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## Research Guide for ELC Research-O-Thon 2018: Mining Law in BC – Digging Up a Dirty History

Thank you for volunteering to help out with the UVic Environmental Law Club's first research-a-thon! This guide offers some important context and guidance that will help you with your research shift and ensure that we are all on the same page on our work throughout the day.

### Task for this Event

Overall, we are creating a timeline of environmentally important legislative and policy changes to BC mining law and important environmental issues that arose over that time. As you research, it will become apparent that these two elements of our timeline are related as many legislative and policy changes have occurred as a result of public outcry following disasters or large development proposals.

This work is important as it will be used to support the Environmental Law Centre's two year mining law reform project (if interested in the plans and goals for this project, see Appendix A: Introduction to Major Mining Law Reform Project). By tracking the history of BC's prospecting and exploration laws and mining disasters we can determine whether legislators have been responsive to issues as they arise in mining and determine to what extent, and at what pace, mining regulations have evolved in the province since the gold rush. The final timeline and accompanying report will be shared and likely used by environmental non-profits who have an interest in mining law reform. With your consent, your name will be included on the final product that will be distributed to the ELC and partners.

Therefore, there are two major parts to our task on the Research-a-thon day:

1. Researching and summarizing important legislative changes to BC mining laws; and
2. Researching and summarizing important catastrophes, contamination and other important mining events in BC.

### Before Your Shift

Please read (or at least scan) the BC Auditor General's Report on Compliance and Enforcement of Mining Law in BC (link:

<http://www.bcauditor.com/pubs/2016/audit-compliance-and-enforcement-mining-sector> ).

This will be especially important if you don't have any previous knowledge of mining or mining law in BC as there may be a number of unfamiliar terms. If you don't have time to do this, don't worry as we will have volunteers around who can help work through any issues/confusion that may arise.

### Your Shift

- Research Question – you will be given a research question falling under one of our research topics below
- Please prepare your research summary in a word document. If you work on multiple research questions you may use the same word document.
- File name: ResearchTopic-YourName-BriefDescription
- Saving: Please save your document to the Google Drive folder at the end of your shift

- At the end of your shift, feel free to add the most important changes you found to the white board at the front using a sticky note. Please write the date/year of the change/event and brief one sentence description.

## Research Topics

1. History of Mining Rights, Exploration and Prospecting Legislation
  - a. Research and describe the changes noted on the Research Guide
  - b. Follow-up on the 11 questions on mining legislative history listed in the Research Guide
2. History of Pollution Control Legislation in relation to mines
  - a. Research and describe the changes noted on the Research Guide
  - b. Follow-up on three broader history questions listed on the Research Guide to add to the timeline
3. Important Mining Events and Catastrophes
  - a. Research and summarize the 20 listed mining events/catastrophes that are listed in the Research Guide
4. History of the Health, Safety and Reclamation Code and the Acid Rock Drainage Policy and Guidelines

## General Research Guidance

We have done preliminary research and have come up with events and major changes to start with for each task. However, if you find an event or legislative change that we have not included, please include it.

## Legislative History Research

- **Format:** For each legislative or policy change that you find, please record the following information in the word document that you are working on:
  - **Name of legislation**
  - **Date of legislative change** (note whether this is the date it came into force or the date the amendment was passed by the Legislature)
  - **One sentence summary of the main point**
  - **Describe nature of the change – emphasizing how this change effect environmental impacts or impacts on First Nations of mining**
  - **Explain what impact this has**
- **Cite all sources** you used including the primary legislative resource and any reports/articles/theses used that provided a perspective on this legislative change (at minimum include a URL, if it is a report please at least include the title and page number and ensure we have a copy saved in the Dropbox folder). For statutes and regulations, please put the citation in McGill Legal guide format. There will be copies of the McGill Guide available.
- **Types of legislative history to document:** document when British Columbian legislation came into effect or changed in a way that has positive or negative environmental implications with regards to mining, specifically:
  - changes to reclamation standards
  - environmental and wildlife standards for construction, operation, and discontinuance of mines

- regulation of effluent from mines including acid rock drainage (also known as acid mine drainage) policies, law, guidelines
- changes to entitlements to access and use land that come with staking a claim
- new restrictions or land use designations to put limitations or conditions on how mines can be developed in certain areas
- use of water by mines specifically, any specific exemption or priority given to mines over water
- changes to the conditions or the enforcement of conditions under mines permits or licences
- For further guidance on conducting legislative research please refer to the prepared guidance document put together by the ELC (document saved to the Google Drive and hard copies available).

