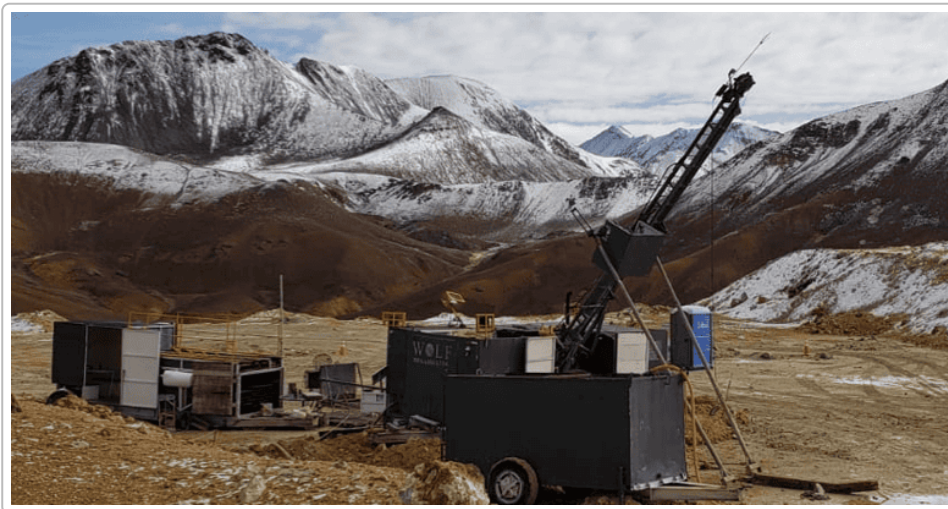


Introduction

The Choquelimpie gold-silver-copper project, owned by Norsemont Mining, is a former-producing mine in northern Chile's Arica and Parinacota Region. Uniquely, the entire deposit lies *within* the **Las Vicuñas National Reserve**, a protected area created in 1983 for scientific interest and biodiversity conservation ¹ ². This location raises complex legal and environmental questions about whether full-scale mining can be resumed at Choquelimpie under today's laws. In particular, concerns focus on whether historical **presidential decrees** granting mining rights in the 1980s–90s can override current environmental protections, what permits Norsemont presently holds, and if new permits for commercial mining are obtainable given Chile's strict conservation statutes, indigenous rights, and public opposition. This report examines the legal status of the Choquelimpie site, the validity and scope of existing permits, and the challenges Norsemont faces in permitting a full mining operation at this sensitive location. Key findings are corroborated with Chilean legal documents and recent statements by officials and environmental experts.



Drilling rig at the Choquelimpie site, located at ~4,600–4,900 m elevation inside Las Vicuñas National Reserve. Norsemont's recent exploration has reawakened legal scrutiny of mining in this protected area. ³ ⁴

Location and Protected Status of Choquelimpie

Choquelimpie is situated in the high Andes about 115 km east of Arica, within the commune of Putre. The mine sits at the heart of the **Las Vicuñas National Reserve**, which spans ~209,131 hectares of altiplano ecosystems ². The reserve was established by Supreme Decree No. 29 of 1983 (Ministry of Agriculture) as part of Chile's protected wild areas system (SNASPE). In that decree, Las Vicuñas was also designated a "*Lugar de Interés Científico para efectos mineros*" ("Zone of Scientific Interest for mining purposes") ⁵ ⁶. This designation – made pursuant to Article 17 of the Mining Code – means the area is essentially off-limits to mining unless special presidential authorization is obtained. Notably, Las Vicuñas Reserve, together with the adjacent Lauca National Park and Salar de Surire Natural Monument, forms the UNESCO *Lauca Biosphere Reserve* (designated 1981) ⁷ ⁸. The reserve provides critical habitat for species like the vicuña (a wild Andean camelid) which was once endangered, and it preserves high-altitude wetlands, grasslands, and Andean cultural heritage. By law and international

treaty (e.g. the Washington Convention and the Vicuña Conservation Convention), this area is subject to strict protection aims ⁹ ¹⁰ .

In practical terms, Chilean regulations allow only activities in national reserves that do not undermine conservation purposes ¹¹ . Mining is **generally incompatible** with these purposes ¹² . For any project in a protected area, Chile's *Environmental Basis Law* (Law 19,300) mandates a full **Estudio de Impacto Ambiental (EIA)** – a rigorous Environmental Impact Study – rather than the lighter Declaración de Impacto Ambiental (DIA) used for minor projects ¹³ ¹⁴ . An EIA requires baseline ecological studies, mitigation plans, and includes citizen participation, whereas a DIA does not. These legal safeguards reflect the high bar set for interventions in national reserves.



