confidence in the safety of traditional foods, diminished opportunities to practice cultural harvesting activities, and greater reliance on non-traditional foods. Xat'sùll First Nation also stated that extending the life of the mine may adversely affect their economic interests through impacts on land-based Section 35 Rights, particularly hunting, fishing, and gathering, due to additional disturbance, reduced access, and cumulative cultural and environmental impacts. In MPMC's Assessment of Alterations, the proponent acknowledges that Xat'sùll First Nation has raised significant concerns about the proposed TSF raise, many of which stem from the legacy of the 2014 tailings dam breach.

Xat'sùll First Nation's February 3, 2026 letter Xat'sùll First Nation expressed concerns respecting potential impacts on Section 35 Rights related to dam safety risks, water quality degradation, groundwater and seepage pathways, acid rock drainage and Potentially Acid Generating (PAG) exposure, and long-term closure and post-closure uncertainty, emphasizing that these risks threaten lands, waters, and ecological systems relied upon for Xat'sùll First Nation's culture, lifeways, and ongoing exercise of Aboriginal rights. Xat'sùll First Nation highlights the ongoing and generational impacts of the 2014 Mount Polley TSF breach on its ability to practice fishing, hunting, gathering, cultural use, and stewardship, and states that the proposed raise would compound risk by increasing stored volumes of water, extending operational timelines, and carrying dam-related hazards into closure and post-closure periods.

6.1.3. The EAO's Assessment of Impacts on Section 35 Rights

The EAO acknowledges that First Nations have expressed they are experiencing impacts to their rights from the existing mine and that impacts would continue due to mine life expansion to 2033. The EAO acknowledges that the scope of the assessment, which is the impacts arising from the 987 m Raise, is different and narrower than the scope of impacts that First Nations have raised during the Consent for Material Alteration process.

With respect to the 987 m Raise, the EAO concludes that the 28.12 ha of new disturbance (previously undisturbed but within the Permitted Mine Area) may result in minor impacts on Xat'sùll First Nation's and Williams Lake First Nation's Section 35 Rights. This conclusion is informed by the EAO's assessment of impacts on Valued Components which determined there would be minor impacts on water quality and aquatic health and fish and fish habitat could therefore affect Xat'sùll First Nation's and Williams Lake First Nation's ability to harvest fish and other aquatic resources in Quesnel Lake and its tributaries. The 987 m Raise could also have minor effects on terrestrial resources due to direct and indirect habitat loss, which may affect wildlife and therefore impact Rights related to hunting and trapping and associated economic interests.

The EAO acknowledges that the 987 m Raise would increase stored volumes of water creating concern for Xat'sùll First Nation and Williams Lake First Nation related to the possibility of another dam breach, which could further affect fish, wildlife, and culturally important harvesting areas. The EAO understands these ongoing concerns have contributed to reduced confidence in the safety of traditional foods, diminished opportunities to practice cultural harvesting activities, and greater reliance on non-traditional foods within the impacted areas. The EAO considered the information submitted by MPMC and the reviews of that information by MCM who advised that engineering analyses of and sensitivity updates to existing breach assessments indicate that the 987 m Raise will not materially change breach consequences relative to previously approved configurations. The EAO further notes that dam safety is managed through conservative design consistent with the HSRC, oversight by the Engineer of Record and Independent Tailings Review Board, and regulatory review under the *Mines Act* as defined in the DRAFT permit conditions summarized in Section 4.4.3 of this Report. The *Mines Act* and *Environmental Management Act* permit requirements and regulations are designed to mitigate effects to water quality, aquatic resources, fish and terrestrial resources from the 987 m Raise, as described in Table 1 below, which are also relevant to addressing potential impacts on Section 35 Rights. While respecting the experiences and concerns of the First Nations about the dam safety, the EAO's assessment is that the 987 m Raise may

result in minor impacts to the Aboriginal Interests of Williams Lake First Nation and Xat'sull First Nation.