## Research Topic 1: Mining Rights and Exploration and Prospecting Legislation

- Together the [Mineral Tenure Act](#) and the [Mines Act](#) govern the disposition of subsurface rights to minerals in the province, and the permitting of mining activities (link to current acts embedded). The province's "free entry" system (where persons may freely enter, use and occupy land over which they have registered a claim) has remained largely unchanged since the gold rush in the 19<sup>th</sup> century.

### List of Changes to Mining Laws and Policies

Please look up the changes listed below by finding the original legislative change in BC Laws or Hein Online. Describe the change and its impact using the format on page . You can also use the secondary sources listed below (or any other sources you find) to get greater context and information about these changes. Please ensure you save any new sources to the Google Drive folder and cite in your work clearly.

- ❖ 1856: Gold was discovered on the mainland of British Columbia, which at the time was a colony administered by the Hudson Bay Company.
  - [History of Mineral Rights](#): lead to the 1857 proclamation below.
- ❖ 1857: James Douglas proclaimed crown ownership of all minerals: precious and base – Asserting Crown ownership of gold and creating a licensing system for gold
  - See Margaret Ormsby, *British Columbia: A History* (Vancouver: Macmillan, 1958) at 147-48 (print).
  - See pg. 24 -26 – [UBC Thesis](#) – “Legislating British Columbia : a history of B. C. land law, 1858-1978;”
- ❖ 1859: Goldfields Act - Gold Commissioners were appointed and a Free Miner Certificate (FMC) requirement existed at a cost of 1 pound
  - Act “administered the gold fields through the appointed office of the Gold Commissioner. The Gold Fields Act of 1859 did allow for the election of local mining boards, but they were not independent bodies. Any action they might undertake regarding the holding and working of claims had no force unless and until approved by the governor. The governor could dissolve any mining board at his pleasure”
    - Source: “[The Extralateral Right in British Columbia: A Comparison of the Mining Law, 1850-1900](#)” at pg. 89:

- Source: [History of Mineral Rights](#)
  - First time rule of free entry appears in BC legislation (and in Canadian legislation). See [Mining Watch Report 2004](#) pp. 2-9 (see pg. 4 for change brought in by Goldfields Act). Other pages (2-9 - not page 6 “staking” - law has since changed in this area) useful for context of why establishment of free entry system is significant.
  - Free miners allowed to record/claim specific amount of water for working of mining claims
    - Source: [Effluent Society](#) – Thesis (2004), UBC
- ❖ 1859: New Westminster Toll Proclamation, section 2(b) Grants a toll exemption for miners’ packs weighing less than 30 lbs. entering British Columbia at the Port of New Westminster.
  - Source: [The New Westminster Times](#) (key search “miner’s packs”). Also, ask Glenn Grande from Fair Mining Collaborative why this is an important change (will be present during the round table at 12:40 -1:20). If cannot find enough information on this change and are not here for the speaker series/able to talk to Glenn, please pass on to another student who will be present during this time.
- ❖ 1865 Amendment of Goldfields Act to require construction of ditch/flume
  - Source: [Effluent Society](#) – Thesis (2004), UBC
- ❖ 1867: Gold Mining Ordinance proclaimed
  - For a summary of the impact/purpose of this Ordinance see “[Placer gold mining in northern British Columbia, 1860 to 1880](#)” [Trueman, Allan Stanley \(1935\)](#) at pg. 4-5. (paper discusses BC Ordinance 1865 which became the Gold Mining Ordinance in 1867)
  - See discussion of how this ordinance allowed for “expansive rights to miners” [Christmann v. New Nadina Explorations Limited](#) at para 16.
- ❖ 1867: *Canadian Constitution Act*
  - Crown lands and mineral rights were vested in the provinces ([History of Mineral Rights](#))
- ❖ 1869: Mineral Ordinance (other than gold)
  - [UBC Thesis](#) – “Legislating British Columbia : a history of B. C. land law, 1858- 1978” at pg. 53-56.
  - See “[Disposal of crown lands in British Columbia, 1871-1913](#)” at pg. 131 – 133
- ❖ 1877 Minerals Act, 1877, S.B.C 1877, c.29 introduced
  - Source: [UBC Thesis](#) – “Legislating British Columbia : a history of B. C. land law, 1858- 1978” at pg. 65 – 66.
  - Determine whether the provisions attributed to “Mineral Act, R.S.B.C. 1897” in the following case [Christmann v. New Nadina Explorations Limited](#) (para 17), also existed in the Minerals Act 1877. If not, find when amendments were made to introduce these provisions.
- ❖ 1882: *Minerals Act* amendments
- ❖ 1883: Act to encourage coal mining introduced
- ❖ 1890: An Act to amend the “Railway Aid Act, 1890”, C 34, section 2: repealed section 13 of the Railway Aid Act, 1890 C 34, s 13, granted railway companies in BC the right to collect a “percentage on ores”.
  - Source: Ask Glenn Grande from Fair Mining Collaborative why this is an important change (will be present during the round table at 12:40 -1:20). If cannot find another source for this information and are not here for the speaker series/ able to talk to Glenn, please pass on to another student who will be present during this time.
- ❖ 1891: New statutes introduced: *Placer-mining Act* and the *Mineral Act* and province begins retaining subsurface rights (i.e. rights to minerals in the ground) in any land grants made.

- See [UBC Thesis](#) – “Legislating British Columbia : a history of B. C. land law, 1858- 1978” at pg. 73 -74 (pay attention to footnote 275)
- Also in 1891: “The province of BC has not included subsurface rights in most land grants issued after 1891. As a result, the surface owner of property rarely owns underlying mineral rights, except in areas of early settlement such as Vancouver Island and the Fraser Valley.”  
Source: [Fair Mining Practices: Fair Mining Collaborative, A New Mining Code for British Columbia](#), footnote 1, pg. 88.
- ❖ 1892: *Water Privileges Act* – vested ownership of water in the Crown and created licensing system for use
  - Source: [Effluent Society](#) – Thesis (2004), UBC: this licensing of water made it a “commodity available for mobilization into capitalist development projects” (page 129)
- ❖ 1893: “The right of pursuit, commonly known as the extralateral right, was eliminated in British Columbia”
  - The existing extralateral right that was removed from the *Mineral Act*. Prior to removal, “the holder of a mineral claim was entitled to follow the vein which outcropped within the boundaries of the claim to its furthest extent even if it ran under the boundaries of an adjacent claim and interfered with operations on that claim.”
    - Source: [“The Extralateral Right in British Columbia: A Comparison of the Mining Law, 1850-1900”](#) at pg. 82.
  - Basically, the purpose of the right (now removed) was to guarantee to the claimant the full benefits of any mineralization discovered within the surface boundaries of a mineral claim.
  - Purpose of elimination of the right was to reduce the opportunity for legal disputes.
  - see HeinOnline Mines Act 1893 legislative changes
- ❖ 1899: Department of Mines created
- ❖ 1911: *Mining Right of Way Act* first introduced
  - Source: [Surface rights under the Mineral Act of British Columbia](#) at pg. 120
- ❖ 1917: The *Mineral survey and Development Act* is introduced
  - Starting point: see [UBC Thesis](#) – “Legislating British Columbia : a history of B. C. land law, 1858- 1978” at pg. 86-87, 91
- ❖ 1943: Agreement with federal government on mineral tenure on “Indian lands”
  - Agreement that the “development of all minerals in Indian reserves would be subject to the Province’s laws, but that both provincial and federal officials would have to approve any mineral activity on a reserve. This agreement is confirmed by the Indian Reserve Mineral Resource Act.
    - Source: [Surface rights under the Mineral Act of British Columbia](#) at pg. 99 and footnote 10 at pg. 180.
- ❖ 1948: the provincial government passed an amendment to the Mineral Act explicitly stating that, henceforth, all grants of mineral rights would be subject to a royalty.
  - Source: [“Corporate Power, Interest Groups and the Development of Mining Policy in British Columbia, 1972-77”](#) at pg. 15, footnote 27. No further information is provided in this report on this particular event. Use the above citation to cite the fact. Find the change on HeinOnline and further research any articles/commentary on the impact this amendment has had.
- ❖ 1957: The *last* Crown granted mineral claims were issued in 1957 due to amendments to the *Mineral Act*. The *Mineral Property Taxation Act* was also introduced.
  - A series of amendments to the Mineral Act were made which replaced the outright grant of mineral rights with a twenty-one-year renewable Crown lease.