High Andean wetlands and pasture in the Las Vicuñas Reserve, with alpacas grazing. The reserve's ecosystems are part of a UNESCO biosphere and protected under Chilean law, creating tension between conservation mandates and mining interests. ⁷ ⁹

Presidential Decrees Granting Mining Rights

Despite the strict protections, the Choquelimpie deposit has long-standing mining rights stemming from the Pinochet era. Norsemont emphasizes that the property is “covered by valid Presidential Decrees that allow mining and exploration” even inside the reserve ¹⁵ . Specifically, two key decrees (along with the reserve’s founding decree) form the legal basis of Choquelimpie’s mining concessions:

- **1983 Reserve Decree & Initial Mining Authorization:** Supreme Decree **No. 29 of 1983** (Ministry of Agriculture) – which created Las Vicuñas Reserve – simultaneously declared the reserve a scientific-mining interest zone and recognized existing mining claims ¹⁶ ¹⁷ . The decree effectively required Presidential permission for any mining. Subsequently, **Supreme Decree No. 129 of 1983** (Ministry of Agriculture) is cited by the company as granting an exploitation concession within the reserve ¹⁸ . (Note: Decree 129/1983 appears to refer to the same action, although official records indicate it was Decree 29/1983 that established the reserve and mining restrictions ¹⁷ . It’s possible “129” is a mis-reference to this 1983 legal framework.)
- **1988 Presidential Decree (Exploitation Permit):** *Presidential Supreme Decree No. 36 of 1988* authorized full exploitation of the Choquelimpie deposit over a defined area of approximately 417 hectares inside the reserve ¹⁹ . This decree was issued by General

Augusto Pinochet's government, in consultation with the Agriculture and Mining Ministries, as required by the mining code for operations in a protected area. Indeed, the text of Decree 36/1988 (Ministry of Mining) explicitly "*declares [Lauca National Park] – and by extension Las Vicuñas – a place of scientific interest for mining*" and states that any mining in such areas "*requires the permission of the President of the Republic*", to be granted with preservation measures ²⁰ ²¹. In April 1988, Pinochet gave that permission for Choquelimpie, effectively carving out an exception to exploit the known gold-silver orebody ²². The decree imposed conditions (e.g. environmental precautions and oversight by park authorities) but allowed mining to proceed on the 417 ha concession within the reserve ¹⁹. This exploitation concession, held today by Norsemont's Chilean subsidiary (SCM Vilacollo), is still in force and maintained via annual fees ²³. It enabled open-pit mining and heap-leach processing** at Choquelimpie from 1988 until the mine's closure in 1992, during which ~400,000 oz of gold and 2.1 million oz of silver were produced ²⁴.

- **1996 Presidential Decree (Exploration Permit):** *Presidential Supreme Decree No. 62 of 1996 (Ministry of Mining) granted an exploration permit covering an adjacent area of about 617 hectares*** (often cited as ~650 ha) within the reserve ²⁵. This permit was requested by Compañía Minera Vilacollo (then controlled by Chilean industrial group COPEC) to explore beyond the original mine pit. The government, after environmental review, allowed only 617 ha of the ~2,890 ha area requested, limiting exploration to zones already disturbed by prior mining ("Los Cóndores 1-900" concessions) and excluding more pristine sectors ²⁶ ²⁷. The decree laid out strict conditions: for example, CONAF (the National Forestry Corporation) must supervise activities; no significant impact to wetlands, vegetation, or fauna is permitted; all waste must be removed; and the land must be restored after exploration ²⁸ ²⁹. Any breach of these conditions would void the permit ³⁰ ³¹. With these terms, President Frei's administration authorized exploratory drilling, roadwork, and tunneling in the mid-1990s. As a result, underground development (two exploration tunnels of 120m and 400m) was driven into the orebody around 2002 ³² ³³. This exploration concession also remains valid to this day, according to Norsemont, and is fundamental for ongoing drilling campaigns ³⁴.

Table 1 summarizes the **historical permits** and their scope:

Permit Type	Authority (Decree)	Year	Area (ha)	Scope and Conditions	Status (2025)
Exploitation Concession (Choquelimpie Mine)	Ministry of Agriculture Supreme Decree No. 29/1983 and Presidential Decree No. 36/1988 ¹⁹ ²²	1983, reinforced 1988	~417 ha (within Las Vicuñas Reserve)	Authorizes mining operations in the defined concession inside the reserve. Required presidential approval per Mining Code; includes environmental safeguards. Enabled 1988–92 open-pit gold-silver mining.	Valid – Mining rights held by Norsemont (SCM Vilacollo); no active extraction since 1990s, but rights maintained ²³ . Any new operations require compliance with current laws (EIA, etc.).
Exploration Permit (SCM Vilacollo)	Presidential Supreme Decree No. 62/1996 (Ministry of Mining) ³⁴ ²⁷	1996	~617 ha (adjacent to exploitation area, inside reserve)	Allows exploration activities (drilling, tunneling) in a limited area. Granted with essential environmental conditions (CONAF supervision, no significant habitat disturbance, site remediation) ²⁸ ²⁹ . Initially used for 1990s exploration programs.	Valid – Exploration continues under this permit. Norsemont’s drilling campaigns in 2021–2023 rely on this authorization, though subject to environmental oversight.