The EAO understands that any potential adverse impacts on Williams Lake First Nation's Section 35 Rights from the proposed 987 m Raise were discussed and reasonably addressed through ongoing permitting, compliance and direct engagement. Xat'sull First Nation's position is that the draft permit conditions largely reflect an "approve now, study later" approach that is not adequately protective of Xat'sull First Nations rights, culture, and way of life. The EAO understands that Xat'sull First Nation's remaining concerns outlined in their June 17, 2026 letter, June 18, 2026 supplementary technical comments, and comments on the draft M-200 permit conditions have been reviewed by MCM, responded to, and included in the consultation record provided to the statutory decision maker. The EAO understands that the MCM Major Mines Office has scheduled an issues resolution meeting with Xat'sull First Nation under Appendix D, s.5(7) of Xat'sull First Nation's Economic and Community Development Agreement to provide Xat'sull First Nation with an opportunity to meet with the Statutory Decision Maker and attempt to resolve outstanding issues. The development of amended *Mines Act* requirements and regulations included opportunities for the Nations to participate, including membership in the MRC and direct discussions with MCM regarding impacts and mitigations. The EAO also understands that Williams Lake First Nation and Xat'sull First Nation both signed an Economic and Community Development Agreement with the Province for Mt. Polley Mine in 2013, which provided the Nations with a share of the direct mineral tax revenue the Province receives from this mine, to support the enhancement of social, economic and cultural well-being of the First Nations' members, and is a component of any obligation the Province has to accommodate in relation to potential adverse impacts on their Section 35 Rights.

Overall, the EAO is satisfied that adverse impacts on the Nations' rights and interests have been avoided, minimized, or otherwise accommodated to an acceptable level through the EAO's Consent for Material Alteration process, the *Mines Act* and *Environmental Management Act* permitting conditions and the accommodation provided through the consultation processes outlined in the respective Economic and Community Development Agreement each First Nation has entered into with the Province.

6.2. Assessment of positive and negative effects

Section 25(2) of the Act requires the EAO to assess the positive and negative direct and indirect effects of the project, including environmental, economic, social, cultural and health effects and adverse cumulative effects. The EAO considered the positive and negative direct and indirect effects of the 987 m Raise, including effects on seven valued components and on cumulative effects. These are described in Table 1 below.

Table 1: Assessment of the Effects of the Proposed Material Alteration

Assessment Matters ⁴	MPMC’s Assessment	Key Concerns Raised	Mitigation and Follow-up	EAO’s Assessment of Effects
1. Air quality	MPMC states in their Assessment of Alterations that construction activities associated with the 987 m Raise (e.g., material handling, haulage, earthworks) may result in localized, temporary increases in fugitive dust within the immediate mine disturbance area and are not anticipated to significantly affect regional air quality, including the nearest community of Likely.	Air quality was not identified as a key issue for the 987 m Raise.	Existing legally-binding permit conditions are sufficient and no amendments to the permits are being recommended. Air quality will continue to be regulated under the <i>Environmental Management Act</i> Air Discharge Permit (currently being modernized with respect to fugitive dust in a separate process from the 987 m Raise), which governs exhaust emissions and requires fugitive dust suppression across the mine site. MPMC will continue to use mitigation measures such as water trucks, calcium chloride on roads, electric equipment, and a comprehensive Fugitive Dust Management Plan including continuous monitoring under the <i>Environmental Management Act</i> .	The EAO considered the proposed project changes, MPMC’s analysis and the existing mitigations under the <i>Environmental Management Act</i> permit and concludes that any negative changes to effects to the air quality VC would be minor and addressed under the <i>Mines Act / Environmental Management Act</i> permit requirements and regulations.
2. Water quality and Aquatic Health	MPMC states in their Assessment of Alterations that the proposed 987 m Raise is not anticipated to affect water quality or aquatic health. The mine operates under a long-term water management plan and an <i>Environmental Management Act</i> permit that authorizes discharge of treated effluent to Quesnel Lake until closure. Water treatment processes remain unchanged despite infrastructure	A key concern raised in the <i>Mines Act</i> Permit Amendment review relates to the limited characterization of water quality effects in the receiving environment, particularly downstream surface waters and groundwater-surface water interaction zones. While mine-site water management structures and treatment performance are described, both Xat’sùll First Nation and Williams Lake First	Existing legally-binding permit conditions are sufficient and no amendments to the permits are being recommended. MPMC will continue operating its active water treatment system to ensure all discharged water meets <i>Environmental Management Act</i> permit limits, with only treated water and non-contact water released to Quesnel Lake. MPMC’s Long-Term Water Management	The EAO considered the proposed project changes, MPMC’s analysis, the concerns raised by Xat’sùll First Nation and Williams Lake First Nation, and the existing mitigations under the <i>Environmental Management Act</i> permit. The EAO is satisfied that any changes to effects to the Water Quality VC would be minor and addressed under the <i>Mines Act</i> and