- Source: "[Corporate Power, Interest Groups and the Development of Mining Policy in British Columbia, 1972-77](#)" at pg. 10.
  - "Crown granted mineral claims are excluded from application of the provincial Mineral Tenure Act leaving affected lands vulnerable to a lack of regulatory control over surface/subsurface matters dealt with under that legislation...today only a few freehold mineral tenures remain in force in BC."
    - Source: [Fair Mining Practices: Fair Mining Collaborative, A New Mining Code for British Columbia](#), pg. 88
  - The *Mineral Property Taxation Act* was introduced which gave the government the authority to levy a property tax based on the value of minerals in the ground.
    - Source: "[Corporate Power, Interest Groups and the Development of Mining Policy in British Columbia, 1972-77](#)" at pg. 10.
- ❖ 1960: *Mineral Act* (Ch. 244) of 1960 introduced
- ❖ 1969: Mining companies are now required by law to reclaim all lands disturbed by mining
  - Source: [British Columbia Technical and Research Committee on Reclamation](#)
  - What piece of legislation introduced this change?
- ❖ 1973: A series of amendments to the province's *Mineral Act* was introduced in the legislature
  - See: [Mining Watch Report 2004](#) pg.10-11
  - "By far the most important change was the introduction of a new procedure for the issuing of twenty-one-year mineral leases under the act. **The new section 64 specified that all new applications must be accompanied by a production plan** detailing the economic feasibility, ecological reclamation, and safety standards governing the development, as well as information that the "best possible method of producing the minerals" would be employed."
  - This change removed the free "right to mine" by requiring approval of production plans before mining (see p.29 -20)
    - Source: "[Corporate Power, Interest Groups and the Development of Mining Policy in British Columbia, 1972-77](#)" at pg. 13, 29-30.
  - British Columbia, Statutes, 1973, Chapter 52, "*An Act to Amend the Mineral Act.*"
  - The Copper and Iron Bounty Acts were repealed – end to government subsidies in these areas see
    - Source: "[Corporate Power, Interest Groups and the Development of Mining Policy in British Columbia, 1972-77](#)" at pg. 14.
- ❖ 1974: *Mineral Royalties Act* introduced
  - 5% royalty on mining companies introduced, an incremental royalty system.
    - Source: "[Corporate Power, Interest Groups and the Development of Mining Policy in British Columbia, 1972-77](#)" at pg. 15-16, 22
- ❖ 1976: After extensive lobbying by mining companies and a change in government – the NDP's *Mineral Royalties Act* of 1974 was replaced by new legislation: the *Mineral Resources Tax Act*, and a new set of *Mineral Act* amendments.
  - Changes reduced the total amount of tax that mining companies needed to pay.
    - Source: "[Corporate Power, Interest Groups and the Development of Mining Policy in British Columbia, 1972-77](#)" at pg. 29. See from approx. pg. 20 onwards for history of lobbying by mining companies – please summarize important points and changes)
  - See: [Mining Watch Report 2004](#) pg.10-11
  - *Mineral Act* amendments: The "right to mine" was restored to free miners and the holders of mineral claims, while the fees for holding such claims were reduced substantially. Repeal

of section 64 of the Mineral Act which, as we have seen, required mining companies to obtain ministerial approval of a detailed production plan before commencing operations.