Permit Type	Authority (Decree)	Year	Area (ha)	Scope and Conditions	Status (2025)
Mining Concessions (mineral claims)	—	Various (pre-1983 and later)	21 concessions totaling 5,757 ha ¹⁵	Legal title to mineral rights. (E.g. “Los Cóndores 1-900” exploration concessions referenced in DS 62/1996 ³⁵ .) These confer exclusive mining rights but do not by themselves allow operations in a protected area without the above decrees.	Valid – Norsemont (SCM Vilacollo) holds 100% of mining titles; fees paid and no overlapping third-party claims ²³ . Concessions are in good standing, forming the project’s resource tenure.

Table 1: Key mining permits and concessions for Choquelimpie. These presidential decrees from 1983–1996 provided *grandfathered mining rights* inside the reserve, which Norsemont asserts are still in effect. They grant the company a legal foothold, but do not exempt it from modern environmental and social requirements.

Current Permit Status and Norsemont’s Activities

Norsemont Mining, through its subsidiary SCM Vilacollo, acquired the Choquelimpie project from the COPEC industrial group in 2020³⁶. With that acquisition came the above mining concessions and the historic decrees. Norsemont confirms it has **100% ownership of 21 contiguous concessions** (5,757 ha) and that all required fees and property contracts are up-to-date³⁷²³. Importantly, Norsemont insists that “*as of today (2025) the status of the permission issued under the decrees has not changed*”³⁴ – meaning the company believes it can legally explore and potentially exploit under those prior authorizations. Indeed, since 2021 Norsemont has conducted two drilling campaigns, extensive geophysical surveys, and sampling programs on site³⁸, as part of resource expansion efforts. It released a new NI 43-101 resource estimate in April 2025, reflecting these exploration results³⁹¹⁵.

However, **environmental permitting** for these activities has proven contentious. Under Chilean law, even if mining concessions and decrees are in place, any **new exploration or project expansion in a protected area must pass environmental review**. In 2007, Vilacollo (then under COPEC) submitted a **Declaración de Impacto Ambiental (DIA)** – a simplified environmental assessment – to the regional commission (COREMA) to allow a new phase of exploration (including deep copper porphyry drilling). The COREMA *approved* the Choquelimpie exploration via DIA in July 2007⁴⁰. But this prompted an outcry because **Law 19,300 explicitly requires a full EIA for projects in national reserves**¹³⁴¹. Critics noted the DIA lacked a baseline study, impact evaluation, mitigation plan, or citizen participation – omissions that made the approval **illegal under Chilean environmental law**⁴². Senator Guido Girardi and others denounced the decision as a *direct violation* of Law 19,300, calling for the permit’s revocation⁴¹⁴³. Chile’s Agriculture Minister at the time concurred that the project “*does not comply*

with current environmental rules” for protected areas ⁴⁴ . The mining company had tried to use a shortcut, and the **environmental authorities in Santiago intervened**: the Environment Minister (CONAMA) ordered a review of the regional approval and indicated the exploration should have undergone the **SEIA (Environmental Impact Assessment System)** with an EIA and public participation ⁴⁵ ⁴⁰ . Indigenous Aymara communities (the *Marka Jankho* community) filed suit against the regional government for authorizing the project without consultation ⁴⁶ . Facing this pressure, it appears the 2007 exploration was paused and subject to further scrutiny. *Flavia Liberona*, director of Fundación Terram, wrote at the time that allowing a mining DIA in a national reserve “plantea un escenario complejo” and “no respeta la legalidad vigente” ⁴⁷ ⁴⁸ . She warned that if Las Vicuñas exploration were not reversed, it would set a “nefasto precedente” and show that environmental rule of law in Chile could be bent for powerful interests ⁴⁹ ⁵⁰ . Ultimately, the controversy led to investigations and likely a halt until stricter conditions were met.

Fast-forward to Norsemont’s tenure: In 2021, the company resumed exploration at Choquelimpie. This raised the question – do they now require a fresh Environmental Impact Study? According to an official *resolution issued by the Environmental Assessment Service (SEA) on 24 June 2021*, the answer was **no**. The SEA determined that Norsemont’s planned exploration activities (geophysical surveys, drilling ~4,000 m, and sampling) *did not* trigger a new EIA because they were “minimally invasive, corresponding only to mineral sampling,” and did not significantly increase the project’s environmental impact or footprint beyond the original mine’s disturbed area ⁵¹ ⁵² . The resolution noted that work would occur on previously intervened ground (including old leach pads and pits) and thus would not substantially alter environmental conditions ⁵³ . Essentially, the authorities treated it as a continuation of the pre-existing project, within the scope of past permits. This decision gave Norsemont a “completely clear institutional runway” to proceed ⁵² , allowing drilling under the umbrella of the old authorizations (notably the 1996 decree and the 2007 DIA). By late 2021, Norsemont had two drill rigs turning and had taken nearly 10,000 new samples ⁵⁴ ⁵⁵ .

