File: ENVA-30200-20/BERMIN-05-02

Reference: 423201

September 11, 2026

SENT VIA EMAIL

Terence Hubbard
President
Impact Assessment Agency of Canada
22 Floor, Place Bell
160 Elgin Street
Ottawa ON K1A 0H3
Terence.Hubbard@iaac-aeic.gc.ca

Dear Terence Hubbard:

I am writing to request substitution pursuant to the *Impact Assessment Act* (IAA) and in accordance with the Impact Assessment Cooperation Agreement Between Canada and British Columbia (B.C.) (the Cooperation Agreement) for the proposed Berg Copper Project (the Project).

On September 9, 2026, I, as the Environmental Assessment Office's (EAO) Chief Executive Assessment Officer, received the Initial Project Description for the Project. Surge Copper Corp. proposes the construction, operation, and decommissioning of a new open-pit copper-molybdenum mine located approximately 80 kilometres southwest of Houston, B.C. The Project has been designed with a production capacity of 120,000 tonnes of ore per day, equivalent to approximately 43 million tonnes per year, over a 28-year operational mine life. The Project meets the thresholds for a reviewable project requiring an environmental assessment (EA) under the *Environmental Assessment Act* (2018) (the Act) *Reviewable Projects Regulation*, as its proposed production capacity exceeds the thresholds for the construction of a new mine facility that, during operations, will have a production capacity of ≥ 75,000 tonnes per year of mineral ore.

…2

I understand that the Impact Assessment Agency of Canada (IAAC) also received an Initial Project Description for the Project on September 9, 2026, and that the Project is expected to meet the definition of a designated project under the IAA's *Physical Activities Regulations* as its proposed production capacity exceeds the thresholds for the construction of a new mine facility that, during operations, will have a production capacity of ≥ 5,000 tonnes per day of mineral ore.

Coordination with IAAC

I understand that the EAO and IAAC intend to jointly reach out to First Nations and conduct a joint public comment period shortly.

In accordance with the Cooperation Agreement, I am submitting this request for substitution at this time to allow IAAC to consult the public and Indigenous peoples on the substitution request as part of the planned comment period. I understand that later in the planning phase, IAAC will decide whether an impact assessment is required, and following that, the federal Minister of the Environment, Climate Change and Nature (the Minister) will respond to this request for substitution.

As per the Cooperation Agreement and the March 2025 Commitment Statement - British Columbia - Canada Coordination on Permitting for Critical Mineral Projects, the EAO has been working closely with IAAC on a joint process for the EAO's Early Engagement and IAAC's Planning phase to enable coordinated engagement, facilitate a common process and issue joint documents where possible. The EAO is committed to this cooperative approach throughout the review of the Project.

If substitution is approved by the Minister, the EAO commits to meet the legislative requirements of both Canada and B.C. and fulfil the conditions for substitution under the IAA set out in Section 7 of the Cooperation Agreement and any conditions the Minister may establish. The EAO will take into account the factors set out under the subsection 22(1) of the IAA and fully assess the effects to areas of federal jurisdiction as defined in Section 2 of that Act, when conducting the assessment and providing an Assessment Report with the findings and conclusions to the Minister.

During the assessment, the EAO would seek, manage, and rely on the advice of members of the Technical Advisory Committee, including representatives from federal authorities, in establishing information requirements for the assessment, assessing the potential effects of the Project and assessing the adequacy of any proposed mitigation measures.

…3

Conclusion and Next Steps

In accordance with the provisions of the IAA and the Cooperation Agreement, B.C. requests that the Minister approve the substitution of B.C.'s assessment process for the Project, should an impact assessment be required under the IAA.

Additionally, if the Minister approves the substitution request, consultation with Indigenous peoples, federal authorities, and engagement with the public will be carried out by the EAO in accordance with the Cooperation Agreement and the Act. The EAO will work with IAAC to coordinate correspondence with Indigenous peoples. The EAO will also work with IAAC on the preparation of a permitting plan, including federal requirements, for the Project.

I look forward to hearing from you as soon as possible regarding the Minister's decision on this request for substitution.

Sincerely,

<Original signed by>

Danielle Smyth
Acting Chief Executive Assessment Officer and Associate Deputy Minister

cc: Byron Vallis, Project Manager
Impact Assessment Agency of Canada
Byron.Vallis@iaac-aeic.gc.ca

Tracy James, Executive Project Director
Environmental Assessment Office
Tracy.James@gov.bc.ca

Chelsea Garside, Acting Project Assessment Director
Environmental Assessment Office
Chelsea.Garside@gov.bc.ca