∴ Source: "[Corporate Power, Interest Groups and the Development of Mining Policy in British Columbia, 1972-77](#)" at pg. 29-30

- ❖ 1977: *Mineral Act* (Ch. 54) 1977 replaces *Mineral Act* of 1960
  - In general terms, this act reaffirmed the status of the "free miner," ensured his access to the province's mineral resources, and removed the last vestiges of production regulation.
    - Source: "[Corporate Power, Interest Groups and the Development of Mining Policy in British Columbia, 1972-77](#)" at pg.30
- ❖ 1979: *Mineral Act* 1979 revises *Mineral Act* 1977
- ❖ 1980: A moratorium on uranium exploration was introduced, but it expired in 1987 and was not renewed
  - Source: [BC Mining Policy: the Fraser Institute](#)
- ❖ 1988: *Mineral Tenure Act* (1988) replaces *Mineral Act* 1979 and *BC Placer Mining Act*
  - The *Mineral Tenure Act* permits time-limited tenure in recreation areas
  - "When the two statutes were combined, the language of s. 6 of the *Mineral Act* (now s. 11 of the MTA) was changed in a material way. The listed land uses in s. 6(2) remained protected from entry during exploration by free miners, but not during mining activities undertaken by recorded holders"
    - Source: [Christmann v. New Nadina Explorations Limited](#). See discussion of some of the impacts of this consolidation on surface rights at para 22 (read para 17-23 for before and after comparison point).
- ❖ 1994: *Mines Reclamation Fund Regulation* passed – look at s. 12 of *Mines Act* for context,
  - Source: [Ecojustice Mineral Tenure Report](#)
- ❖ 1994: *Mines Regulation* – introducing investigatory powers of inspector
- ❖ 1995: *Mineral Tenure Act* amended to introduce s. 16.1 (which became s. 20 in 1996), creating a significant prohibition in relation to private land for all mining purposes
  - Source: [Christmann v. New Nadina Explorations Limited](#) at para 24 (see previous paragraphs for context on previous state of the law and impact of the change).
- ❖ 1996: Revision of the *Mineral Tenure Act* - enactment of Section 19 - right of entry on private land
- ❖ 1999: *Mining Rights Compensation Regulation* is introduced
  - Source: [Ministry of Energy and Mines News Release 1999](#)
- ❖ 2002: Amendments to the *Mines Act* removes requirement to submit a site profile
  - A site profile is one of the basic tools for identifying contaminated sites. However, amendments to the *Mines Act* in 2002 removed the previous requirement to submit a site profile when applying for a permit or permit amendment (repealed s.10(10)). Determine whether this was introduced under Bill 54 along with the 2002 amendments listed below. If it was, combine into the same description (i.e. this is one legislative timeline event).
    - Source: "[The Raven Mine: A Regulatory & Fiscal Black Hole?](#)" at pg. 12.
- ❖ 2002: Amendments to the *Mineral Tenure Act* and the *Mines Act* were introduced today under Bill 54
  - Source: [Ministry of Energy and Mines News Release 2002](#)
  - New provision added to the *Mineral Tenure Act*, which provided that most land use designations or objectives outside of protected areas cannot prevent or limit mining activity
  - Source: [West Coast Environmental Law Mining Report](#) at pg. 11;