However, environmental watchdogs strongly dispute this laissez-faire approach. They argue that **any significant new drilling program in a national reserve should undergo a full EIA and consultation** – as required by law – regardless of the “minimal impact” claim. Liberona points out that *by law*, projects inside protected areas “**must be evaluated via an EIA, not a DIA**”, **and allowing SCM Vilacollo (Norsemont) to keep operating on the basis of a 2007 DIA “is only possible with the complicity of environmental authorities”** ⁵⁶ ⁴ . *In her view, both in 2007 and in 2021 the regulators failed to enforce the law strictly, and she calls it unacceptable that the company can proceed without a new comprehensive review* ⁵⁷ . *Local indigenous leaders likewise have voiced concern that they were not* consulted about Norsemont’s renewed exploration, despite the company announcing “acuerdos de acceso” (access agreements) with communities* ⁵⁸ ⁵⁹ . Community members in Putre and surrounding villages said they had no knowledge of any such agreements, and if exploration was happening without consultation “it would be very serious” ⁶⁰ . This hints at potential non-compliance with ILO Convention 169, which Chile ratified (effective 2009) and which requires prior consultation with indigenous peoples on projects affecting their traditional lands. Choquelimpie is situated in ancestral Aymara territory, and during previous operations the *Marka Jankho* Aymara community complained that the mine restricted their access to sacred sites and contaminated water and grazing areas for their llamas and alpacas ⁶¹ ⁶² . These issues underscore that even if Norsemont holds mining rights, social license** and modern legal consent processes are significant hurdles.

As of mid-2025, Norsemont has **not** begun any new production at Choquelimpie – it remains in exploration-stage and study-stage. Any move toward commercial mining (such as a new open-pit or underground operation with processing plants) would require obtaining a suite of new permits, most critically an **Environmental Qualification Resolution (RCA)** following an **Environmental Impact**

Study. No such EIA has yet been submitted for a mine reactivation. The company has indicated it is targeting a Preliminary Economic Assessment (PEA) as a next step ⁶³, after which it would need to formally enter the Chilean permitting process for development.

Legal Power of the Decrees vs. Modern Environmental Law

The **presidential decrees** from 1983, 1988, and 1996 that Norsemont cites are indeed legally valid acts that granted mining and exploration rights in a protected area – an extraordinary exception when viewed today. These decrees carry the authority of the Republic’s President and, as long as they were properly “taken to reason” by the Comptroller General, they remain part of Chile’s legal framework (they were never repealed). In that sense, they do provide a form of “*grandfathered*” right: the Choquelimpie project was explicitly allowed to exist inside the reserve. This is why Norsemont can confidently state that “*mining and exploration activities are legally permitted [in Las Vicuñas Reserve] due to specific governmental authorizations granted through presidential decrees.*” ¹ ⁶⁴ The **credibility** of these decrees is not really in question – they are documented historical facts. For example, Decree 36/1988 was published and even noted by the Comptroller, which “took reason” with the comment that despite the mining go-ahead, the preservation mandates of law still apply ⁶⁵ ⁶⁶. In a Chilean court, Choquelimpie’s owners could legitimately claim they have a vested right to mine, thanks to these supreme decrees.

That said, *do these decrees override environmental protections?* In practice, **no – not absolutely**. They allow mining *in principle*, but **subject to conditions and future regulations**. Decree 36/1988 itself stipulated that mining permits must prescribe measures for park preservation ²¹. Likewise, Decree 62/1996 made its exploration authorization “*resolatory*” – meaning if environmental conditions aren’t met, the permit is void ³⁰. Critically, Chile’s environmental laws enacted in the 1990s (after the decrees) **apply to any project moving forward**, grandfathered or not. Law 19,300 (1994) and its regulations introduced the SEIA process; there was no exemption written for projects with pre-existing permits. Thus, while the decrees give Norsemont a mining concession and the theoretical right to operate, the company **must still secure an environmental license (RCA)** to actually build and run a mine now. This was demonstrated in 2007 when COPEC’s DIA was nullified for not doing an EIA – the old decrees did not save the project from needing to comply with new environmental review requirements ⁴² ⁴⁰. Similarly, **Chile’s Indigenous Peoples law and ILO 169** mean that today any significant project affecting indigenous communities requires consultation and consent mechanisms that did not exist in the 1980s. No decree can simply override the constitutional rights that indigenous groups now hold (for example, Article 6 of ILO 169 on consultation, which Chile’s courts have enforced in various cases post-2009).

In summary, the presidential decrees give Norsemont a legal leg to stand on (they do not have to *ask for new land rights* to mine – those were granted). But they **do not grant a blank check** to ignore modern environmental, social, and procedural laws. Any attempt to restart full-scale mining will be judged under today’s legal standards. The “**grandfathered**” **rights are real but conditional**. They might expedite certain aspects (e.g. the company doesn’t need a new congressional law to allow mining in a reserve – a hurdle that otherwise might exist – since the President had already allowed it). However, Chilean authorities can still impose strict conditions or even deny an operating permit if the project fails to meet current environmental criteria. For instance, if an Environmental Impact Study found that mining Choquelimpie would cause irreparable harm to the vicuña population or to local water sources, the regulators could withhold approval, decrees or no decrees. In the words of one environmental lawyer in the 2007 dispute: “*The illegality of the matter is so clear, I am sure the mining project’s permit will be repealed.*” ⁶⁷ – highlighting that modern environmental law was expected to trump an outdated authorization approach. Indeed, in 2010 Chile’s Supreme Court, in a similar case (the Catanave mining project near Lauca), allowed mining to proceed but faced backlash for not upholding consultation rights

⁶⁸ ⁶⁹ . This indicates that even the courts walk a fine line in balancing old mining concessions with new protections.

