

July 30, 2018

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The Honourable George Heyman
Minister of Environment and Climate Change Strategy
Room 112 Parliament Buildings
Victoria, BC V8V 1X4

Minister Heyman:

Re: Mining Association of British Columbia Comments on the EA Revitalization Discussion Paper

The Mining Association of British Columbia (MABC) supports the Government of British Columbia's objectives of increasing the public's understanding and confidence in how decisions about resource development are made in British Columbia, of working in partnership with Indigenous peoples to advance reconciliation, and of supporting sustainable investment, job creation and economic growth for British Columbians throughout the Province. The Environmental Assessment Revitalization should build upon the features of British Columbia's existing process that is widely esteemed for its rigorous, transparent, inclusive, timebound and measured evaluation which enables beneficial projects to proceed.

MABC is the voice of mining in British Columbia, representing operating metallurgical coal, metal and industrial mineral producers, as well as smelting operations and advanced development companies in the province. Our mandate is to encourage the safe, responsible development and operation of mining and related facilities across B.C. As Canada's largest producer of copper and steelmaking coal, British Columbia is an essential component of Canada's commitment to a lower carbon future. Additionally, British Columbia's mining companies are among the lowest GHG emission-intensive in the world.

MABC's members include some of this province's most iconic operating companies who directly employ thousands of British Columbians and indirectly support thousands of supplier and support jobs in every region of the province. In 2017, the mining industry contributed \$11.7 billion to British Columbia's economy and \$859 million in payments to government. Mining is the largest private sector employer of Indigenous people in Canada, and a major partner to Indigenous businesses. Indigenous peoples also share in the benefits of mining through innovative Impact Benefit Agreements that our member companies enter into directly with Indigenous nations. Many Indigenous nations in British Columbia also share directly in mineral tax revenue from mines operating within their traditional territories, a policy that is both unique to mining operations in BC, and unique amongst Canadian jurisdictions. Widely



recognized for these industry-leading practices, the mining sector in British Columbia remains committed to advancing reconciliation with Indigenous peoples.

MABC's members are interested in undertaking future projects and maintaining the viability of their existing operations in British Columbia, and regulatory clarity is one of the most critical factors in their ability to attract capital investment. The mining sector is the largest private sector participant in the EA process in British Columbia, so their prospects for continued investment and community-building in the province are crucially linked to the procedural certainty, fairness and timeliness of the provincial and federal assessment processes. Less than 10% of mining projects entering the EA process result in new metal mines being built. Adding to the complexity facing industrial developers in British Columbia is the multitude of inter-dependent legislation and regulation being developed concurrently, yet independently, of this revitalization project.

MABC appreciates the efforts of the Ministry of Environment and British Columbia's Environmental Assessment Office (EAO) to engage MABC in the revitalization of British Columbia's Environmental Assessment (EA) process.

MABC and our members have contributed significant amounts of time and resources to fully participate in the engagement opportunities available to us to date - be it through our meetings with you, through our experienced delegate to the Environmental Assessment Advisory Committee, our multiple direct member engagement sessions with EAO, our bi-weekly conference calls with EAO staff, and our written submissions of recommendations. Given the importance of the design and implementation of this legislation to the wellbeing of British Columbia, we are concerned that the perspectives of this foundational industry, which provides prosperity to all regions of the province, have not been represented in this Revitalization, to date.

PAUSE TO SUPPORT INTEGRATED COMMUNICATIONS AND LEGISLATIVE PLANNING

MABC fully supports the Province's efforts to ensure British Columbians understand and have confidence in the decision-making and oversight of natural resource projects.

In order to achieve this objective, the Province must first adequately communicate to the public the full regulatory system currently in place which, for mining, is robust, transparent, thorough and provides multiple opportunities for meaningful dialogue, engagement and input from Indigenous nations, communities and stakeholders. It is also essential that the Province contextualize to the public that the issuance of an EA certificate does not mean that a project will be built. Only then can stakeholders identify and understand the specific areas where there are opportunities to improve outcomes and increase prospects for prosperity.

