

## 2. Assessment Process

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Pretium Resources Inc. (Pretium or the Proponent) proposes to develop the Brucejack Gold Mine Project (the Project) as a 2,700 tonne per day (tpd) underground gold/silver mine in the Regional District of Kitimat-Stikine in northern British Columbia (BC). Pursuant to Section 3(1) of the Reviewable Projects Regulation (BC Reg. 370/2002), the proposed production capacity for the Project exceeds the criteria of 75,000 tonnes per annum (tpa) of mineral ore for a new mineral mine and will require a provincial environmental assessment (EA) under the BC *Environmental Assessment Act* (BC EAA; 2002a). Federally, the Project is considered a “designated project” under Section 16 (c) of the Regulations Designating Physical Activities (SOR/2012-147) as the production rate will exceed the threshold for a gold mine of 600 tpd. Designated projects are subject to the *Canadian Environmental Assessment Act, 2012* (CEAA 2012; 2012).

This chapter describes the assessment process relevant to the Project as prescribed by federal and provincial EA legislation and policy. The chapter is broken into sections that provide a detailed description of the following topics:

- provincial and federal EA requirements;
- the cooperative provincial and federal EA process;
- the Project scope per the provincial Section 11 Order and Environmental Impact Statement (EIS) Guidelines;
- provincial and federal permitting requirements;
- transboundary regulatory issues; and
- EA provisions of the *Nisga’a Final Agreement* (NFA; NLG, Province of BC, and Government of Canada 1998).

### 2.1 PROVINCIAL AND FEDERAL ENVIRONMENTAL ASSESSMENT REQUIREMENTS

#### 2.1.1 British Columbia Environmental Assessment Requirements

##### 2.1.1.1 British Columbia Environmental Assessment Act

The BC EAA (2002a) requires that certain large-scale project proposals undergo an EA and obtain an EA Certificate before they can proceed. Under the BC EAA, projects requiring an EA Certificate must prepare an Application for an EA Certificate that identifies and assesses any potential environmental, social, economic, health, and heritage effects that may result from the proposed project, and to mitigate adverse effects where possible. The BC EAA and accompanying regulations establish the framework for delivering EAs. Within this framework, the scope, procedures, and methods of the assessment are customized to the circumstances of each project. This approach allows each review to focus on relevant issues when determining whether or not the project should proceed (BC EAO 2003).

The decision to approve or reject a provincial EA for a mining project is made by the Minister of Energy and Mines and by the Minister of Environment. In making their ministerial referrals, the British Columbia Environmental Assessment Office (BC EAO) considers the information presented in the Application, along with any issues raised throughout the review process, to inform their conclusions regarding the potential for the Project to result in significant adverse effects. If the Project is allowed

to proceed, an EA Certificate is issued under Section 17 (3) of the BC EAA and is subject to compliance and reporting requirements. The Certificate describes the physical works of the Project (attached in Schedule A) and a Table of Conditions (Schedule B). The EA Certificate specifies a deadline by which the Project must have substantially commenced and is generally at least three years and not more than five years after the issue date of the Certificate (the holder of the certificate may apply to have the deadline extended). Once the Project has substantially started, the EA Certificate remains in effect for the life of the Project unless suspended or cancelled for breaches of the conditions. Proponents may apply to amend their EA Certificate as Project circumstances change.

The BC EAA is supported by five regulations. Four of these are described below: the Reviewable Projects Regulation (BC Reg. 370/2002), the Prescribed Time Limits Regulation (BC Reg. 372/2002), the Public Consultation Policy Regulation (BC Reg. 373/2002), and the Concurrent Approval Regulation (BC Reg. 371/2002). The Transition Regulation (BC Reg. 374/2002) applies to projects proposed on or before December 2002 and is not applicable to this Project.

#### *2.1.1.2 Reviewable Projects Regulation (BC Reg. 370/2002)*

Criteria for determining whether projects and activities like mining are subject to the BC EAA are laid out in the Reviewable Projects Regulation (BC Reg. 370/2002). The order issued under Section 10(1)(c) of the BC EAA on February 6, 2013 states the Project is reviewable pursuant to Part 3 of the Reviewable Projects Regulation (BC Reg. 370/2002) since the proposed Project would have a production capacity of greater than or equal to 75,000 tpa of mineral ore. The Section 10 Order also prohibits the Proponent from proceeding with the proposed Project without an assessment because the proposed Project may have the potential for significant adverse environmental, economic, social, heritage, and health effects.

#### *2.1.1.3 Prescribed Time Limits Regulation (BC Reg. 372/2002)*

The Prescribed Time Limits Regulation (BC Reg. 372/2002) establishes time limits at different stages of the assessment process. Section 2 prescribes a 30-day time limit for screening of the Application while Section 3(a) establishes a 180-day period to review the Application. There is also a 45-day time limit for making a decision after the Application has been referred to Ministers. This regulation also specifies time limits to provide information and conditions around suspending time limits.

#### *2.1.1.4 Public Consultation Policy Regulation (BC Reg. 373/2002)*

The Public Consultation Policy Regulation (BC Reg. 373/2002) applies to reviewable projects under the BC EAA where a Section 10 Order has been issued. The regulation requires proponents to undertake a public consultation program, as well as provide a summary and evaluation of public consultation activities during the pre-Application stage of the assessment process. The regulation also outlines the obligations of the Proponent and the executive director in providing adequate time for public consultation and review in accordance with the Prescribed Time Limits Regulation (BC Reg. 372/2002), as well as the need for a public comment period on the Application of between 30 and 75 days, as established by the executive director.

#### *2.1.1.5 Concurrent Approval Regulation (BC Reg. 371/2002)*

The Concurrent Approval Regulation (BC Reg. 371/2002) provides the mechanism for reviewable projects under the BC EAA to apply for concurrent review and approval of eligible provincial approvals needed to construct, operate, modify, dismantle, abandon, or otherwise undertake all or part of a reviewable project that is undergoing assessment.

The Proponent intends to apply for concurrent review of selected provincial approvals in accordance with the criteria and timeframes identified in the Concurrent Approval Regulation.

#### 2.1.1.6 Guidance Documents

This Application/EIS has been prepared by following the provincial guidance documents listed below:

- *Environmental Assessment Office User Guide* (BC EAO 2010a);
- *Guide to Involving Proponents when Consulting First Nations in the Environmental Assessment Process* (BC EAO 2013b);
- *Proponent Guide for Providing First Nation Consultation Information (Non-Treaty First Nation)*; BC EAO 2010b);
- *Proponent Guide for Providing First Nation Consultation Information (Treaty First Nation)*; BC EAO 2010c);
- *Guidelines for the Selection of Valued Components and Assessment of Potential Effects* (BC EAO 2013c);
- *Application Information Requirements Template* (BC EAO 2013a); and
- *Public Comment Policy* (BC EAO n.d.).