Permits Norsemont Currently Holds

Mining & Exploration Concessions: As detailed above, Norsemont holds all mining concessions for Choquelimpie through SCM Vilacollo. These include exploitation rights over the core deposit (~417 ha) and exploration rights over adjacent areas (~617 ha), per the decrees ¹⁹ ³⁴ . Additionally, the total claim package is ~5,757 ha, so beyond the decree-permitted areas the company likely has staked surrounding exploration concessions (which might extend outside the reserve boundaries). The **status** of these mineral tenements is active – fees paid, no overlaps, and they are 100% controlled by Norsemont ²³ .

Environmental Permits: Norsemont's current exploration is operating under an existing environmental approval – the **2007 DIA** (or a later “pertinencia” resolution in 2021 confirming that no new EIA was needed) ⁴ ⁵² . Essentially, the company has a green light for exploration-stage work, granted by the regional environmental authority, albeit under controversy. There is no **environmental permit for exploitation** in force, since the original mine pre-dated the environmental law (it operated without an EIA in the late 80s/early 90s). Any prior environmental permissions (like a 1990s sectoral permit to operate a processing plant) are obsolete and would need renewal. We should note that **mine closure liabilities** from the old operation may also exist – there are old leach pads and tailings on site ⁷⁰ . Norsemont will presumably have to address those in any new project EIA, but currently it's focusing on drilling and study, not reprocessing pads yet (though Norsemont has hinted at possibly reclaiming old heap material) ⁷¹ .

Other Permits: There may be miscellaneous permits Norsemont holds, such as water extraction rights or permits to use/upgrade access roads, etc. The public sources do not detail these, but Norsemont would need, for example, water rights to conduct drilling (likely a modest amount for exploration) and eventually much more for mining. Water is a critical issue in the arid altiplano; communities and environmentalists worry mining will “compete for scarce water, dry out the zone and contaminate it,” as Senator Girardi warned ⁷² . Any new water permits would be subject to Chile's water code and could face opposition if they affect community sources or wetlands.

In summary, Norsemont's **current permits** allow *exploration only*. The company does **not yet hold an approved permit for commercial mining operations** under the modern regulatory system. What it *does* have is the underlying mining titles and an old-site status that gives it a foot in the door.

Challenges to Obtaining New Mining Permits

To advance from exploration to production, Norsemont would have to obtain a series of permits, most notably: an approved **Environmental Impact Study (EIA)** yielding a **Resolución de Calificación Ambiental (RCA)** for the mining project; sectoral permits for water usage, tailings storage, waste management, etc.; and social license via indigenous consultation and community agreements. Each of these presents challenges:

- **Environmental Approval in a National Reserve:** Gaining an RCA for a mine in a *IUCN Category IV* protected area (national reserve) is inherently difficult. The Chilean environmental authority will scrutinize whether the project meets the requirement of “respecting the conservation objectives” of the reserve ¹¹ . An open-pit or large underground mine with processing facilities would almost certainly degrade habitats and pose risks to fauna (through noise, dust, potential

chemical spills, etc.). The pro-mining argument is that Choquelimpie is a brownfield site – mining occurred there before – so the incremental impact might be contained. In fact, the 1996 decree’s rationale was that the authorized 617 ha were already “altered by ancient mining works” and did not contain unique flora/fauna not found elsewhere in the reserve ⁷³ ⁷⁴. If Norsemont designs the project to stay within those previously disturbed areas, it might bolster its case. Still, the **Las Vicuñas Reserve management plan** (administered by CONAF) is aimed at habitat conservation, not mining. We saw in 2007 the Agriculture Ministry argued the project violated protected area rules ⁴⁴. It’s likely that under current law (and especially under Chile’s recent emphasis on climate and biodiversity), an EIA for Choquelimpie would face rigorous demands: exhaustive baseline studies of vicuña populations, wetlands hydrology, endangered flora, etc., and alternatives analysis to prove that impacts can be mitigated or offset. Even then, there is a risk that the evaluators could conclude the project is simply “not compatible” with the reserve’s objectives. Notably, Chile has strengthened penalties for environmental damage in recent years and is more strictly enforcing compliance ⁷⁵. In short, **legal permissibility does not guarantee regulatory approval**. The project would have to be engineered and conditioned in a way that satisfies a multitude of agencies (CONAF, SEA, the Environment Ministry, Agriculture Ministry, etc.) that it won’t irreversibly harm the reserve.