- Source: [Fair Mining Practices: Fair Mining Collaborative, A New Mining Code for British Columbia](#) at p. 84.
- See [Mining Watch Report 2004](#) pg.11 for an overview of Bill 54 changes.
- 2002 amendments removed the provisions designed to prohibit entry and use, and replaced them with provisions designed to establish conditions and compensation for such use. Sections prohibiting miners from "obstruction or interference" with activities (or buildings) on private land was repealed.
  - Source: [Christmann v. New Nadina Explorations Limited](#) at para 27 (read para 24-27, to see importance of change)
  - Source: ['War Brewing' over Mining Rights in Rural BC; Company Grabs Mining Rights to Premier's Land](#) (Key word search 2002)
- ❖ 2003: Amendments to *Mineral Tenure Act* and *Mines Act*
  - Source: [Ministry of Energy and mines News Release 2003](#)
  - Changes introduced by *Energy and Mines Statutes Amendment Act, 2003*:
    - Source: ["The Raven Mine: A Regulatory & Fiscal Black Hole?"](#) See pg. 11-12 and footnote 53, 54.
  - Rewrites to the Mineral Exploration Code
    - Source: [Company Grabs Mining Rights to Premier's Land](#) (key term search Mineral Exploration code)
- ❖ 2004/2005: Revisions made to the *Mineral Tenure Act*, *Mineral Tenures Act Regulations* and Implementation of Mineral Titles Online
  - Mineral Tenure Amendment Act, 2004 introduces changes, which provided a statutory basis for the implementation of the Mineral Title Online Project (MTO) in 2005;
    - Source: [Christmann v. New Nadina Explorations Limited](#) at para 28.
    - Source: [Ministry of Energy and Mines News Release 2004](#)
  - "amendments to the Mineral Tenure Act began to permit online staking with the click of a mouse and a credit card"
    - Source: [West Coast Environmental Law Mining Report](#) at pg. 2
    - Source: [Ecojustice Mineral Tenure Report](#) at pg. 13.
  - "The MTO allows proponents to stake their claim through the use of an online map, rather than having to physically drive claim stakes into the ground... Since the MTO's inception in 2005, there has been an exponential increase in the number and area of claims staked across the province;" "BC's online free entry staking system allows mineral claims to be staked and exploration activities to commence on First Nations' traditional territories without consultation or obtaining First Nations' free, prior and informed consent." see pg.
    - Source: [Fair Mining Practices: Fair Mining Collaborative, A New Mining Code for British Columbia](#) at p. 89; 92-93.
- ❖ 2008: Amendments to the *Mineral Tenure Act* bring into force landowner notification
  - [Ministry of Energy and Mines News Release 2008](#)
- ❖ 2008: *Uranium and Thorium Reserve Regulation* is introduced and a reserve is placed on Thorium and Uranium (can no longer obtain rights to prospect/explore for Thorium and Uranium)
  - *Uranium and Thorium Reserve Regulation* (BC Regulation 82/2008) is established over all mineral lands and reserves uranium and thorium rights to be vested in the government on for claims registered on or after April 24, 2008.
- ❖ 2008: Provincial government releases policy statement committing to share revenues received from new mine developments with First Nations

- Source: [2008 News Release](#)
- [Revenue Sharing Policy overview](#)
- In August, 2010, British Columbia became the first province in Canada to share mineral tax revenues directly with First Nations, and two separate agreements were signed.
  - Source: [BC Mining Policy: the Fraser Institute](#)
- ❖ 2011: *Mines Act* amendments introduced that allow mining companies to conduct certain threshold exploration activities without going through a lengthy permitting process.
  - See the following [News Article](#) for background and policy debate.
- ❖ 2012: Changes made to the *Mineral Tenure Act Regulations*
  - Introduction of a subdivision tool and a new fee structure.
  - See details of change here: [Government of BC News Release 2012](#)
  - [Policy Backgrounder on Mineral Title Changes 2012](#)
  - [Ministry of Energy and Mines News Release 2012](#)
- ❖ 2014: The *Parks Act* has been amended to allow for greater mining research in parks through the *Park Amendment Act*.
  - Source: [DeSmog News Article](#)
- ❖ 2015: Mines Fee Regulation introduced under the *Mines Act* to introduce permitting fees
  - Source: [Mines Act Permit & Inspection Fees](#)
  - Source: [Q&A Mines Fee regulation](#)
  - Source: [Mines Fee Regulation, Order in Council](#)
- ❖ 2016: Administrative Monetary penalties introduced as an additional compliance and enforcement tool under the *Mines Act*.
  - Prior to change: compliance and enforcement tools under the act are limited to shutting down a mine through the cancellation of a permit, issuance of a stop-work order, or pursuing prosecutions. See [Ministry of Energy and Mines Press Release](#) and *Administrative Penalties (Mines) Regulation*.
- ❖ 2016: The Water Sustainability Regulation s. 39(3), and the Water Sustainability Act, s. 11(2)(b)
  - Together, these provisions create an exemption for “changes in or about a stream” for mining near inland bodies of water by deference to a *Mines Act* permit and the rules under the Health, Safety and Reclamation Code. This may be done by deeming a *Mines Act* permit a water licence (determine whether this characterization is correct).
- ❖ 2016: revisions introduced to Health, Safety, and Reclamation code that govern the handling of tailings storage facilities
  - Source: [BC News Release](#)
- ❖ 2016: Deputy Minister’s Mining Compliance and Enforcement Board was established
  - Source: [Compliance and Enforcement Board](#)