### 2.1.2 Canadian Environmental Assessment Requirements

#### 2.1.2.1 Canadian Environmental Assessment Act, 2012

The Project is subject to the CEAA 2012, under which two types of EAs may be required: a standard EA or a review panel. This Project is subject to a standard EA process.<sup>1</sup> Prohibitions under the CEAA prevent proponents from carrying out designated projects, in whole or in part, until an assessment is conducted if activities may cause environmental effects in areas of federal jurisdiction (e.g., fish and fish habitat, aquatic species as defined under the *Species at Risk Act* (2002c), migratory birds, or Aboriginal persons).

A 10-day period to determine the adequacy of the Project Description is prescribed, followed by a 45-day screening period to determine whether an assessment for the Project is required. If the Canadian Environmental Assessment Agency (CEA Agency) determines an assessment is required, a decision under Section 10(1) (b) is taken and a Notice of Environmental Assessment Determination is issued. Under Section 27(2) of the CEAA 2012, once it has been determined an EA is required and a Notice of Commencement is posted, a time limit of 365 days is established to make a decision on whether the Project should proceed and to issue an EA Decision Statement. The federal decision to approve or reject the EA for a major resource project is made by the Minister of the Environment. In making their ministerial referral, the CEA Agency considers the information presented in the EIS, along with any issues raised throughout the review process, to inform their conclusions regarding the potential for the Project to result in significant adverse environmental effects.

Proponents may only carry out Projects if they are in compliance with conditions contained in an EA Decision Statement, issued for a Project under Sub-section 31(1); decision statements are enforceable

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<sup>1</sup> The CEAA 2012 also contains substitution and/or equivalency provisions for projects subject to a standard EA process whereby if conditions contained in Section 34 are met, a provincial EA process can be substituted for the federal assessment process; the Brucejack Gold Mine Project is *not* subject to a substituted EA process.

and carry a maximum fine of up to \$400,000 per day for non-compliance. Federal authorities are also prohibited from exercising any power or performing any duty or function that could permit a designated project to be carried out in whole or in part unless the Decision Statement indicates the designated project is not likely to cause significant adverse environmental effects or that significant adverse environmental effects are justified in the circumstances.

The CEAA 2012 is further supported by the regulations, operational policy statements, and guidance documents described below. Cost Recovery Regulations are also in place under the CEAA 2012 but do not apply to projects undergoing a standard EA review process.

#### *2.1.2.2 Regulations Designating Physical Activities (SOR/2012-147)*

Federally, the Project is considered a “designated project” under Section 16 (c) of the Regulations Designating Physical Activities (SOR/2012-147), as the Project involves the construction, operation, decommissioning, and abandonment of a gold mine, other than a placer mine, with an ore production capacity of 600 tpd or more. Proponents that have Projects described in these regulations must submit a Project Description describing the Project’s components and physical activities to the CEA Agency. The CEA Agency then screens the Project Description to determine whether a federal assessment is required.

#### *2.1.2.3 Prescribed Information for the Description of a Designated Project Regulations (SOR/2012-148)*

This regulation specifies the information that is required in the Project Description to determine whether a federal EA is required. The Project Description for the Brucejack Gold Mine Project was accepted for screening by the CEA Agency on February 8, 2013.

#### *2.1.2.4 Policy Statements and Guidance Documents*

This Application/EIS has been prepared using the policy statements and guidance documents referenced and provided by the CEA Agency and other federal government agencies. Some of these documents provide guidance for the conduct of EAs subject to the former Canadian Environmental Assessment Act (1992) and have not been updated to reflect the CEAA 2012 provisions; they are included here for general reference purposes.

#### CEAA 2012

- *Considering Aboriginal Traditional Knowledge in Environmental Assessments Conducted under the Canadian Environmental Assessment Act, 2012 (CEA Agency 2013a).*
- *Operational Policy Statement: Addressing “Purpose of” and “Alternative Means” under the Canadian Environmental Assessment Act, 2012 (CEA Agency 2013b);*
- *Operational Policy Statement: Assessing Cumulative Environmental Effects under the Canadian Environmental Assessment Act, 2012 (CEA Agency 2013c); and*
- *Practitioners Glossary for the Environmental Assessment of Designated Projects under the Canadian Environmental Assessment Act, 2012 (CEA Agency 2013d).*

#### Former CEAA (1992; last amended in 2010)

- *Assessing Environmental Effects on Physical and Cultural resources under the Canadian Environmental Assessment Act, 1992 (CEA Agency 1996);*
- *Cumulative Effects Assessment Practitioners’ Guide (Hegmann et al. 1999);*

- *Determining Whether a Project is Likely to Cause Significant Adverse Environmental Effects* (CEA Agency 1994);
- *Operational Policy Statement: Adaptive Management Measures under the Canadian Environmental Assessment Act* (CEA Agency 2009);
- *Operational Policy Statement: Follow-up Programs under the Canadian Environmental Assessment Act* (CEA Agency 2011);
- *Public Participation Guide: A Guide for Meaningful Public Participation in Environmental Assessments under the Canadian Environmental Assessment Act* (CEA Agency 2008).

## 2.2 ENVIRONMENTAL ASSESSMENT PROCESS

The Project is subject to a coordinated<sup>2</sup> provincial-federal EA process conducted under the principles of the now expired Canada-British Columbia Agreement for Environmental Assessment Cooperation (the Agreement; CEA Agency 2004). The Agreement aligns key aspects of the assessment process to minimize duplication and improve efficiency (e.g., conducting joint public comment periods, coordinating Aboriginal consultation, using common documents that meet the requirements of both governments, and establishing common working groups to facilitate the review process). The provincial and federal phases of the EA process for the Brucejack Gold Mine Project are described below.

### 2.2.1 Provincial Environmental Assessment Process

The phases and steps of the provincial EA process are shown in Figure 2.2-1. The EA process is divided into three periods: the Pre-Application stage, an Application Review Stage, and the Decision.

Activities undertaken by the Proponent prior to the start of the EA (i.e., pre-EA activities) were initiated to prepare for the assessment process. This included conducting field and desk-based technical studies, and developing and implementing consultation and engagement programs with Aboriginal groups and the public.

#### 2.2.1.1 Pre-Application Stage

Pretivm entered the Pre-Application stage of the provincial process with the submission of a Project Description (Rescan 2013) in January 2013 to the BC EAO. Pretivm submitted a draft Project Description to the BC EAO on December 20, 2012 to support early feedback on provincial information requirements; the Project Description was subsequently updated and a revised submission was issued to the BC EAO on January 28, 2013.