- **National Park Regulations:** Although Choquelimpie is in a national *reserve* rather than a national *park*, it is immediately adjacent to Lauca National Park (the reserve was carved out on the park’s south flank). Any significant incident (e.g. chemical leak or dust) could affect the park as well. National parks in Chile are even more strictly protected (no mining at all in parks). There could be pressure to treat the situation as unacceptable encroachment on the greater Lauca ecosystem. Furthermore, Las Vicuñas Reserve is part of an international biosphere reserve – UNESCO could be alerted if a large mine is permitted, potentially causing international criticism. During the 2007 fight, it was highlighted that allowing the mine would violate Chile’s obligations under the **Convention on Biological Diversity, the World Heritage Convention, and the Vicuña Convention**, as well as the environmental chapter of the Canada-Chile trade agreement ¹⁰. All of those arguments would resurface in a modern EIA evaluation or court challenge.
- **Indigenous Land Rights and Consultation:** The area around Choquelimpie has Aymara indigenous communities, many of whom hold legal titles (or customary use) to lands within or bordering the reserve. In fact, an ethnographic study revealed that *99% of Lauca National Park’s area was historically Aymara-owned land that was appropriated by the state without formalizing indigenous ownership* ⁷⁶. Similar situations occur in the reserve – local families still graze llamas and alpacas and use bofedales (wet meadows) in the area. The *Marka Jankho* community is officially registered with CONADI (Indigenous Development Corporation) and has asserted rights in Choquelimpie. Any new mining project must comply with **ILO Convention 169**, which Chile made effective in 2009. This means *prior consultation* in good faith with all potentially affected indigenous communities, and their input must be addressed in decision-making. In practice, Chile’s consultation process has been contentious, with indigenous groups often dissatisfied. If Norsemont proceeds, it would need to undertake extensive engagement: obtaining agreements or benefit-sharing deals to compensate for land disturbance, ensuring protection of cultural sites (e.g., any ancient corrals, sacred springs, or archaeological remains in the area), and perhaps hiring local Aymara in jobs. As of 2022, indigenous activists (such as Richard Fernández of the Coordinadora Aymara) have denounced what they see as mining companies acting “fuera de los márgenes de la ley” in Arica-Parinacota, and have a network ready to challenge projects like Choquelimpie ⁵⁹ ⁷⁷. The history of the project already includes community grievances: they reported **contamination of water and forage**, illnesses and deaths of their livestock from past mining pollution, and lack of local employment benefits ⁶¹ ⁷⁸. These memories could fuel strong opposition during any new permit hearings. Additionally, Chile’s 2021–2022 political

climate has been marked by demands for greater environmental justice and indigenous rights (Chile even drafted a new constitution emphasizing those, though it was not adopted). Any permitting decision will be highly sensitive to public opinion and indigenous consultation outcomes.

- **Public Opposition and NGOs:** The Choquelimpie project has been on the radar of Chilean environmental NGOs for years. In 2007 it was **La Nación** (a major newspaper) and groups like *Fundación Terram* and *Programa Chile Sustentable* (led by Sara Larraín) that brought national attention to the issue ⁴³ ⁷⁹. They framed it as a test case for Chile's commitment to conservation over extraction. Similarly, in 2022 Mongabay Latam and Ladera Sur, two environmental media outlets, ran an investigative report titled "*Choquelimpie: the mine seeking to reactivate in the middle of a national reserve*", again bringing scrutiny to Norsemont's plans ⁸⁰. We can expect that any formal move to start mining will be met with organized opposition: media campaigns, legal challenges in court, and possibly protests. Chile has seen escalating environmental protests in recent years (from Patagonia dams to mining in indigenous territories). Arica-Parinacota region is no exception – locals have protested other projects like a proposed reservoir that threatened wetlands, etc. The advantage Norsemont has is the promise of jobs in an economically depressed area; indeed, some locals from Putre and other villages have worked at the mine site during exploration ⁸¹. There will likely be a split in public opinion – some may favor development if it brings investment, but others prioritize long-term eco-tourism and cultural preservation that a mine might jeopardize.
- **Government Stance:** Under the previous Piñera administration (2010–2014), there was a push to open more northern areas to mining, even proposing to reduce protections in Lauca Park ⁶⁸. However, under the current government (as of 2022–2023, President Gabriel Boric's term), there is a stronger ecological emphasis. In August 2022, after indigenous communities lodged complaints about Choquelimpie exploration, the regional government convened a special working group – involving the Environment Seremi, Mining Seremi, SERNAGEOMIN, SEA, SMA, and CONAF – to **analyze the situation and "evaluate actions"** ⁸² ⁸³. They acknowledged that "*a large part of this mining plant is in a protected zone... where according to current legislation, [with only] an environmental pertinence by the company, drilling is being done inside the installations, which the community says is illegal.*" ⁸⁴. The fact that officials explicitly met indicates the government is keeping a close eye. The Environment Seremi vowed to take the matter seriously and even mentioned a directive from the Minister of Agriculture to address high-altitude mining issues in Parinacota ⁸⁵. They planned site inspections and emphasized restoring community trust through action ⁸⁶ ⁸⁷. The Mining Seremi said they are gathering all antecedentes (background information) to determine if "mining exploitation in Choquelimpie is outside the norm" ⁸⁸. This suggests the authorities might be considering enforcement (e.g. if any unpermitted activities are found) or at least ensuring no further steps occur without due process. While no outcome of that 2022 review has been publicized, it shows that **regulators are under pressure to uphold the law** and not repeat past mistakes. Going forward, Norsemont would likely find a more skeptical audience in government offices. Any application for an EIA will be very thoroughly reviewed, and if it's deemed incomplete or non-compliant, it could be rejected or sent back for improvements.