Assessment Matters ⁴	MPMC’s Assessment	Key Concerns Raised	Mitigation and Follow-up	EAO’s Assessment of Effects
	<p>realignment for the 987 m TSF raise. Historical monitoring and toxicity studies indicate no adverse effects on aquatic life under current operations, and future conditions are expected to remain consistent with these findings. Risks and uncertainties related to water quality are considered low, supported by ongoing monitoring programs and compliance with regulatory requirements.</p>	<p>Nation noted that water quality modelling and effects assessment do not sufficiently extend into the receiving environment, including Hazeltine Creek, Edney Creek, and ultimately Quesnel Lake. The concern relates to the transport of contaminants beyond the mine site, particularly under long-term operational and closure conditions.</p> <p>In response to the concerns raised during the <i>Mines Act</i> permit review, MPMC reiterated that existing treatment and discharge controls are designed to meet applicable objectives and clarified that additional receiving environment and groundwater modelling is required under existing <i>Environmental Management Act</i> permits. The remaining modelling will be completed under the existing <i>Environmental Management Act</i> permit requirements on specific timelines (groundwater was submitted May 2026 and receiving environment water quality modeling expected by June 30, 2026).</p>	<p>Plan addresses water quantity and quality through operations, closure, and post-closure, supported by ongoing effluent and receiving environment monitoring and adaptive management as per the <i>Environmental Management Act</i> and <i>Mines Act</i> permit requirements.</p>	<p><i>Environmental Management Act</i> permit requirements and regulations. The EAO also understands that ENV is satisfied with MPMC providing water quality modelling on specific timelines as per the existing <i>Environmental Management Act</i> permit requirements. Failure to meet permit conditions would be subject to compliance and enforcement measures.</p>

Assessment Matters ⁴	MPMC’s Assessment	Key Concerns Raised	Mitigation and Follow-up	EAO’s Assessment of Effects
<p>3. Fish and Fish Habitat</p>	<p>MPMC states in their Assessment of Alterations that the 987 m Raise will have limited impact on fish and fish habitat. The affected area, Upper Edney Creek, which would be impacted by the 987 m Raise due to change in base flow and adjacent construction activities, provides low-quality seasonal habitat with no observed fish presence. While this section contributes flow and nutrients to downstream fish-bearing areas, potential adverse effects, such as changes in hydrology, sediment, or nutrient levels, are considered negligible. Construction-related risks, including accidental spills and erosion, will be mitigated through site-specific Erosion and Sediment Control and Construction Environmental Management Plans. Overall, impacts on fish habitat are minor, and with mitigation measures and ongoing monitoring, risks and uncertainties are assessed as low.</p>	<p>As stated in section 4.2.1 of this report, Williams Lake First Nation expressed concern that the TSF Main Embankment extension could further affect Edney Creek tributaries and wetlands supporting downstream ecosystems (such as fish and fish habitat), noting that potential impacts to its interests remain unclear and requesting engagement with DFO to ensure those interests are considered. In response to Williams Lake First Nation’s concern, MPMC confirmed that both a <i>Water Sustainability Act</i> Section 11 application, as well as a DFO Request for Review are required before the 987 m Raise can proceed and regardless of DFO’s determination, MPMC will engage with Williams Lake First Nation on the issue throughout the permitting process.</p>	<p>Existing legally-binding permit conditions are sufficient and no amendments to the permits are being recommended. MPMC will implement site-specific Erosion and Sediment Control and Construction Environmental Management Plans based on government best practices as per the existing <i>Mines Act</i> permit. These plans will prevent sedimentation and manage potential spills during construction. Upper Edney Creek – Tributary 1, will be monitored, and any unavoidable impacts have been submitted for review under the DFO. Additionally, seepage water quality will continue to be monitored under the mine’s <i>Environmental Management Act</i> permit, and a reclamation plan will restore disturbed areas after construction.</p>	<p>The EAO considered the proposed project changes, MPMC’s analysis, the concerns raised by Williams Lake First Nation, and the existing mitigations under the <i>Environmental Management Act</i> permit and considers that any changes to effects to the Fish and Fish Habitat VC would be minor and addressed under the <i>Mines Act</i> and <i>Environmental Management Act</i> permit requirements and regulations. Failure to meet permit conditions would be subject to compliance and enforcement measures.</p>
<p>4. Terrestrial Resources</p>	<p>Vegetation effects associated with the 987 m Raise include the loss of approximately 6.4 ha of swamp wetland and 0.2 ha of fen wetland, along with additional wet forest and wetland–forest</p>	<p>First Nations identified concerns regarding caribou, wildlife habitat, vegetation, and reclamation outcomes. Key issues included the permanent loss and fragmentation of caribou habitat</p>	<p>MPMC’s Mitigation and management measures, including progressive reclamation, invasive species management, and wildlife monitoring, are expected to</p>	<p>The EAO considered the proposed project changes, MPMC’s analysis and the existing mitigations including the Wildlife Management Plan and the Caribou Mitigation and</p>