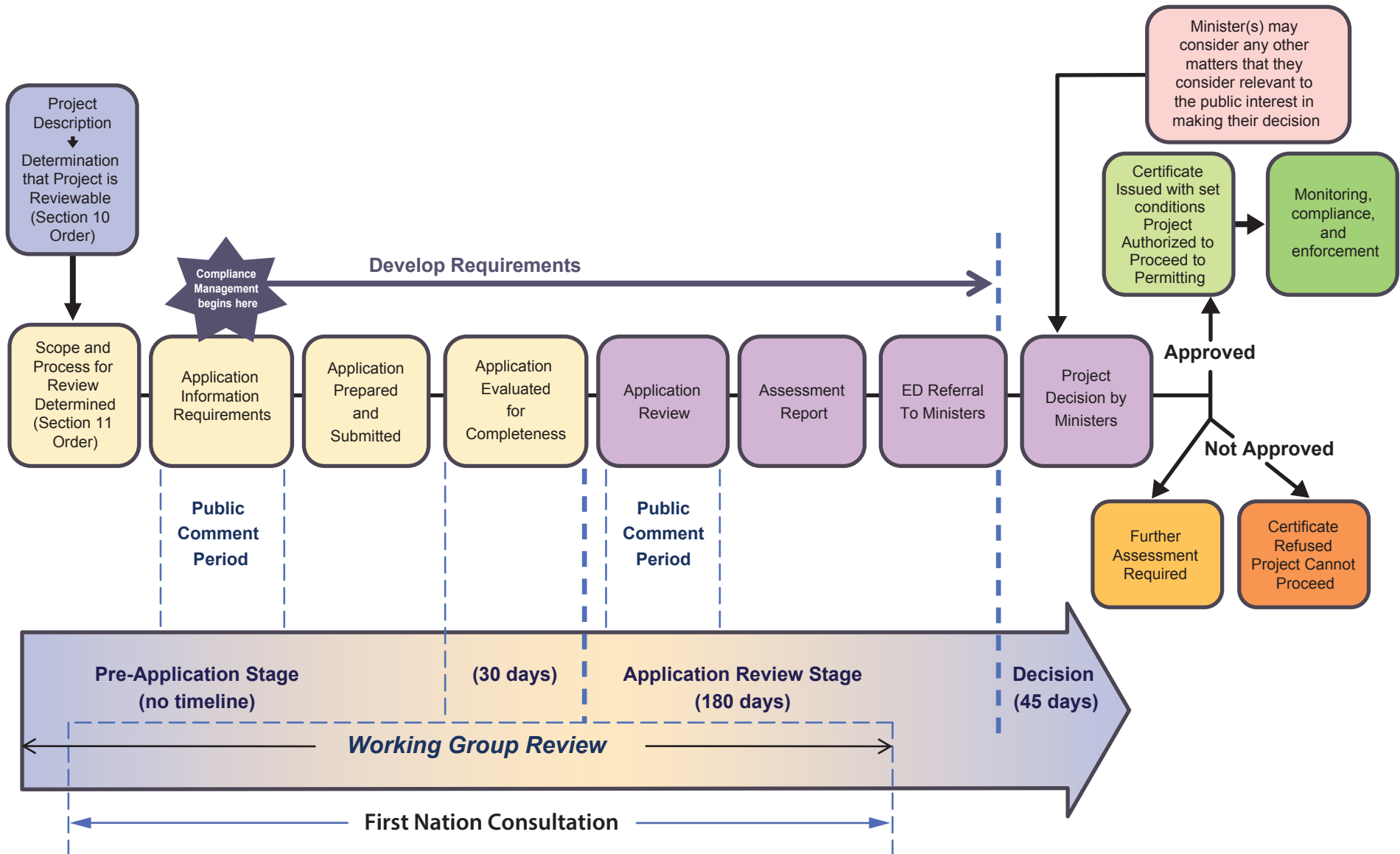
After reviewing the Project Description, an Order under Section 10(1)(c) of the BC EAA (2002a) was issued by the BC EAO on February 6, 2013 indicating the Project was reviewable. The Order stated that the Project required an EA Certificate and that the Proponent may not proceed with the Project without an assessment. On July 4, 2013 the BC EAO issued an Order pursuant to Section 11 of the BC EAA, which prescribed the scope, procedures, and methods to undertake the provincial EA, including public, government agency, Treaty Nations, and First Nations consultation requirements.

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<sup>2</sup> Under Section 18 of the CEAA 2012, the Minister of Environment must offer to consult and cooperate with respect to the environmental assessment of the designated project with any jurisdiction that has powers, duties or functions in relation to an assessment of the environmental effects of the designated project. Under Section 86 of the CEAA 2012, the Minister of the Environment can enter into agreements to promote cooperation and coordinated action between federal and provincial governments with respect to the assessment of the environmental effects of designated projects of common interest.

Figure 2.2-1

Provincial Environmental Assessment Process for the Brucejack Gold Mine Project



Source: BC EAO Website, 2010.

### Scope of Project

The scope of the Project defined in the Section 11 Order includes the following on-site and off-site components:

- underground mine and ancillary components and activities;
- mineral processing facility and ancillary components and activities;
- waste management and ancillary components and activities, including waste rock and tailings;
- water management and ancillary components and activities; and
- other infrastructure and ancillary components and activities, including modification or expansion of the existing exploration road from Highway 37 to the Brucejack Mine Site, transportation from Highway 37 to the Brucejack Mine Site, transmission line and power supply, camps and offices, truck shop, fuel storage, explosives, and concentrate storage.

### Application Information Requirements

In accordance with the EA process, the Proponent prepared draft Application Information Requirements (AIR) for the Project; the AIR (formerly referred to as a Terms of Reference) identifies the information required to be submitted in the Application. A first draft of the AIR was submitted to the BC EAO on May 31, 2013 and distributed to the EA Working Group for review. Comments were compiled into an issues-tracking table for response by Pretivm. Responses to issues raised and an updated draft AIR were re-submitted to the BC EAO.

The BC EAO initiated a 30-day public comment period on the AIR, held from November 13 until December 13, 2013 and public comments were posted to the BC EAO's e-PIC website. A summary of the issues raised during the review of the AIR are provided in Chapter 3, Information Distribution and Consultation, of the Application/EIS.

The final AIR was issued by BC EAO on May 2, 2014 (BC EAO 2014), following the feedback received from the EA working group, First Nations, and the public.

### Preparation of the Application

After receiving the final AIR (BC EAO 2014), an effects assessment was completed for each intermediate and receptor valued component to address requirements of the AIR and following the assessment methodology described in Chapter 6.

Public and Aboriginal consultation activities also continued during this period. An Aboriginal Consultation Plan and a Public Consultation Plan were submitted to the BC EAO for approval within 60 days of the issuance of the Section 11 Order. The Aboriginal Consultation Plan specified the Aboriginal groups that Pretivm planned to consult with and the BC EAO assessed the plan to determine the adequacy of the proposed consultation activities. Issues raised by Aboriginal groups relating to the EA were compiled into two summary reports provided to Aboriginal groups for initial review and comment on December 16, 2013 and April 17, 2014. This information is also summarized within Chapter 3 of the Application (Information Distribution and Consultation).