#### Other Mining Legislation Changes to Research

1. To obtain a mineral tenure and begin prospecting/exploration activities an individual must be over the age of 18 (*Mineral Tenure Act*, RSBC 1996, c 292, ss 7, 8(2), 11(1).) When first introduced, mining laws used to set the age restriction at 16. When was this change made?
2. *Mineral Tenure Regulations*, BC Reg 529/2004, Schedule B: The application fee for a mining lease is \$100 (s 13), and the annual rental fee for a mining lease is \$20 per hectare (s 14).
  - a. how has this amount changed in recent years? Has the amount gone up or down? See if there is a history of legislative amendments to this section using BC Laws and HeinOnline. If the amount has gone up, determine if levels of inflation are being accurately reflected.

- b. Background: To convert a mineral claim into a lease (which allows for much higher levels of mineral production) the claim holder must pay a prescribed fee.
3. By staking a claim and paying the required registration fee a proponent acquires the right to minerals in the ground, and without obtaining further approval may:
  - a. produce up to 1,000 tonnes of ore per year from each cell in a cell claim (or, in the case of placer claims, produce up to 2,000 cubic metres of pay dirt per year); and extract a bulk sample of up to 10,000 tonnes of ore once every five years. (Mineral Tenure Act, RSBC 1996, c 292, ss 14(1), 28.)
  - b. how has this amount changed in recent years? Has the amount gone up or down? See if there is a history of legislative amendments to this section using BC Laws and HeinOnline.
4. The Chief Gold Commissioner is able to designate areas as mineral reserves (meaning you can't get mineral tenure in these areas), currently under s. 22 of the *Mineral Tenure Act*.
  - a. When was this power introduced? See if there is a history of legislative amendments to this section using BC Laws and HeinOnline.
5. "In BC, the information regarding mine reclamation submitted in a Notice of Work application is used to determine the appropriate amount of security that the applicant may be required to post before commencing mining exploration. However, the posting of security is not required in all cases: the Chief Inspector may exempt a miner from having to comply with the permitting and security requirements under section 10 of the Mines Act."
  - a. Source: [Fair Mining Practices: Fair Mining Collaborative, A New Mining Code for British Columbia](#) at p. 140.
  - b. When was this exemption under s.10 of the Mines Act introduced? Was it introduced at the same time as requirements to post security were legislated? See if there is a history of legislative amendments to this section and using BC Laws and HeinOnline.
6. "In BC, the Chief Inspector of Mines has broad discretion to exempt a miner from the requirement to obtain a mine permit where he or she deems it justifiable based on the "nature of the proposed work"" (Mines Act, RSBC 1996 c 293, s 10(2)).
  - a. Source: [Fair Mining Practices: Fair Mining Collaborative, A New Mining Code for British Columbia](#) at p. 253.
  - b. When was this exemption under s.10 of the Mines Act introduced? Was it introduced at the same time as the requirement to obtain a mine permit was legislated? See if there is a history of legislative amendments to this section and using BC Laws and HeinOnline.
  - c. Importance: "includes the discretion to exempt large scale mining operations from the requirement to apply for and obtain a mine permit. The law does not, however, provide any guidance on how the Chief Inspector should exercise this discretion in deciding whether to exempt a mine from the basic mine permit requirement.
7. "Under the *Mineral Tenure Act*, if a proponent contravenes the *Mineral Tenure Act*, *Criminal Code*, *Heritage Conservation Act*, *Mines Act* or associated regulations, BC's Chief Gold Commissioner is empowered to suspend the proponent's Free Miner Certificate (FMC) (*Mineral Tenure Act*, RSBC 1996 c 292, s 10(1)). Without an FMC, the proponent may no longer acquire or maintain a mineral title, nor access the mineral land for exploration. Before a FMC can be suspended, the proponent must be given notice and an opportunity for a hearing. The proponent may also appeal the FMC cancellation (s. 10)(1) and s.10(3) *Mineral Tenure Act*).
  - a. When was this power introduced under the *Mineral Tenure Act*? have there been changes made to this power, hearing opportunity or appeal process since its