Assessment Matters ⁴	MPMC’s Assessment	Key Concerns Raised	Mitigation and Follow-up	EAO’s Assessment of Effects
	<p>mosaic areas.</p> <p>Wildlife effects are expected to arise primarily from habitat loss within the TSF expansion area and from indirect (sensory) disturbance associated with construction activity. Potential effects include displacement of wildlife from the immediate area, short-term avoidance behaviour due to noise and increased human presence, and an increased risk of accidental wildlife mortality associated with construction traffic.</p> <p>Overall, the assessment concludes that terrestrial effects related to the TSF raise to 987 m are limited to the immediate expansion area and are similar in nature to effects previously assessed for mine development at Mount Polley.</p>	<p>with project-specific commitments for habitat restoration and offsetting being deferred to future Reclamation and Closure Plan updates rather than addressed in the current <i>Mines Act</i> application. The Wildlife Management Plan was flagged as lacking species-specific direction for caribou, instead relying on future integration with the Caribou Mitigation and Monitoring Plan. Additional issues included uncertain effectiveness and enforceability of wildlife mitigation measures and permanent wetland loss without a defined offsetting strategy. Finally, reviewers emphasized that confidence in long-term revegetation success and wildlife habitat function is undermined by the absence of a closure design that reflects the 987 m Raise. Williams Lake First Nation noted that uncertainties remain regarding the ancillary Changes In and About a Stream authorization under the <i>Water Sustainability Act</i>, including wetland offsetting and associated monitoring requirements. These outstanding matters, along with the implementation of adaptive management, monitoring, and progressive reclamation measures, will be important for verifying the effectiveness of</p>	<p>mitigate these effects during construction, operations, and closure.</p>	<p>Monitoring Plan as required by the <i>Mines Act</i> permit and concludes that any negative changes to effects to the terrestrial resources VC would be minor and addressed under the <i>Mines Act</i> requirements and regulations.</p> <p>The EAO acknowledges that uncertainty remains regarding effects to wetlands as the overall approach to wetland loss (including reclamation vs. offsetting) is not yet clearly defined.</p> <p>The EAO notes that new permit conditions have been added to the <i>Mines Act</i> permit to strengthen wetland management by requiring baseline identification, incorporation of protection and mitigation in construction plans, habitat compensation for losses, wetland reclamation trials, and ongoing tracking and reporting through closure planning.</p> <p>Failure to meet permit conditions would be subject to compliance and enforcement measures.</p>

