



FOR IMMEDIATE RELEASE

Xat'sull First Nation files Judicial Review against B.C. for approving the Mount Polley Mine expansion

The Province of B.C. ignores DRIPA legislation, bypasses environmental assessment, to approve raise of dam at Mount Polley Mine Tailings Storage Facility

VANCOUVER, B.C.; 15 April 2025: Xat'sull First Nation has filed a Judicial Review with the Supreme Court of British Columbia against the Minister of Mining and Critical Minerals, the Minister of Environment and Parks, the Deputy Permitting Officer, Major Mines Offices and Mount Polley Mining Corporation (MPMC) to overturn two provincial decisions authorizing Mount Polley Mining Corporation to raise the height of the dam at the Tailings Storage Facility that so devastated Xat'sull's territory in 2014 and that is still harming the Nation's rights, culture and way of life.

The provincial decision makers allowed this work to proceed without an environmental assessment, which is legally required in the circumstances. In addition to the judicial review, Xat'sull will also seek an injunction, which will be filed in the coming days, preventing construction of the dam raise until the court process is concluded.

The recent decisions authorize the dam to be raised by four metres, and MPMC has signalled an intent to raise the dam by a further 13 metres in the near future, and to expand pits at the mine. Guidance from the court is critically needed to ensure the Province abides by its legal obligations to conduct environmental assessments before this work is authorized.

“The decision from the Province to authorize Mount Polley Mining Corporation to raise the height of the dam at its Tailings Storage Facility is a serious failure to prevent potential impacts to Xat'sull's Aboriginal rights, reconciliation with Xat'sull after the 2014 disaster, and the implementation of UNDRIP,” said Kukpi7 (Chief) Rhonda Phillips, Xat'sull First Nation. “The risks of raising the Tailings Storage Facility dam must be properly understood by Xat'sull and the public before any work is authorized, and we are standing up to demand accountability, transparency and a proper assessment process that respects Indigenous knowledge and law.”

Xat'sull First Nation is not surprised but extremely disappointed with the Province for approving the dam raise without:

- following the legally required environmental assessment process;
- discharging the duty to consult; or



- seeking to obtain Xat'sull's free, prior and informed consent, which the Province is obligated to do under its legal commitments to the *Declaration on the Rights of Indigenous Peoples Act* (DRIPA).

The environmental assessment process is transparent, allows for public participation, and asks “bigger picture” questions, such as whether the tailings storage facility even should be expanded in the first place. Instead of following that process, the Province authorized the tailings storage facility dam raise based only on narrow design and engineering considerations under the *Mines Act*.

Xat'sull recognizes the need for mining and the Nation's members benefit from the materials that mining provides. We are not opposed to development. We support development that is responsible, sustainable and carried out in partnership with Indigenous Nations — development that respects our rights, our lands, and our future. But as people who have lived in harmony with these lands and waters since time immemorial, Xat'sull must be part of sharing how development happens. Any development must make sure that it protects Xat'sull's Aboriginal title and rights, the health of the community, and the well-being of key species like salmon, moose and caribou.

“The decision to allow Mount Polley to raise its tailings storage facility dam without seeking to obtain Xat'sull First Nation's consent is nothing short of unconscionable,” said Kukpi7 Phillips. “This demonstrates a lack of understanding of the long-term negative impacts of this project to our traditional territory and disrespect for Xat'sull First Nation and its people.”

The decisions to approve the dam raise at Mount Polley suggests the Province may no longer be committed to upholding its legislated commitments to implement the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP) under the *Declaration on the Rights on Indigenous Peoples Act* (DRIPA). B.C. is at risk of losing the progress that it's made towards reconciliation.

The manner in which the Province has responded to the Mount Polley expansion project application and engaged with Xat'sull First Nation — including the EAO's very problematic engagement, in which Xat'sull participated in good faith nonetheless — is not consistent with how it engages with other governments, showing a lack of respect for First Nations as equals.

“The Province continues to demonstrate it is unwilling or unable to responsibly regulate mining in our Territory, with its past actions and its recent decision to expedite natural resource projects to stimulate economic growth in response to the current political and economic climate,” said Kukpi7 Phillips. “This moment is about more than just one mine.”



It's about the legal and moral obligation to uphold Indigenous rights across B.C. and beyond. We need to maintain balance in decision making to ensure short-term decisions do not have long-term negative consequences for generations to come.”

Following the Province's unilateral regulation of resource extraction activities in the territory, many Xat'sull members are no longer able to fully or meaningfully exercise their Aboriginal title and rights, as physical disturbances in these areas disrupt essential rituals and seasonal gatherings, eroding Xat'sull's profound connection to the land and their ancestors.

The Province of B.C. has a responsibility under DRIPA to consult and cooperate with Xat'sull in good faith to seek to obtain its free, prior, and informed consent before proceeding further with the expansion project.

Xat'sull will continue withholding consent for the Mount Polley Mine expansion until Xat'sull's serious concerns are adequately addressed, and the lawfully-required environmental assessment process is followed. The time is now for B.C. to live up to its commitments to DRIPA and meaningful reconciliation with First Nations in B.C.

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Xat'sull First Nation is a First Nations government and is part of the larger Secwepemc (Shuswap) Nation, located in the Cariboo region of British Columbia near Williams Lake. Learn more on Xat'sull First Nation's [website](#).

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