### Screening of the Application

After Pretivm submits the Application, a 30-day screening period (required by the BC EAA [2002a]) will be initiated (which may be extended at the discretion of the BC EAO or as requested by the proponent). A Table of Concordance submitted as part of the Application will be used by the EA Working Group to screen the Application against the AIR to determine whether the required

information has been adequately provided. If the BC EAO determines the Application to be insufficient, Pretivm will be required to address the information deficiencies. If the Application contains all of the required information, the BC EAO will notify Pretivm that the Application has been accepted for a formal, detailed review by the EA Working Group.

### 2.2.1.2 *Application Stage*

#### 180-Day Review of the Application

Under the BC EAA (2002a), if the Application is accepted for review by the BC EAO, a legislated 180-day review period commences. The proponent provides paper and electronic copies of the Application/EIS to the EA Working Group, Aboriginal groups, public libraries, and other stakeholders as directed by the BC EAO. The Application is also uploaded to the BC EAO's e-PIC website to support public consultation requirements.

During the review period, a public comment period on the Application will be held to provide the public with an opportunity to review and comment on the Application. Pretivm will compile, track, and respond to public comments using an issues-tracking table. Comments received during the public comment period will be posted to the BC EAO's e-PIC website. Pretivm will be required to submit a public consultation report within 30 days of the close of the Application comment period.

Working Group meetings will also be held throughout the 180-day period to discuss substantive technical issues and to provide advice to Pretivm. Working group members will submit technical written comments for response by Pretivm, which can take the form of technical memorandums, issues-tracking tables, and/or addendums to the Application. Pretivm will be invited to participate in, and present information at the Working Group technical sub-committee meetings.

Aboriginal consultation activities will continue throughout the review of the Application by both the provincial Crown and Pretivm. A consultation report summarizing the issues raised throughout the Application review stage by Aboriginal groups and how these have been resolved by Pretivm needs to be submitted to the BC EAO within 120 days of the commencement of the Application review stage.

Pursuant to Section 27(6) of the BC EAA (2002a), the BC EAO may suspend the 180-day review period if additional information is required from the proponent.

#### Assessment Report

During the latter half of the Application review stage, the BC EAO prepares an Assessment Report that summarizes the residual effects of the proposed Project, identifies proposed mitigation measures, evaluates the significance of residual, adverse effects, and summarizes all public concerns and how they have been addressed. A summary of all Aboriginal consultation issues that were raised during the EA process is also included, along with the identification of any unresolved technical or consultation issues. The assessment report contains recommendations for the relevant Ministers to consider when deciding if an EA Certificate should be granted.

The BC EAO will also request that Pretivm compile a Certified Project Description (CPD) and Table of Conditions (ToC) to support the EA Certificate. The CPD is a description of the physical works of the Project and describes how the Project must be constructed, operated, decommissioned, and reclaimed. Environmental management plans for key issues may also be contained within the CPD. The ToC identifies conditions that the Proponent must adhere to, in addition to identifying key mitigation measures and monitoring requirements that the Proponent must follow during different phases of the Project.



All of these reports are provided to the Working Group, Aboriginal groups, and to the Proponent for their review and comment prior to being finalized and referred to Ministers for a decision.

#### Minister's Decision

The BC EAO will compile a referral package for the Minister of the Environment and the Minister of Energy and Mines that includes the Assessment Report and a draft EA Certificate. The Ministers' decision is made within 45 days of a referral and is posted to the BC EAO's e-PIC website. Once issued, the EA Certificate is a legally binding document granting conditional approval for the Project to proceed.

### **2.2.2 Federal Standard Environmental Assessment Process**

While there are no prescribed phases of the standard EA process under the CEAA 2012, a description of important milestones is provided below.

#### Project Description

The federal EA process, presented in Figure 2.2-2, begins with the submission of a Project Description to the Responsible Authority (i.e., the CEA Agency). The Brucejack Gold Mine Project Description was submitted to the CEA Agency in January 2013 (Rescan 2013). As described above, the Project Description was screened and accepted for a 45-day review period by the CEA Agency for the purposes of determining whether a federal EA was required for the Project. A federal public comment period on the Project Description was held between February 8 to 29, 2013 to seek comments from the public on the Project and its potential effects on the environment.

During this period, the Project Description was circulated to other federal government agencies for review and input; these agencies were invited to join their counterparts to sit on the technical Working Group for the Brucejack Gold Mine Project.

#### Notice of Commencement

A Notice of Commencement (NoC) was issued by the CEA Agency on March 26, 2013 and posted to the Canadian Environmental Assessment Registry Internet Site (CEARIS) stating that a federal EA of the Project was required. The posting of the NoC initiated the beginning of a 365-calendar day, government time limit; the "clock" can only be stopped by the CEA Agency if it is deemed there is insufficient information available for the purpose of conducting the environmental assessment or preparing the report with respect to the environmental assessment of the designated project.

#### Environmental Impact Statement Guidelines

The CEA Agency issued draft EIS Guidelines for the Project on March 26, 2013, which was followed by a mandatory public comment period of 30 days, which ran from March 26 to April 25, 2013. The purpose of the EIS Guidelines is to identify the minimum information requirements for the preparation of an EIS in accordance with the CEAA 2012 and specifies the scope of the assessment and factors to be considered. Following the public review period, final EIS Guidelines for the Project were issued on May 24, 2013 (BC EAO 2013c). This EIS constitutes a submission in accordance with the federal EIS Guidelines for the project.