Assessment Matters ⁴	MPMC’s Assessment	Key Concerns Raised	Mitigation and Follow-up	EAO’s Assessment of Effects
		<p>mitigation measures and assessing resulting effects in areas affected by the TSF 987 m raise.</p> <p>MPMC stated that habitat restoration and offsetting details would be developed later through the Decision Support Tool process and future Reclamation and Closure Plan updates. For wildlife and vegetation protection, MPMC emphasized operational mitigation measures (e.g., pre-clearing surveys, salvage, buffers “where feasible”) to be implemented through construction and environmental management plans. Overall, MPMC maintained that long-term revegetation success and wildlife habitat outcomes would be addressed through closure design work scheduled for 2027, rather than resolved in the current application.</p>		
<p>5. Heritage Resources</p>	<p>MPMC states or concluded in their Assessment of Alterations that the proposed TSF raise to 987 m poses a low risk to heritage resources. Previous archaeological studies and recent field surveys, including a systematic archaeological impact assessment conducted in September and October 2025 under a <i>Heritage Conservation Act</i> permit, found no archaeological sites within the</p>	<p>Heritage resource concerns were raised primarily in relation to chance find procedures and Indigenous involvement in heritage management rather than direct physical impacts from the 987 m Raise. Xat’sùll First Nation and Williams Lake First Nation had concerns focused on ensuring that appropriate management frameworks are in place should previously unidentified heritage resources be encountered, and</p>	<p>Existing legally-binding permit conditions are sufficient, however an amendment to the Construction Environmental Management Plan condition has been made to remove the term “pre-disturbance” from references to archaeological surveys and assessments as requested by Williams Lake First Nation. Williams Lake First Nation stated in their comments to MCM on the draft <i>Mines Act</i></p>	<p>The EAO considered the proposed project changes, MPMC’s analysis and the existing mitigations under the <i>Heritage Conservation Act</i> permit and concludes that any negative changes to effects to the Heritage Resources VC would be negligible and addressed under the <i>Mines Act</i>, <i>Heritage Conservation Act</i> and <i>Environmental Management Act</i> permit</p>

Assessment Matters ⁴	MPMC’s Assessment	Key Concerns Raised	Mitigation and Follow-up	EAO’s Assessment of Effects
	<p>area affected by the TSF expansion. The project footprint was assessed as having low archaeological potential due to prior disturbance and site characteristics. As a result, no further archaeological work is recommended, and risks and uncertainties related to heritage resources are considered low.</p>	<p>that Indigenous Nations are meaningfully involved in heritage protection.</p>	<p>permit that the term is not defined and creates uncertainty regarding the application of the requirement across the project area. They further noted that archaeological resources may be present regardless of previous disturbance, and the requirement to review and assess existing archaeological information should apply.</p> <p>MPMC conducted an archaeological impact assessment under the <i>Heritage Conservation Act</i> permit before construction of the previous TSF raise. No archaeological sites were identified, but MPMC has committed to following regulatory requirements and implementing chance-find procedures during construction as per the <i>Heritage Conservation Act</i> and the existing <i>Mines Act</i> permit. This ensures that any previously unidentified heritage resources encountered will be protected and managed in accordance with provincial guidelines. MPMC stated that First Nations will be engaged consistent with existing agreements and consultation practices.</p>	<p>requirements and regulations. Failure to meet permit conditions would be subject to compliance and enforcement measures.</p>

Assessment Matters ⁴	MPMC’s Assessment	Key Concerns Raised	Mitigation and Follow-up	EAO’s Assessment of Effects
6. Socio-Economic	MPMC concluded in their Assessment of Alterations that the proposed 987 m Raise will have negligible socio-economic impacts. No material changes to workforce size, housing, infrastructure, or community services are anticipated, as the project occurs within the existing Permitted Mine Area and does not require additional employees beyond current operations. The mine already provides local employment (about 90% of workers are from nearby communities) and supports regional economic activity through procurement and tax contributions. Risks and uncertainties related to socio-economic factors are considered low.	Socio-Economics was not identified as a key issue for the 987 m Raise.	<p>No additional workforce or in-migration is anticipated, and existing policies on local hiring and procurement will continue to minimize socio-economic risks.</p> <p>There is a Participation Agreement in place between MPMC and Williams Lake First Nation. The EAO understands from Xat’sùll First Nation that Xat’sùll First Nation and MPMC have been in negotiations for several months at the time of writing of this report.</p>	The EAO considered the proposed project changes and MPMC’s analysis and concludes that changes to the socio-economic effects as a result of the 987 m Raise would be positive by extending the life of the mine and providing continued employment and regional economic development. Without the proposed 987 m Raise, available tailings storage capacity would be insufficient to continue operations, leading to mine closure. This outcome would have socioeconomic effects, including loss of local employment and reduced economic contribution to the surrounding communities.
7. Health	MPMC indicated in their Assessment of Alterations that the 987 m Raise is not expected to pose significant health risks. Current and future operations will continue to meet water quality standards, and no contaminants of concern have been identified in soil, sediment, or surface water. Fish tissue monitoring has shown metal concentrations comparable to reference conditions, and ongoing monitoring will ensure compliance with health	Health was not identified as a key issue for the 987 m Raise.	MPMC will continue compliance with water quality standards and maintain its active treatment system to prevent contaminants from entering the environment. Ongoing monitoring of soil, sediment, water, and fish tissue will ensure concentrations remain within health guidelines, with results reported annually. Adaptive management will address any issues identified through monitoring, and risk assessments will be updated as needed to confirm that health	The EAO considered the proposed project changes and MPMC’s analysis and concludes that any negative changes to human health as a result of the 987 m Raise would be minor.

