



Environmental  
Assessment Office

# EAO's Assessment of a Request for a Non-Material Amendment

*Brucejack Gold Mine Project*

*Environmental Assessment Certificate #M15-01*

**Requested by:**  
**Pretium Resources Inc.**

**August 22, 2019**

*Pursuant to Condition 7 in the main body of Certificate #M15-01 and section 19 of the Environmental Assessment Act, S.B.C. 2002, c.43*



## 1. OVERVIEW OF REQUEST

On March 26, 2015, Pretium Resources Inc. (Pretivm) was issued Environmental Assessment (EA) Certificate #M15-01 (Certificate) under the British Columbia *Environmental Assessment Act* (Act) and, on July 22, 2015, it was issued *Mines Act* Permit #M-243 for the Brucejack Gold Mine Project (Brucejack). Brucejack is an underground gold and silver mine located approximately 65 kilometers (km) northwest of Stewart. Brucejack falls within the asserted traditional territory of Tsetsaut/Skii km Lax Ha Nation (TSKLH). A portion of the access road is located within the asserted traditional territory of the Tahltan Nation, and the transmission line and the access road overlap the Nass Area as defined under the Nisga'a Final Agreement with Nisga'a Nation.

Since the issuance of the Certificate, Pretivm has identified a number of design changes resulting in variances between the Certified Project Description (CPD) and *Mines Act* and other permitted facilities, areas of disturbance and site layouts. These design changes have resulted in the following five Certificate amendments to date:

- Amendment #1 granted March 10, 2016, addressed the redesign of an existing non-potentially acid generating rock quarry and temporary storage of potentially acid generating (PAG) rock;
- Amendment #2 granted August 12, 2016, addressed a number of changes to infrastructure that had received applicable permits, and were in non-conformance with the Certificate, therefore requiring a Certificate amendment;
- Amendment #3 granted November 23, 2016, allowed the construction of two new aircraft obstruction beacons at Bowser Aerodrome;
- Amendment #4 granted March 31, 2017, allowed Pretivm to extend the storage of PAG rock at surface from six months to two years; and
- Amendment #5 granted November 15, 2018, allowed the melting of snow and withdrawing of water from Bruce Jack Lake to support a 41 percent increase to Pretivm's ore processing rate.

On June 17, 2019, Pretivm submitted a request to the Environmental Assessment Office (EAO), seeking a determination of whether the installation of additional avalanche control systems between kilometre 59 and 60 on the Brucejack Access Road to protect sections of the road that have been re-routed as a result of retreat of Knipple Glacier was not material in nature. The proposed change would involve the installation of 11 new avalanche towers to support avalanche prevention and safety maintenance along the Brucejack Access Road. Pretivm proposed to use the Wyssen avalanche system which involves mounting towers on small concrete foundations located in the avalanche start zone and controlling the explosive deployment process remotely.

The request submitted by Pretivm was in accordance with Condition 7 of the main Certificate body, which states that the Certificate Holder (Holder) may submit a written request to the

Executive Director of the EAO seeking a determination that proposed changes to the project described in the CPD are not material in nature. If the Executive Director determines that the proposed changes to the project are not material in nature, then the Executive Director may make a decision to amend the CPD pursuant to Section 19(3) of the Act. If the Executive Director determines that the proposed changes to the project are material in nature, then the Holder would need to apply to the Executive Director for an amendment pursuant to section 19(1) of the Act.

## 2. REVIEW PROCESS

Pretivm submitted its request for a non-material determination to the EAO on June 17, 2019. On July 3, 2019, the EAO forwarded Pretivm's request to TSKLH, Tahltan Nation and Nisga'a Lisims Government (NLG) (together, the Indigenous groups), notifying these Indigenous groups that the request had been received. The EAO also described the proposed review process and noted that the EAO would be reaching out to Indigenous groups for their views on the request and on the EAO's initial determination. TSKLH did respond with initial views, which are described in Section 4 of this Report.

The EAO then reviewed the information provided by Pretivm and considered the factors outlined in Condition 7(2) of the main Certificate body, which are outlined in Section 3 of this report, as well as the comments on potential impacts to wildlife provided by TSKLH. The EAO's initial view of the proposed changes was that it represented a change in licensing under the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) for the License of Occupation (LOO) SK920876 but did not represent a change in the Brucejack design certified under the Certificate and therefore did not require any approvals from the EAO. No further technical review of the avalanche towers was conducted by the EAO due to the limited nature of the proposed changes and the information provided by Pretivm.

