



# Environmental Appeal Board

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**Group Appeal No.** EAB-EMA-20-G001 (EAB-EMA-20-A004, A005, A006, & A007)  
**Decision Nos.** EAB-EMA-20-A004(a), 005(a), 006(a), & 007(a)

**ENVIRONMENTAL APPEAL BOARD**  
in the matter of an appeal under section 100  
of the *Environmental Management Act*, SBC 2003, c. 53

**BETWEEN:**

**Nicola Mining Inc.**

**Appellant**

**AND:**

**Director, *Environmental Management Act***

**Respondent**

## CONSENT ORDER

**WHEREAS** on February 18, 2020, Daniel P. Bings, Compliance Operations Manager, acting in his designated capacity as director under the *Environmental Management Act*, having found that Nicola Mining Inc. had contravened sections 4.1 and 4.2 of its Permit 105894, imposed an administrative penalty pursuant to section 115 of the *Environmental Management Act* (**Determination of Administrative Penalty 2017-20**);

**AND WHEREAS** on February 19, 2020, Daniel P. Bings, Compliance Operations Manager, acting in his designated capacity as director under the *Environmental Management Act*, having found that Nicola Mining Inc. had contravened sections 1.1.3 and 2.4 of its Permit 105894, imposed an administrative penalty pursuant to section 115 of the *Environmental Management Act* (**Determination of Administrative Penalty 2017-05**);

**AND WHEREAS** on February 20, 2020, Daniel P. Bings, Compliance Operations Manager, acting in his designated capacity as director under the *Environmental Management Act*, having found that Nicola Mining Inc. had contravened sections 3.1 and 3.2 of its Permit 105894, imposed an administrative penalty pursuant to section 115 of the *Environmental Management Act* (**Determination of Administrative Penalty 2017-18**);

**AND WHEREAS** on February 20, 2020, Daniel P. Bings, Compliance Operations Manager, acting in his designated capacity as director under the *Environmental Management Act*, having found that Nicola Mining Inc. had contravened sections 3.3 and 3.4 of its Permit 105894, imposed an administrative penalty pursuant to section 115 of the *Environmental Management Act* (**Determination of Administrative Penalty 2017-19**);

**AND WHEREAS** Nicola Mining Inc. appeals all four of the above-noted determinations of administrative penalties (the “**Decisions**”) to the Environmental Appeal Board under section 100 of the *Environmental Management Act*;

**AND WHEREAS** for the purpose of resolving this appeal, the appellant, Nicola Mining Inc., admits all contraventions as determined by the director in the Decisions;

**AND WHEREAS** the parties have agreed to fix the global administrative penalty amount for all four Decisions at CA\$100,000.00, payable in instalments;

**NOW THEREFORE** the Environmental Appeal Board orders under section 16 of the *Administrative Tribunals Act*, SBC 2004, c. 45, in full resolution of Nicola Mining Inc.’s appeal in this matter, and by consent of the parties, that the global administrative penalty amount is fixed at CA\$100,000.00;

**AND** there shall be no costs payable by any party;

**AND** the appellant, Nicola Mining Inc., shall pay the global administrative penalty amount fixed at CA \$100,000.00 to the Minister of Finance as follows: CA \$50,000.00 payable upon entry of this order, and CA\$50,000.00 payable within twelve months of this order;

**AND** this Order may be signed in counterparts.

**APPROVED AND CONSENTED TO BY:**

“Mark Youden”

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Signature of Mark Youden  
Counsel for the Appellant

“Meghan Butler”

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Signature of Meghan Butler  
Counsel for the Respondent

**ENDORSED BY THE BOARD ON THIS 8<sup>th</sup> DAY OF OCTOBER 2021.**

“David Bird”

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Signature of David Bird, Vice Chair  
Environmental Appeal Board