Assessment Matters ⁴	MPMC’s Assessment	Key Concerns Raised	Mitigation and Follow-up	EAO’s Assessment of Effects
	<p>guidelines. Overall, risks and uncertainties related to human health are considered low.</p>		<p>risks remain low.</p>	
<p>8. Cumulative Effects</p>	<p>Mount Polley Mine is the only hard rock mine in operation in the Quesnel Lake watershed. The proposed Spanish Mountain project (located 6 km southeast of Likely, BC) has not completed regulatory approvals and is currently on hold; to EAO’s knowledge, decisions have not been made on water treatment or discharge plans for the Spanish Mountain project. There are some areas of placer mining in the Quesnel River watershed but the effects from those mines are not additive to those of the Mt. Polley Mine.</p> <p>Although concerns about cumulative effects have not been expressed by Williams Lake First Nation or Xat’sūll First Nation with respect to this application, MPMC acknowledges the cumulative effects of industrial development that have affected First Nations since colonization.</p>	<p>In Xat’sūll First Nation’s August 12, 2024, letter to the Minister of Mines and Low Carbon Innovation and the Minister of Environment and Climate Change Strategy Xat’sūll First Nation raised concerns about significant cumulative impacts resulting from the Mt. Polley Mine, other large scale mining operations, natural resource extraction activities, historical mining, and existing and proposed pipelines, which together are contributing to a patchwork of land alienation across their Territory.</p> <p>Both Xat’sūll First Nation and Williams Lake First Nation have also raised concerns about the 2014 TSF dam breach, which they noted, continue to contribute to cumulative impacts to water quality, fish and wildlife habitat, medicinal plant areas, and cultural heritage sites.</p> <p>ENV noted that guideline exceedances of metal concentrations in sediments, along with observed effects on aquatic organisms and the</p>	<p>Cumulative effects would be addressed by the <i>Mines Act/Environmental Management Act</i> permit requirements and regulations for water quality, as described above, and other applicable VCs.</p>	<p>The EAO considered Xat’sūll First Nation’s and Williams Lake First Nation’s views regarding the 2014 TSF dam breach’s contribution to cumulative impacts to water quality, fish and wildlife habitat, medicinal plant areas and cultural heritage sites. The EAO also considered the proposed project changes, the conclusions of minor potential residual effects across all VCs, the Comprehensive Environmental Monitoring Plan, and MPMC’s analysis and concludes that the 987 m Raise would not contribute significantly to negative cumulative effects in the area.</p>

Assessment Matters ⁴	MPMC's Assessment	Key Concerns Raised	Mitigation and Follow-up	EAO's Assessment of Effects
		benthic invertebrate community, have occurred in Quesnel Lake since the 2014 breach (i.e., breach-related material deposited at the bottom of the lake), but these are relatively stable and continued monitoring under the Comprehensive Environmental Monitoring Plan will support evaluation of potential ongoing or cumulative effects and allow for monitoring or management adjustments if needed.		

⁴ Effects described in s. 25(2)(a) as applicable to the Consent for Material Alteration Review of the 987 m Raise

6.3. Other Assessment Matters

Although Condition #2 of EAC-M96-07 does not prescribe the assessment of matters under Section 25(2) of the Act, the EAO has considered how the 987 m Raise could affect these matters. The EAO's assessments are described in Table 2 below.