The EAO provided this initial view as well as the supporting information supplied by Pretivm to the Indigenous Groups on July 24, 2019, with a request for comments on the EAO's initial assessment. Tahltan Nation indicated that after their review of the materials, they had no concerns with the direction proposed by the EAO. No responses to this request from TSKLH or NLG were received by the EAO.

## 3. CONSIDERATION OF CERTIFICATE BODY CONDITION 7(2) FACTORS

Under Condition 7(2) of the main Certificate body, the Executive Director may consider, among other things, seven factors in determining whether any proposed changes to Project activities proposed by the Holder are material in nature. The EAO's considerations of the seven factors presented in Condition 7(2) of the main Certificate body, with respect to the avalanche towers, are outlined below:

- a. *If the change request concerns the location of Project components, the proximity of the proposed location to the location referenced in Schedule A;*

The 11 new avalanche control towers would be located along a realigned section of the Brucejack Access Road, between kilometre 59 and 60, and would have a total disturbance area of 13.2 m<sup>2</sup>. The construction for the road realignment is occurring within the approved Special Use Permit area and as a result is not within the scope of this request. The new avalanche towers would form part of Pretivm's established avalanche management program to ensure staff safety during travel along the Brucejack Access Road;

- b. *The purpose of the proposed changes to Project Activities described in the change request;*

The proposed changes are required to ensure staff safety during travel along the Brucejack Access Road;

- c. *Whether the proposed activities were considered in any regulatory or approval process that concluded after the date of this Certificate;*

Pretivm has applied for an amendment to LOO SK920876 which was originally issued by FLNRORD in 2015 for the purpose of avalanche control. FLNRORD is actively reviewing this permit amendment request and is consulting with TSKLH and NLG on the proposed amendment. Pretivm remains responsible for ensuring they have the required permits for the proposed change. No changes to the *Mines Act* Permit M-243 obtained by Pretivm are expected to be required as part of the proposed change;

- d. *Whether or to what extent the proposed activities or similar activities were considered in the Application and assessment;*

The Brucejack CPD was updated in Amendment #2 to include a reference to remote avalanche control systems along the Brucejack Access Road in Section 1.2.2. The operation of remote avalanche control systems along the Brucejack Access Road were also considered in Pretivm's Application for an EA Certificate (Application) and during the EAO's review of the Application. Though the 11 new avalanche towers were not specifically considered during the EA, the impacts from avalanche control on the selected Valued Components were assessed as part of the EA, including potential impacts to wildlife. During review of Amendment Application #2, timing windows for activities related to the installation of avalanche control systems in Ungulate Winter Range were developed, and Pretivm stated that it will comply with these timing windows during the construction and operation of these avalanche towers;

- e. *Whether, after any consultation with Aboriginal Groups undertaken by the Holder or any further such consultation directed or undertaken by the Executive Director, the proposed activities may adversely affect Aboriginal Interests that were not:*

*(i) Considered in the Application and assessment, or*

*(ii) Considered in any regulatory or approval processes that concluded after the date of this Certificate;*

Consultation with TSKLH, Tahltan Nation and NLG regarding the proposed avalanche control towers was undertaken by Pretivm prior to submitting the Application to the EAO as well as during the review of Amendment #2. The EAO provided the Indigenous groups with its initial assessment that the changes would not be material in nature and the proposed potential changes to the CPD with an opportunity for Indigenous groups to provide views on the potential impacts to their Aboriginal Interests to the EAO for consideration. The EAO did not receive any comments from NLG regarding specific impacts to their Aboriginal Interests. Tahltan Nation indicated that after their review of the materials they had no concerns with the direction proposed by the EAO. TSKLH did raise general concerns about potential impacts to wildlife. The EAO does not predict any additional impacts to Aboriginal Interests from Pretivm's proposed change, as no additional impacts are expected to Valued Components as outlined in sub-section 'd' above. Consultation with Indigenous groups by FLNRORD on the LOO amendment Application will also include a consideration of potential impacts on Aboriginal Interests. See Section 4 of this report for additional information on the EAO's consultation with Indigenous groups.

*f. Whether and to what extent the conditions in this Certificate constitute practical means of preventing or reducing any potential adverse effects that will, or are reasonably likely to, result from the proposed activities.*

Conditions in Schedule B of the Certificate are applicable to preventing or reducing potential effects from the installation of the proposed new avalanche control towers. Potential effects to wildlife, including mountain goats, are managed under Certificate Schedule B Condition 14 which requires Pretivm to develop and implement a Wildlife Management Plan. Pretivm has also developed a specific Mountain Goat Management Plan as part of the Wildlife Management Plan, which is expected to prevent or reduce any adverse effects to mountain goat, while the Wildlife Management Plan is expected to prevent or reduce any adverse effects to other wildlife species. The nearest Ungulate Winter Range is located approximately 600 m from the proposed LOO expansion. Effects to archaeological sites are not expected due to the small footprint of the towers, and Certificate Schedule B Condition 1, which requires a Heritage Management Plan that includes a Chance Find Procedure to manage unexpected finds.