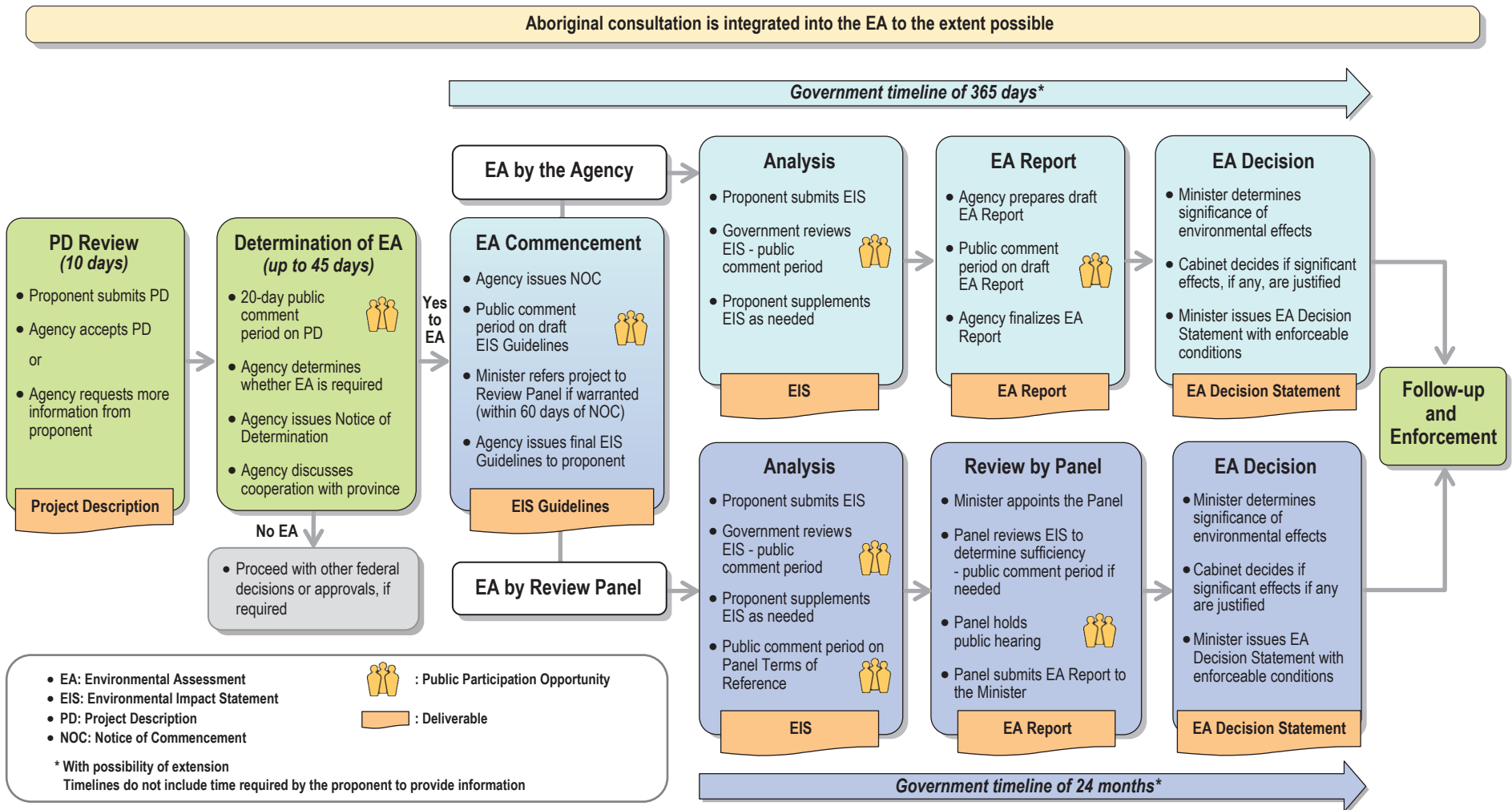
#### Scope of Project

As specified in Section 6.0 of the EIS Guidelines (BC EAO 2013c), the CEA Agency defines the scope of the Brucejack Gold Mine Project to be assessed as the construction, operation, and decommissioning of the following project components:

- mine portal;

Figure 2.2-2

The Standard Environmental Assessment Process under CEAA, 2012



Source: Canadian Environmental Assessment Agency.

- ventilation shafts;
- waste rock transfer pad;
- run-of-mine ore stockpile;
- ore conveyor;
- surface and underground crushers;
- mill/concentrator;
- backfill paste plant;
- tailings pipeline;
- subaqueous disposal of waste rock and tailings;
- backfill of waste rock and tailings underground;
- diversion channels;
- back-up power plant;
- transmission line and ancillary components;
- warehouse;
- truck shop;
- helicopter pad;
- sewage treatment plant and related activities (e.g., sludge disposal);
- water treatment plant;
- incinerator;
- electric induction furnace;
- landfill;
- mine site haul roads and activities related to transportation along access roads up to Highway 37;
- aerodrome;
- transfer station;
- fuel storage tanks;
- surface and underground explosives storage;
- up to a 550-person modular camp; and
- administration offices.

Since the issuance of the final EIS Guidelines (BC EAO 2013c), the proposed landfill has been removed from the Project design.

#### Participant Funding

Pursuant to Section 58(1) of the CEAA 2012, the CEA Agency must establish a participant funding program to facilitate the involvement of the public and to support consultation activities for potentially affected Aboriginal groups. Two funding envelopes are established: a Regular Funding Envelope to support members of the public and an Aboriginal Funding Envelope. The Regular Funding

Envelope is established to provide funding for individuals, Aboriginal groups, and incorporated not-for-profit organizations to participate in the EA review process. Funding from the Aboriginal Funding Envelope may be provided to Aboriginal groups whose rights may be potentially affected by the proposed project. Funds can be used to review key EA documents or to support their engagement in consultation activities. Parties applying to either funding envelope must meet certain eligibility criteria and must describe what the funding will be used for. An independent Funding Review Committee is established to assess funding applications and recommend funding allocations.

On June 6, 2013 the CEA Agency announced that funds were available under the Participant Funding Program for the Brucejack Gold Mine Project. Applications were open for a period of 30 days until July 6, 2013. On August 14, 2013 the CEA Agency announced an allocation of \$60,499.98 to enable two applicants to participate in the upcoming steps of the EA process, including review and comment on the EIS and the draft Environmental Assessment Report. The allocated funds are identified in Table 2.2-1.

**Table 2.2-1. Participant Funding Program Allocations**

Applicant	Allocation
Nisga'a Nation, as represented by the Nisga'a Lisims Government	\$49,999.98
Métis Nation British Columbia	\$10,500.00
<b>Total</b>	<b>\$60,499.98</b>

Environmental Impact Statement

After receiving the final EIS Guidelines, the Proponent prepares an EIS (referred to as the Application in the provincial process) that presents an assessment of potential effects, which is supported by field baseline studies and publically available information. Following analysis of the data results, mitigation measures that are required to avoid, reduce, control, or compensate for any adverse effects are identified; this can be an iterative process of applying mitigation, re-modelling, reviewing results, and adjusting the mitigation techniques. Environmental monitoring and management plans are developed to address adverse effects and are provided in the EIS.

Once the EIS is submitted, the CEA Agency and federal Working Group members may coordinate with the BC EAO to screen the EIS for conformity against the EIS Guidelines; however, the screening step is not a legislated requirement. Technical review comments on the EIS from the federal Working Group will be provided to Pretivm for response.

Public and Aboriginal consultation activities will continue during the review of the EIS and be supported by a third opportunity for the public to comment on the EIS.

Environmental Assessment Report

Like the provincial process, the CEA Agency prepares an assessment report that summarizes the key findings, mitigation, and consultation issues related to the EA process for the Project. The EA Report is subject to a fourth and final public comment period prior to being submitted to the federal Minister of the Environment for their review and decision.

Minister's Decision

After taking into consideration the EA Report, public comments, and the adequacy of consultation activities conducted with Aboriginal groups by the CEA Agency, the Minister of the Environment is required to issue an EA Decision Statement. Under Section 53(1) of the CEAA 2012, if the Minister finds that the Project is not likely to cause significant adverse effects, then, as required by Section 54(1),

the Minister will issue an EA Decision Statement that describes the mitigation and follow-up conditions that the Proponent must comply with.

The milestones that have been achieved through the EA process to date are summarized in Table 2.2-2.