Table 2. Applicability and Effects to Section 25(2)(b)-(k) Matters

Section 25(2) Matters	Assessment
Risks and uncertainties associated with the effects set out in s.25((2)(a)	The assessment concludes that risks and uncertainties associated with the proposed alterations, including interactions between effects, are low across all valued components with mitigation in place, except for terrestrial resources which have a moderate risk in the absence of clearly defined plans for wetlands reclamation or offsetting. Localized air quality effects are limited to temporary construction-related dust and are effectively managed through established controls and monitoring. Water quality, aquatic health, and fish and fish habitat risks are low, as only treated water meeting permit criteria will be discharged and direct impacts are confined to a small, non-fish-bearing, seasonally inundated headwater area. Terrestrial resource uncertainties relate to incremental, localized habitat and wetland loss and potential wildlife mortality, but effects are minor, within the permitted footprint, and addressed through progressive reclamation and adaptive management. Heritage resource risk is low, with no archaeological sites identified. Socio-economic, land use, and community wellbeing effects carry negligible uncertainty and are neutral to positive, while human health risks are considered low based on conservative assessments and ongoing monitoring. Although the consequence of a TSF failure would be high, the likelihood is considered very low due to conservative design, continuous risk assessment, and engineering controls, resulting in an overall low level of risk and uncertainty for all valued components.
Risks of malfunctions or accidents	MPMC stated in their assessment that the classification of risk under the Health, Safety and Reclamation Code was determined to be High, which informed the engineering design to ensure robust safety measures. The EAO understands that MPMC and the facility's Engineer of Record are required by the HSRC to annually review the TSF to identify and prevent potential problems. Each year, MPMC must work with their Engineer of Record to update a safety analysis that looks at what could go wrong and how likely those issues are. Based on this review, MCM can advise MPMC as per the HSRC to add specific design and operating measures to keep the TSF safe. MPMC also completed a separate technical review for the proposed 987 m Raise, which includes extra safety features. With these precautions and ongoing monitoring, the EAO is satisfied that TSF safety is effectively managed through stringent regulatory requirements and the risk of malfunctions or accidents is low.
Disproportionate effects on distinct human populations, including populations identified by gender	MPMC concluded that there are no anticipated negative interactions between the project changes and socio-economic conditions. The EAO is therefore satisfied that the 987 m Raise will not create disproportionate effects on distinct human populations, including those identified by gender.

Section 25(2) Matters	Assessment
Effects on biophysical factors that support ecosystem function	MPMC assessed how the 987 m Raise might affect the local ecosystem, including vegetation, wetlands, wildlife habitat, water quality, and soil stability. The expansion will remove about 6.6 hectares of wetlands and some mature forest, which play a role in water quality and nutrient cycling. There is also a risk of introducing invasive plants and losing wildlife habitat, as well as minor changes to hydrology and erosion potential. However, these impacts are considered small and manageable because the new disturbance is continuous to existing mine areas, so it will not fragment the ecosystem. To reduce effects, MPMC has implemented mitigation measures like progressive reclamation, invasive plant control, wildlife management plans, and erosion control. Overall, with these mitigation steps, the EAO is satisfied that the 987 m Raise is not expected to significantly affect ecosystem function. Details on assessments regarding air quality, water quality, fish and fish habitat, and terrestrial resources can be found in Table 1 of this Report.
Effects on current and future generations	MPMC assessed whether the 987 m Raise would affect opportunities, resources, or wellbeing for current and future generations. MPMC concluded that the changes will not cause any measurable differences in development options or access to resources. The 987 m Raise is not expected to create long-term negative impacts or inequities across generations. The EAO notes that without the proposed 987 m Raise, available tailings storage capacity would be insufficient to continue operations, leading to mine closure. This outcome would have socioeconomic effects on current and future generations, including loss of local employment and reduced economic contribution to the surrounding communities. The EAO is satisfied that no further impacts to current or future generations are anticipated due to the 987 m Raise.
Consistency with any land-use plan of the government or an Indigenous nation	MPMC reviewed whether the 987 m Raise would affect land use plans or access in the project area. The mine is located within the traditional territories of the T'exelc (Williams Lake First Nation) and Xat'sull First Nation. It falls under the T'exelc Land Code and the Cariboo-Chilcotin Regional Land Use Plan, which guide development and resource use in the region. Xat'sull First Nation does not currently have a Land Code or Land Use Plan. Given the proposed changes will occur within the existing Permitted Mine Area and are not expected to alter land use, availability, or access, the EAO is satisfied that the 987 m Raise is not expected to change land use, availability, or access.
Greenhouse gas emissions	MPMC evaluated the potential GHG emissions from the Springer Expansion Project, including the TSF raise to 987 m, and compared them to British Columbia's climate targets under the <i>Climate Change Accountability Act</i> . Two approaches were used: (1) an equipment-based forecast and (2) a calculation based on 2024 reported emissions. Estimated annual emissions range from about 43,000 to 84,000 tonnes of CO ₂ equivalent, representing less than 0.3% of provincial emissions, even under the most conservative scenario. The project's contribution to BC's 2030 reduction targets is therefore considered negligible. MPMC's assessment also reviewed mitigation measures using Best Available Technology and Best Environmental Practices. MPMC has commissioned an electric wire-rope shovel, a fleet management system has been purchased, currently uses renewable diesel (although it is in limited supply) and has commissioned the install of a solar array. Overall, the 987 m Raise is expected to have a very small impact on provincial GHG targets, and mitigation strategies will further reduce emissions.