## 4. INDIGENOUS CONSULTATION

### CONSULTATION BY THE HOLDER

On June 12, 2019, Pretivm provided notification to Indigenous groups of their intent to seek a non-material assessment for the proposed changes. To date, Pretivm has not received comments in response to this notification. Pretivm also discussed the proposed changes with NLG and Tahltan Nation at a Brucejack Wildlife Committee Meeting on July 19, 2019. At the

meeting, NLG and Tahltan Nation asked questions about mountain goat use of the area and about Pretivm's monitoring for mountain goat. Pretivm confirmed that the only sightings have been in the spring after avalanche control activities had been completed, and that those sightings were to the south-east in the forested edge of the LOO between 58 km and 59 km on the Brucejack Access Road. The 11 proposed new avalanche towers would be located between 59 km and 60 km on the Brucejack Access Road. Pretivm will continue to host the Brucejack Wildlife Committee, to which Indigenous groups are invited and wildlife concerns are discussed.

### CONSULTATION BY THE EAO

The EAO notified Indigenous groups of the receipt of the request from Pretivm and noted that the EAO welcomed initial views from the Indigenous groups on Pretivm's request. The EAO received a response from TSKLH, who raised general concerns regarding the use of the area by wildlife, potential impacts to wildlife from the proposed change and stated that the duty to consult with TSKLH had not been met by the EAO. TSKLH also raised concerns about road safety and construction of the road re-alignment along this section of the Brucejack Access Road, which are outside the scope of this amendment related to new avalanche towers. The EAO attempted several times to speak with TSKLH to further explore TSKLH's concerns, but TSKLH did not respond to these requests. TSKLH did not respond to the EAO's request for comment on the EAO's initial assessment. No further information has been received from TSKLH.

The EAO provided an initial view on the non-materiality of Pretivm's proposed changes to TSKLH, Tahltan Nation and NLG on July 24, 2019 with a request to comment by August 7, 2019. Tahltan Nation indicated that after their review of the materials they had no concerns with the direction proposed by the EAO. No comments were received by the EAO from NLG or TSKLH in response to this request. Further consultation opportunities have also been made available to NLG and TSKLH through FLNRORD's LOO amendment process. FLNRORD has advised the EAO that NLG has raised concerns regarding grizzly bear dens, wolverine, mountain goat, and whether streams in the proposed LOO are fish-bearing and noted that these concerns will be considered as part of the LOO amendment process. FLNRORD did not consult with Tahltan Nation as part of their amendment process as it was determined, by FLNRORD, that the area being amended is outside of Tahltan Nation territory.

The EAO concludes that as the Wildlife Management Plan and Mountain Goat Management Plan contain measures to mitigate any potential impacts to wildlife from the proposed new avalanche control towers, impacts to asserted or established Aboriginal rights, including title and treaty rights (Aboriginal Interests) are not expected as part of the proposed change.

## 5. CONCLUSIONS

Based on:

- The information contained in Pretivm's request for changes to Schedule A (CPD) of Certificate #M15-01;
- The proposed changes to the CPD;
- Pretivm's and the EAO's efforts at consultation with Indigenous groups and Pretivm's commitment to ongoing consultation; and
- The EAO's consideration of the factors outlined in condition 7(2) of the main Certificate body.

The EAO is satisfied that:

- The addition of the proposed new avalanche towers to the CPD is not material in nature;
- This does not constitute a material change to the Certificate;
- Consultation with Indigenous groups and the distribution of information about the proposed changes to the CPD has been adequately carried out and that efforts to consult with Indigenous groups will be ongoing with FLNRORD;
- Practical means have been identified within the Application and associated documentation to prevent or reduce any potential adverse environmental, social, economic, heritage or health effects of the proposed changes to the CPD such that no material change to the conclusions on residual effects from the EA is predicted or expected;
- The potential for adverse effects on the Aboriginal Interests of Indigenous groups has been avoided, minimized or otherwise accommodated to an acceptable level; and
- The provincial Crown has fulfilled its obligations for consultation and accommodation to Indigenous groups relating to the issuance of an amendment to the Certificate.

The EAO recommends that the Certificate be amended under Section 19 of the Act to allow the requested changes to the CPD.