**Table 2.2-2. Assessment Process Milestones for the Brucejack Gold Mine Project**

EA Process Milestones	Date
BC EAO receives Project Description	January 28, 2013
CEA Agency receives Project Description	January 28, 2013
BC EAO issues Section 10 Order	February 6, 2013
CEA Agency accepts Project Description for Review	February 8, 2013
CEA Agency posts Project Description for Public Comment	February 8, 2013
CEA Agency issues Notice of Determination	March 25, 2013
CEA Agency issues Notice of Commencement	March 26, 2013
CEA Agency posts draft EIS Guidelines for Public Comment	March 26, 2013
CEA Agency issues Final EIS Guidelines	May 24, 2013
BC EAO issues Section 11 Order	July 4, 2013
Joint Environmental Assessment Working Group Meeting and Site Tour	September 4 and 5, 2013
BC EAO posts draft AIR for Public Comment	November 5, 2013
Open House - Gitlaxt'aamiks (New Aiyansh), BC	November 25, 2013
Open House - Stewart, BC	November 26, 2013
Open House - Hazelton, BC	November 27, 2013
Open House - Dease Lake, BC	November 28, 2013
Open House - Iskut, BC	November 28, 2013
BC EAO issues approved AIR	May 2, 2014
Application submitted for Screening to the BC EAO	June 2014

### 2.2.3 Joint Environmental Assessment Working Group

The BC EAO and the CEA Agency established the EA Working Group and began to hold Project-related meetings on September 4, 2013. The purpose of the Working Group is to review and comment on key EA documents, including the AIR, the EIS Guidelines, the Application/EIS, and the BC EAO and CEA Agency assessment reports.

Typical membership of an EA Working Group includes representatives from all levels of government (federal, provincial, regional, and municipal), potentially affected Aboriginal groups, and other stakeholders as required. The members of the Brucejack Gold Mine Project Working Group are identified in Table 2.2-3.

**Table 2.2-3. Membership of the Brucejack Gold Mine Project Environmental Assessment Working Group**

Membership of the Brucejack Gold Mine Project Environmental Assessment Working Group	
Aboriginal Affairs and Northern Development Canada	Alaska Department of Natural Resources
BC Environmental Assessment Office	BC Ministry of Energy and Mines
BC Ministry of Environment	BC Ministry of Forests, Lands and Natural Resource Operations

(continued)

**Table 2.2-3. Membership of the Brucejack Gold Mine Project Environmental Assessment Working Group (completed)**

Membership of the Brucejack Gold Mine Project Environmental Assessment Working Group	
BC Ministry of Jobs, Tourism and Skills Training	BC Ministry of Transportation and Infrastructure
Canadian Environmental Assessment Agency	Environment Canada
Fisheries and Oceans Canada	Health Canada, BC Region
Natural Resources Canada	Nisga'a Lisims Government
Northern Health	Regional District of Kitimat-Stikine
Tahltan Central Council	Tahltan Heritage Resources Environmental Assessment Team
Transport Canada	Skii km Lax Ha (Represented by Big Sky Consulting)
US Environmental Protection Agency Region 10	United States Forest Service - Department of Agriculture

### 2.3 AUTHORIZATIONS

The Proponent is intending to pursue concurrent permitting under the Concurrent Approval Regulation (BC Reg. 371/2002) for key provincial authorizations that would enable construction of the transmission line component of the Project to begin as soon as possible following the issuance of an EA Certificate, as well as authorizations under the *Water Act* (1996h) related to mine site water management and under the *Mineral Tenure Act* (1996d) for a mining lease. The Proponent anticipates that the transmission line applications would include provincial authorizations such as a Licence of Occupation under the *Land Act* (1996c), an Occupant Licence to Cut under the *Forest Act* (1996a), and potable water authorizations under the *Drinking Water Protection Act* (2001) for the Knipple Transfer Area and Tide Staging Area camps. The specific list of permits that would be sought concurrently will be confirmed through with the Major Projects Office of the Government of BC, and representatives of the appropriate permitting authorities.

In addition to pursuing concurrent permitting of the above referenced authorizations, Pretivm will engage in the province’s coordinated authorizations process to apply for multiple project-specific authorizations required from the various natural resource agencies. The Proponent anticipates that this would include provincial authorizations under the *Mines Act* (1996e), the *Environmental Management Act* (2003), the *Water Act* (1996h), the *Land Act* (1996c), the *Mining Right of Way Act* (1996f), and the *Transportation Act* (2004a).

Table 2.3-1 below lists provincial authorizations potentially required for the various Brucejack Gold Mine Project components. The list is not intended to be exhaustive due to the complexity of government regulatory processes and the large number of minor permits, licences, approvals, consents and authorizations, and potential amendments that will be required throughout the life of the mine.

**Table 2.3-1. Potential Provincial Authorizations Required**

Permit Required	Enabling Legislation	Applicable Project Component
Occupant Licence to Cut	<i>Forest Act</i> (1996a)	Project areas requiring vegetation removal, including the transmission line ROW south of the Knipple Glacier, the Knipple Transfer Area and the Bowser Aerodrome

(continued)

Table 2.3-1. Potential Provincial Authorizations Required (continued)

Permit Required	Enabling Legislation	Applicable Project Component
Wildlife Salvage and Removal	<i>Wildlife Act</i> (1996j)	General mine site or access road, however need for this permit is unlikely as there is not currently expected to be a need for wildlife relocation
Licence of Occupation	<i>Land Act</i> (1996c)	Southern part of the transmission line, south of Bowser River
Waterworks Construction Permit	<i>Drinking Water Protection Act</i> (2001)	New potable water supply systems
Water System Operation Permit	<i>Drinking Water Protection Act</i> (2001)	New potable water supply systems
Sewage Registration Amendment	<i>Environmental Management Act</i> (2003) - Municipal Wastewater Regulation (BC Reg. 27/2012)	Brucejack Camp sewage treatment plant
Water License	<i>Water Act</i> (1996h) and <i>Water Protection Act</i> (1996i)	Infrastructure and facilities that store, use and/or divert surface water
Hazardous Waste Registration Amendment	Hazardous Waste Regulations (BC Reg. 63/88)	Amendment of existing registration to address additional wastes and/or changes in quantities
Air Emissions Discharge Permit	<i>Environmental Management Act</i> (2003)	Amend current permit for applicable air emissions at mine site area
Permit Approving Work System and Reclamation Program	<i>Mines Act</i> (1996e)	All areas within the <i>Mines Act</i> Permit area disturbed by mining unless exempted; includes mine site, quarry, access road, northern section of the transmission line, Knipple Transfer Area, Bowser Aerodrome
License of Occupation and Statutory Right-of-Way	<i>Land Act</i> (1996c)	Transmission line ROW south of the Bowser River
Mining Lease	<i>Mineral Tenure Act</i> (1996d)	General Project areas within which minerals/ aggregate will be produced
Explosives Storage and Use Permit	<i>Mines Act</i> (1996e)	Surface and underground explosive storage
Effluent discharge permit	<i>Environmental Management Act</i> (2003)	Mine water treatment plant and operations sewage treatment plant discharges, and tailings management
Fuel Storage Registration	<i>Environmental Management Act</i> (2003) - Petroleum Storage and Distribution Facilities Storm Water Regulation (BC Reg. 168/94)	Fuel storage with >100,000 L stored per location; includes mine site and Knipple Transfer Area
Section 14 Inspection Permit	<i>Heritage Conservation Act</i> (1996b)	Areas of archaeological importance; renewal when necessary
Temporary Use Permit	<i>Land Act</i> (1996c)	Pre-construction site investigations on transmission line sections off of Pretivm mineral claims, unless written permission is obtained from the tenure holder
Mining Right of Way Permit	<i>Mining Right of Way Act</i> (1996f)	Right of way access within Crown or private lands
Food Premises Permit	<i>Public Health Act</i> (2008) - Food Premises Regulation (BC Reg. 210/99) and <i>Drinking Water Protection Act</i> (2001)	On-site catering facilities; amendment for Project, new for Knipple Transfer Area