Section 25(2) Matters	Assessment
Alternative means of carrying out the project	MPMC reviewed whether there were other technically and economically feasible ways to raise the TSF to meet the mine's life-of-mine requirements. Previous studies, including the TSF Life of Mine Feasibility Design and its 2022 update, evaluated alternative sites and tailings deposition technologies. After considering environmental, social, technical, and economic factors, continuing to use the existing TSF and raising it to 987 m was identified as the preferred option. This approach minimizes new land disturbance and leverages existing infrastructure, making it the most practical and least impactful alternative.
Potential changes to the project that may be caused by the environment	MPMC considered how environmental factors such as geology, seismic activity, water balance, and climate change could affect the proposed 987 m Raise. Subsurface drilling and testing has been conducted to understand foundation conditions, and seismic risk has been evaluated through modeling to ensure the dam design can withstand potential earthquakes. Climate change impacts, including extreme weather and water inflows, have been incorporated into the site's water balance model and design criteria. Additional measures, such as maintaining freeboard and using surplus water storage areas, are in place to manage these risks.

7.0 CONCLUSIONS AND RECOMMENDATION

The EAO notes that Williams Lake First Nation concluded that, while formal consensus was not declared, it was satisfied that the majority of Williams Lake First Nation's concerns had been reasonably addressed within the draft permitting framework.

In its June 17, 2026 email to the EAO, Xat'sull First Nation stated that the draft of this Report "accurately logged" Xat'sull First Nation's process and substance concerns for review by statutory decision-makers, however; Xat'sull First Nation was of the view that the Province should be aiming for more than logging concerns in a report to decision-makers. Although Xat'sull First Nation did not provide a specific view on the outcomes of consensus-seeking at the conclusion of the process, the EAO is aware of Xat'sull First Nation's ongoing concerns with the process for the Consent for Material Alteration Review for the 987 m Raise (and the TSF raise process that preceded it) as well as concerns regarding the impacts of these project changes on its Section 35 Rights. While the EAO is satisfied that it made reasonable efforts to seek consensus with Xat'sull First Nation through inviting comments on the proposed process, seeking review of documents that assessed effects of the project, offering meetings and sharing drafts of the EAO's draft report, consensus was not reached.

The EAO is satisfied that, through the permitting technical review and the Consent for Material Alteration Review:

- The effects of the proposed 987 m Raise on First Nations and their Section 35 Rights have been appropriately assessed and have been addressed to the satisfaction of the EAO;
- The review undertaken by the MRC and the permitting conditions applied by MCM to the issues raised was comprehensive, addressed technical issues raised by First Nations on permits, and did not result in gaps;
- The matters described in Section 25 of the Act have been considered and there would not be any significant changes in these as a result of the proposed 987 m Raise;
- Efforts to seek consensus on concerns that the First Nations raised with the proposed 987 m Raise and these conclusions were undertaken; and

- The EAO has fulfilled its constitutional obligations owed to First Nations relating to the Consent for Material Alteration Review for the proposed 987 m Raise.

Given that MCM conducted a comprehensive assessment of the potential effects and mitigation measures for the proposed 987 m Raise as part of the *Mines Act* permit amendment process, which included a thorough technical review and consultation with First Nations, that feedback from First Nations and technical advisors was integrated into the draft permit through technical discussions and permit conditions, and that the *Mines Act* permit is the most effective and appropriate regulatory avenue for mitigation of effects, **the EAO recommends the Ministers of MCM and ENV grant consent for the material alteration to the Development to include the proposed 987 m Raise.**