Finally, Chile's broader policy trends must be noted. The country is moving toward stronger environmental governance – for instance, Chile created a new Ministry of the Environment in 2010, a Superintendency of the Environment (SMA) to enforce compliance, and has been working (albeit slowly) on a Biodiversity and Protected Areas Service. There's also the Escazú Agreement (a Latin American regional treaty on environmental democracy, which Chile recently signed in 2022) that mandates access

to information, public participation, and justice in environmental matters. All these point to a climate in which a project like Choquelimpie will not slide through quietly; it will be under a spotlight.

Cross-Checking Norsemont's Claims vs. Chilean Sources

Norsemont's public materials make a few key claims that warrant scrutiny:

- **Claim:** The project is fully permitted for mining/exploration by valid decrees.
Findings: This is **partially accurate**. Yes, the presidential decrees from the 1980s–90s are valid and give the company mining and exploration rights inside the reserve ⁸⁹ ¹⁹. Chilean documents confirm these decrees (e.g. DS 36/1988 and DS 62/1996) and their scope ²² ³⁵. However, Norsemont's implication that these permits alone are sufficient is misleading – they do not replace the need for contemporary environmental approvals. Chilean officials and laws clearly indicate that a new exploitation phase **cannot proceed solely on the strength of old permits** ⁴² ¹¹. An Environmental Impact Study and other current permits would be needed. Norsemont's press release does acknowledge operating "under strict legal oversight" within a protected area ²³, but it downplays the unresolved regulatory hurdles.
- **Claim:** The project has community support and has respectfully engaged local stakeholders.
Findings: This is **disputed**. Norsemont's July 2025 update states the project "*maintains respectful relationships with nearby residents... contracts are in place for privately held lands within the concession area*" ⁹⁰ ⁹¹. It suggests a collaborative approach and that the local population is sparse (implying few conflicts). In contrast, independent reports (Mongabay/Ladera Sur) found that multiple Aymara community members and leaders were unaware of any outreach or agreements as of 2021 ⁶⁰ ⁵⁹. They expressed concern that if exploration was happening without their input, it was a serious issue. The historical record shows Aymara organizations have opposed Choquelimpie in the past (filing lawsuits, making public statements) ⁴⁶ ⁹². While Norsemont may have signed access agreements with some landowners (perhaps individuals who legally own certain parcels around the mine), there appears to be no broad "social license" from the indigenous communities at large. In fact, Chile's Autonomous Aymara Council and local NGOs have been watchdogging the project. Thus, Norsemont's portrayal of community support seems **overly optimistic**. Future permitting would trigger formal indigenous consultation, where any lack of prior genuine engagement could become a flashpoint.
- **Claim:** No overlapping third-party claims and all legal rights are secure.
Findings: This is **accurate** as per official records. The 2025 NI 43-101 report and Norsemont's statements confirm that SCM Vilacollo holds clean title to the concessions ²³. Chile's mining cadastre shows no other concessions over the Choquelimpie deposit (the area was declared of scientific interest precisely to prevent new claims). And the company acquired 100% from COPEC, meaning there are no joint venture complications. So on the pure mining-rights front, Norsemont is on solid ground.
- **Claim:** The Las Vicuñas Reserve status does not preclude mining because of the decrees.
Findings: **Legally nuanced**. It's true the decrees created a unique situation where mining was explicitly allowed in a reserve, which is otherwise uncommon. In that sense, Choquelimpie is a *legal anomaly*. But as discussed, the reserve's protected status still imposes many constraints. The company's assertion glosses over the fact that the reserve is also protected by international conventions and national environmental laws which **do** preclude mining unless very stringent conditions are met ¹² ⁹. So while it's not outright illegal for them to be there (thanks to grandfathering), it's also not a typical or fully settled situation. The project operates in a legal

grey area: permitted by one set of old rules, yet challenged by newer norms. Chilean legal experts (like environmental attorney Fernando Dougnac in 2007) openly called the exploration approval “illegal” despite the decrees, implying that higher norms (environmental law) should prevail ⁶⁷. This conflict between old mining rights and new environmental law remains unresolved and would likely end up in court if pushed (either via administrative appeals of an EIA decision or potentially constitutional/environmental rights litigation).

In essence, cross-validation shows that **Norsemont’s claims are grounded in real permits but omit the critical context** that those permits are subject to modern legal frameworks. Chilean sources – including government officials and NGOs – consistently emphasize that *legal authorization to mine is not the same as social and environmental authorization to mine*. The project’s viability is therefore not guaranteed by the historical decrees alone.