(continued)

**Table 2.3-1. Potential Provincial Authorizations Required under the Concurrent Permitting and Coordinated Authorizations Processes (completed)**

Permit Required	Enabling Legislation	Potentially Impacted Project Component
Filing of Certification Letter	<i>Public Health Act</i> (2008) - Sewage Disposal Regulation	Camps < 100 persons
Access Permit	<i>Transportation Act</i> (2004a) and <i>Motor Vehicle Act</i> (1996g)	Access road intersection with Highway 37; possible amendment of existing permit
Public Highway Permit	<i>Transportation Act</i> (2004a)	Access road intersection with Highway 37; highway signs
Approval or Notification of “changes in or about a stream”	<i>Water Act</i> (1996h) and Water Regulation (BC Reg. 204/88 )	Components that involve work in or about a stream and that are not already addressed via the <i>Mines Act</i> Permit
Burning Permit	<i>Wildfire Act</i> (2004b)	General
Groundwater well Registration	<i>Water Act</i> (1996h)	Groundwater wells
Special Waste Generator Permit	<i>Environmental Management Act</i> (2003) Municipal Wastewater Regulation (BC Reg. 27/2012)	Waste oils

### 2.3.1 Provincial Authorizations

#### 2.3.1.1 Concurrent Approvals Framework

The Concurrent Approval Regulation (BC Reg. 371/2002) sets out the provisions related to concurrent permit approvals. Statutory permit approval processes are normally more specific than those required for the EA level of review and, for example, may require detailed and possibly final engineering design information for certain permits.

Under the Concurrent Approval Regulation (BC Reg. 371/2002), an applicant must submit concurrent permit applications within seven days of notification of the acceptance of the EA Application for review by the BC EAO. The provincial ministry responsible for the permit must identify any additional information required for the permit(s) within 75 days of the notification of acceptance of the Application. The ministry responsible for the permit must make a decision to issue, reject, or postpone the decision, within 60 days of the EA Certificate being issued. To be eligible for concurrent review, “the approval must be required to construct, operate, modify, dismantle, abandon, or otherwise undertake part or all of the reviewable project” that is the subject of the EA. Any such authorization is eligible for concurrent review except a Certificate of Public Convenience and Necessity under the *Utilities Commission Act* (1996j).

Pretivm is proposing to apply under the Concurrent Approval Regulation (BC Reg. 371/2002) for authorizations required to construct the portion of the 55-km long power transmission line extending generally southward from the Bowser River crossing, to connect with the provincial grid at the Long Lake Hydro Project near Stewart. Pretivm is also proposing to apply concurrently for Mining Leases and Water Licences required at the Brucejack Mine Site, and for potable water related authorizations for the Knipple Transfer Area and Tide Staging Area camps.

#### 2.3.1.2 Coordinated Authorization Framework

In 2011, under a Memorandum of Understanding between the BC Ministry of Energy and Mines (BC MEM) and the BC Ministry of Forests, Lands and Natural Resource Operations (BC MFLNRO), which was amended in 2012 and again in 2013, it was agreed that, once a major mine project advanced to a stage



where multiple authorizations were required, the Chief Inspector of Mines could establish a project-specific Mine Review Committee (MRC) to coordinate and review the applications and provide advice to statutory decision makers. As well, the Chief Inspector of Mines could request that the BC MFLNRO chair the committee and lead First Nations consultations on behalf of the BC MEM. Once a project-specific MRC is established, MFLNRO assigns a project manager to manage the review process and a consultation advisor to lead First Nations consultations.

Under the Memorandum of Understanding, the coordinated authorizations process is defined as a process initiated by the MRC aimed at harmonizing First Nations consultation and coordinating the review of multiple authorizations that may be required from the various natural resource agencies for new or expanding major mines. The coordinated authorization process is meant to improve consistency, and eliminate overlap and duplication in process and information requirements by the various natural resource agencies. The MRC is strictly an advisory committee, and the Statutory Decision Makers maintain responsibility for their respective individual permitting decisions (BC MFLNRO 2013).

Pretium will engage in the coordinated authorizations process to apply for most of the provincial authorizations required to progress the Project, including authorizations under the *Mines Act* (1996e) and the *Environmental Management Act* (2003). The Proponent anticipates that this will be carried out in phases, with specific applications for permits, licences, and other authorizations being effectively bundled together to allow for a coordinated review by the various natural resource agencies involved.

### 2.3.2 Federal Authorizations

Table 2.3-2 presents a list of federal authorizations that are anticipated to be required to develop the Project. Other federal legislation—*Species at Risk Act* (2002b), *Migratory Birds Convention Act, 1994* (1994)—and the Metal Mining Effluent Regulation (SOR/2002-222), may be relevant in terms of evaluating, managing, monitoring, and reporting on environmental effects of the Project, but there are no specific permitting requirements. As there are no crossings with the potential to cause serious harm to fish or fish habitat as a result of the Brucejack Gold Mine Project, no *Fisheries Act* (1985b) authorizations are anticipated. There are no anticipated authorizations required under the *Navigation Protection Act* (NPA; 1985d) as no effects on listed waterbodies are anticipated, and the Proponent is not opting-in under the NPA. It is assumed that Brucejack Lake will be considered non-navigable and an exemption under Section 23 of the NPA will not be required for the deposition of tailings into Brucejack Lake. Construction at stream crossings along the access route has already been addressed under an existing *Mines Act* (1996e) permit and NPA authorizations. It is also expected that the Project will not trigger the flow thresholds identified in Section 3(1)(a) and 3(1)(b) of the International River Improvement Regulation (CRC, c 982) and that the Project will be exempted from obtaining an authorization. Other permits under the *Explosives Act* (1985a), *Radiocommunication Act* (1985e), and *Nuclear Safety and Control Act* (1997) are required and are listed in Table 2.3-2.