The EA process, while important, is only one component of the regulatory system for mining in British Columbia. The most impactful and enduring portions of the regulatory continuum are administered by the permitting agencies, which in the case of mining projects, includes the Ministry of Energy, Mines and Petroleum Resources, Ministry of Forests, Lands, Natural Resource Operations and Rural Development, and the Ministry of Environment. One of the greatest opportunities the Province has to increase public understanding, trust and engagement amongst all stakeholders, including Indigenous nations, is to create synergies

and reduce duplication between EAO and the permitting agencies, including the Federal government. Importantly, this increased clarity, co-ordination and consistency will also provide a strong signal to investors planning to deploy capital.

There is widespread agreement amongst the diverse range of stakeholders that have committed their time and energies to the EA revitalization that the objectives of advancing reconciliation and augmenting public confidence would be best served with more time. In addition to expressing our concerns with the overly ambitious timeline, MABC understands that this concern was also articulated by the members of the Advisory Committee in their May 2, 2018 report.

MABC expresses ongoing concern with the timeframe that is allocated to the revitalization of British Columbia's EA process. It is both out of step with the province's Federal partner, and constrains the identification of the specific components of the full regulatory continuum where synergies can be increased and duplication can be reduced. As a result, EAO has been mandated to advance a solution that may be not be fit for purpose, nor in crucial alignment with other Provincial and Federal legislative and policy initiatives. The expedited timeline also raises questions amongst all participants to this consultation process regarding the validity and consideration of their input into the consultation processes, recognizing that legislative development is underway.

MABC strongly recommends pausing the Revitalization in order to:

- Build the public's understanding of the rigor, balance, inclusiveness and transparency of British Columbia's existing regulatory continuum. This will avoid presumptive actions by identifying the specific elements of the broad natural resource regulatory continuum that require focused improvement.
- Properly sequence the myriad of inter-related Provincial and Federal initiatives to ensure that they are each successful. MABC draws specific attention to the importance of allowing the interdependent Federal legislation, which is further advanced than the Provincial process, to conclude.
- Allow the Premier's Office and the Ministry of Indigenous Relations and Reconciliation to finalize its Draft principles guide B.C. Public Service on relationships with Indigenous peoples.
- Allow for the recommendations of British Columbia's Mining Jobs Task Force and its Emerging Economy Task Force to be considered. As the largest private sector participant in the EA process, MABC suggests that the recommendations regarding how we collectively maintain and grow mining jobs in the province inform the Revitalization.

MABC respectfully submits our comments and 22 recommendations regarding the Environmental Assessment Revitalization Discussion Paper for the purpose of informing a more balanced and well-conceived Intentions Paper, subsequent legislation and related

regulatory changes. The comments and recommendations set out in the annex to this letter represent our greatest priorities.

Our submission is based upon the concepts offered in the Discussion Paper and our direct engagement with EAO.

MABC anticipates that these considerations will be reflected in the Intentions Paper that is being produced to achieve our shared goals of clear, integrated and more predictable processes, improved attractiveness of British Columbia as a destination for mining investment, advancing reconciliation with Indigenous peoples, and protecting the socio-ecological health and economic wellbeing of British Columbians.

MABC appreciates the opportunity to submit our comments. We remain committed to engaging with you and EAO staff on the revitalization of British Columbia's EA legislation and its subsequent regulatory framework.

Sincerely,



Bryan Cox
President and CEO

cc: Hon. John Horgan, Premier of British Columbia
Hon. Bruce Ralston on behalf of Hon. Michelle Mungall, Minister of Energy, Mines and Petroleum Resources
Hon. Doug Donaldson, Minister of Forests, Lands, Natural Resource Operations and Rural Development
Hon. Scott Fraser, Minister of Indigenous Relations and Reconciliation
Don Wright, Deputy Minister to the Premier
Dave Nikolejsin, Deputy Minister, Energy, Mines and Petroleum Resources
Mark Zacharias, Deputy Minister, Environment and Climate Change Strategy
Tim Sheldan, Deputy Minister, Forests, Lands, Natural Resource Operations and Rural Development
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ATTACHED: 2018-07-30 MABC Response to BC EA Revitalization Discussion Paper ANNEX