Viability and Outlook

Would Norsemont realistically be able to obtain the necessary permits for commercial mining at Choquelimpie today? Based on the above analysis, achieving this is possible in theory but would be extremely challenging in practice. The company would need to surmount high regulatory hurdles and opposition:

- An **Environmental Impact Study** would have to convincingly demonstrate that mining can coexist with the reserve’s conservation goals (or at least that impacts can be mitigated to an acceptable level). Given the sensitivity of Andean ecosystems and water resources, this is a tall order. For example, any drawdown of groundwater for mining could affect bofedales (wetland meadows) that vicuñas and livestock depend on, likely deemed unacceptable ⁷². Complete backfilling of pits, zero-discharge processes, and robust habitat restoration plans might be required to get approval, raising project costs.
- **Political risk:** If there is strong public and indigenous resistance, the government (especially one with an “ecological” platform) may simply decide the political cost is too high. The project could become a symbol – either of balancing development with conservation or of environmental sacrilege – depending on public narrative. Right now, the narrative from environmental groups is negative (“a mine in a protected area is wrong”). Norsemont would have to turn that around, perhaps by promising a small footprint, renewable energy usage, benefits to local communities, etc. Even then, opposition could remain.
- **Legal risk:** Opponents could file injunctions or lawsuits at multiple stages – e.g. if the EIA is approved, they might appeal to environmental courts or even Chile’s Supreme Court, citing failure to uphold constitutional rights to a clean environment or to indigenous consultation. The judiciary in Chile has at times been sympathetic to indigenous/environmental claims (though not always). It’s a gamble.
- **Time and expense:** The permitting process, if it advances, could take years. It’s not just one permit – it’s a battery of them, including sectoral permits from SERNAGEOMIN (mining safety), DGA (water authority), SMA (environmental enforcement of past issues), CONADI (indigenous development, for consultation), etc. Each can impose requirements. The history since 1991 shows that despite many attempts by various owners, *no one has managed to restart Choquelimpie in 30+ years*. This suggests that the obstacles – whether economic or regulatory – have been significant. Norsemont will need to be prepared for a long haul.

On the other hand, **grandfathered rights and project economics** do provide some hope from the company's perspective. Having an existing disturbance (old mine) can sometimes ease environmental approval for reactivation (as opposed to a brand-new greenfield mine in a pristine area). And if the deposit is rich enough (Norsemont reports over 2.7 million oz AuEq in resources ³⁹, with upside in copper), the government might be swayed by the potential economic benefit in a remote region. Chilean authorities have allowed some controversial projects to proceed when conditions were imposed – e.g., the Supreme Court eventually let the Catanave exploration in Arica region continue in 2011 despite indigenous objections, though that was heavily criticized ⁹³ ⁹⁴. This shows that outcomes are not predetermined; lobbying and negotiation play roles.

In conclusion, **full-scale mining at Choquelimpie is legally possible but far from assured**. The existing presidential decrees give Norsemont a legal argument to be in the reserve, but **any expansion to production will face rigorous environmental assessments, potential legal challenges, and the need to earn a social license from Aymara communities**. The presidential decrees do not automatically override today's environmental protections – at best, they coexist with them, allowing a path forward if all modern requirements are fulfilled. Recent government actions (like the 2022 multi-agency review) indicate a careful, perhaps cautious stance: authorities will likely enforce that Norsemont does everything “by the book.” Should Norsemont attempt to skip steps or downplay impacts, it will likely be met with enforcement or court injunctions (as happened in 2007). Conversely, if Norsemont engages transparently with stakeholders, designs a minimal-impact mine plan, and perhaps even seeks to *redraw reserve boundaries* or get special status (a politically fraught idea), there might be a negotiated way to proceed.

At present (2025), Norsemont appears to be in the **exploration and de-risking phase** ⁹⁵. The true test will come if and when they submit an EIA for project development. That will be the moment when Chile's environmental institutions and laws fully weigh in on Choquelimpie's fate. Until then, the project's viability remains uncertain – a classic clash between Chile's mining heritage (and investor interest) and its modern commitment to environmental stewardship and indigenous rights.

Sources: The analysis above is based on Norsemont Mining's official disclosures and technical report ⁶⁴ ¹⁵, Chilean government decrees and legal records ³⁵ ²², commentary from Chilean officials and environmental experts ⁴⁴ ⁵², and news reports detailing the social and legal conflicts surrounding the project ⁴⁰ ⁹⁶. These sources are listed below for reference.

¹ ¹⁸ ¹⁹ ²³ ²⁴ ²⁵ ³⁴ ³⁸ ⁶⁴ ⁷¹ ⁸⁹ ⁹⁰ ⁹¹ Norsemont Provides Corporate Update and Clarifies Information Regarding its Choquelimpie Gold-Silver-Copper Project – Norsemont

<https://norsemont.com/norsemont-provides-corporate-update-and-clarifies-information-regarding-its-choquelimpie-gold-silver-copper-project/>

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