**Table 2.3-2. Anticipated Federal Authorization Requirements**

Federal Authorizations	Legislation/Regulations	Project Component
Emergency Response Assistance Plan	<i>Transportation of Dangerous Goods Act</i> (1996j)	Transport of dangerous goods to and from the site
Environmental Assessment Decision Statement	<i>Canadian Environmental Assessment Act</i> (1992)	Designated physical activities and project components
Explosives Magazine Licence	<i>Explosives Act</i> (1985a)	Storage of pre-packaged explosives
Radio Licences	<i>Radiocommunication Act</i> (1985e)	On-site radio communication system
Radioisotope Licence (Nuclear Density Gauges/X-ray analyzer)	<i>Nuclear Safety and Control Act</i> (1997)	Flow meters (i.e., within discharge pipes)

## 2.4 TRANSBOUNDARY EFFECTS

Section 2 of the *International River Improvement Act* (IRIA; 1985c) defines “international river improvement” as a dam, obstruction, canal, reservoir, or other work with the purpose or effect which is:

- to increase, decrease, or alter the natural flow of an international river; and
- to interfere with, alter, or affect the actual or potential use of the international river outside Canada.

Sections 3(1) (a) and 3(1) (b) of the IRIA’s International Rivers Improvement Regulations (CRC, c 982) allow for the two following exemptions from the IRIA: if the improvement has an effect of less than 3 cm or 0.3 m<sup>3</sup>/s on the flow of water at the Canadian boundary; or if the improvement is temporary in nature, to be operated for a period not exceeding two years. The Brucejack Mine Site will be located immediately adjacent to Brucejack Lake. Brucejack Lake and Brucejack Creek will be the receiving environment of Project discharges. Brucejack Creek drains to the Unuk River, which crosses the Canadian/United States (US) border approximately 45 km downstream of the Project. Brucejack Lake has a watershed area of 10.1 km<sup>2</sup>. At the Canadian/US border, the Unuk River has a watershed area of 1,480 km<sup>2</sup>.

While it is probable that the Project will be exempted under the IRIA, as the two flow change thresholds are unlikely to be met, improvements under the IRIA in association with the proposed Project will include:

- tailings pipeline (including lake water recirculation when not in use);
- non-contact water diversion ditches;
- contact water drainage ditches;
- effluent discharge from a mine water treatment plant and sewage treatment plant;
- stream crossing across Brucejack Creek (clear-span, built to 100-year flood level);
- deposition of waste rock and tailings into Brucejack Lake; and
- a weir at the lake outlet to support accurate discharge measurement (not intended for lake storage).

Approvals from federal Canadian and US customs authorities may be required should the Project transport materials across the border. Pretivm has included Alaskan and federal US officials in discussions regarding Project development, including a meeting on April 5, 2013. The BC EAO and CEA Agency have also communicated with Alaska and US federal officials regarding participation in the EA Working Group. It is expected that Alaska and US federal officials will review and comment on this Application/EIS and that their comments will be considered by both the BC EAO and CEA Agency when making their recommendations to their respective ministers on a final decision regarding whether to issue an EA approval for the Project. No issues have been raised by US government agencies to date.

## 2.5 REGIONAL STUDIES

There are no regional studies in the vicinity of the Project as contemplated under s. 73 and s. 74 of the CEAA 2012.

## 2.6 NISGA'A FINAL AGREEMENT

The NFA is a treaty that was signed between Nisga'a Nation, the Government of Canada, and the Government of British Columbia in 1998 (NLG, Province of BC, and Government of Canada 1998). The NFA came into effect in 1999 under the BC *Nisga'a Final Agreement Act* (2000) and in May of 2000 under the federal *Constitution Act* (1982); these statutes set out Nisga'a rights over approximately 27,000 km<sup>2</sup> of land in the Nass River system and surrounding drainages (see Chapter 27, Assessment of Nisga'a Nation Treaty Rights, Interests, and Information Requirements).

The NFA establishes three categories of lands with different specified Nisga'a interests: Nisga'a Lands (approximately 2,000 km<sup>2</sup>), the Nass Wildlife Area (NWA; more than 16,000 km<sup>2</sup>), and the Nass Area (approximately 27,000 km<sup>2</sup>, incorporating Nisga'a Lands and the NWA within it). The NFA affords title to Nisga'a Nation within Nisga'a Lands and defines the rights of Nisga'a Nation to self-government and law-making authority in this area. The NFA also specifies Nisga'a Nation rights to access and make use of natural resources in the NWA and the Nass Area (NLG, Province of BC, and Government of Canada 1998). The NFA makes explicit provision for Nisga'a participation in federal or provincial EAs of projects sited anywhere within the outer Nass Area boundary.

Nisga'a Lisims Government's (NLG's) Nass Area Strategy Working Group (NASWG) is responsible for the NLG's involvement in the federal and provincial EA process for Projects that may impact Nisga'a Lands or Nisga'a interests (NLG 2013). All activity on Nisga'a Lands, be it public or commercial in nature, must be in accordance with laws and regulations of NLG as they pertain to the NFA. The provincial and federal governments engage the NASWG in the assessment of mineral exploration projects, environmental permits, the EA process, and where necessary, NLG hires independent technical experts to review proponent submissions. The cost for the technical consultants is normally negotiated through capacity funding agreements with the proponent.

Pretium has been engaged in consultation with NLG regarding the Project since November 2011 when they first met with Nass Area Enterprises, which is a commercial entity established by the NLG to advance Nisga'a Nation interests in the Nass Area. The NASWG is also a member of the EA Working Group.

Chapter 10 of the NFA ("Environmental Protection and Assessment"), paragraphs 6 to 10, provide for meaningful Nisga'a participation in the EA through effective coordination, timely notice and provision of information, studies to Nisga'a Nation, and a clear focus on assessment of potential adverse Project effects on residents of Nisga'a Lands, Nisga'a Lands themselves, or more generally, on Nisga'a interests as set out in the NFA. Paragraph 8(e) of the NFA requires that any EA subject to the NFA assesses whether the Project can reasonably be expected to have adverse environmental effects on residents of Nisga'a Lands, or Nisga'a interests set out in the NFA, and where appropriate to make recommendations to prevent or mitigate those effects. Paragraph 8(f) of the NFA requires an assessment of the effects of the Project on the existing and future economic, social, and cultural well-being of Nisga'a citizens who may be affected by the Project. In addition to taking EA decisions under their respective acts, both provincial and federal governments will make separate recommendations with respect to whether 8(e) and 8(f) requirements of the NFA have been met by the Proponent with respect to the Project (NLG, Province of BC, and Government of Canada 1998).

Pretium has completed an Economic, Social, and Cultural Impact Assessment in accordance with paragraph 8(f) of the NFA under a separate cover from this Application/EIS. Information and conclusions from the Nisga'a Economic, Social, and Cultural Impact Assessment have been used to inform this Application/EIS, specifically Chapter 27, Assessment of Nisga'a Nation Treaty Rights, Interests, and Information Requirements.

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