introduction? See if there is a history of legislative amendments to these sections using BC Laws and HeinOnline.

8. Failure to comply with the *Mines Act*, regulations, the Health, Safety and Reclamation Code (HSR Code), constitutes an offence, for which, upon conviction, a proponent may be sentenced to: a maximum fine of \$100,000; imprisonment for up to one year; or a fine and imprisonment (Mines Act, RSBC 1996 c 293, ss 37(2)(3)).
  - a. Has this amount changed over time? See if there is a history of legislative amendments to this section using BC Laws and HeinOnline.
9. Security deposit required for mine reclamation: “As noted in a 2002 report by the Auditor General: “security now being taken under the Mines Act is inadequate to remediate the known mine sites in British Columbia where contamination exists.” Although security provisions have been included in provincial law since the 1970’s, unsecured reclamation liabilities continue to pose deficit problems.” see pg. 398-399 and follow footnote citations to see if you can determine when security provisions for mine reclamation were introduced, by what instrument, and how requirements have changed.  
<http://www.fairmining.ca/wp-content/uploads/2015/07/Fair-Mining-Practices-A-New-Mining-Code-for-BC-Web-Copy.pdf>
  - a. security currently required under Mines Act, RSBC 1996, c 293, s 10 – and currently the amount of security required is determined on a case-by-case basis, based on the miner’s reclamation estimate and negotiations carried out between the miner and the lead government agency (see p.407)
10. Through OIC 309/67, a tidal waters reserve was created to restrict a free miner from locating a claim upon those lands covered by tidal waters along the coast of the mainland. Reserve Site 332568.
  - a. When was this reserve introduced and to what geography does it apply?
11. In response to a court case, *Cream Silver Mines Ltd. v. British Columbia*, 75 BCLR (2d) 324, BC amended s. 17.1 of the *Mineral Tenure Act* to require compensation to mineral rights holders when parks are created
  - a. Source: [WCEL Report, Modernizing BC’s Free Entry Mining Laws](#) at page 25
  - b. Find when s. 17.1 of the *Mineral Tenure Act* was amended to require this compensation

## Research Topic 2: Pollution Control Legislation about Mines

- The [Environmental Management Act](#) (EMA) regulates and authorizes the discharge of any waste product into the environment. Most major mines will require an effluent (liquid waste) discharge permit under the *Environmental Management Act*.
- The current EMA came into force on July 8, 2004, replacing the previous *Waste Management Act* and *Environmental Management Act*. The *Waste Management Act* was previously called the *Pollution Control Act* from 1956 to 1982.
- The earliest version of the EMA was the *Pollution Control Act* of 1956. This created the Pollution Control Board which had powers to set effluent discharge amounts.

### List of Significant Changes to Legislation

Please look up these changes listed by finding the original legislative change in BC Laws or Hein Online and then describe using the format on page . You can also use the secondary sources listed below (or any other sources you find) to get greater context and information about these

changes. Please ensure you save any new sources to the Google Drive folder and cite in your work clearly.

- 1956 – *Pollution Control Act* introduced \*at this point it only applies municipal lands (meaning application to mines was limited)
  - See [1967 Lucas Thesis](#)
- 1960 – Regulations under the *Pollution Control Act* expanded jurisdiction of Pollution Control Board beyond municipal lands.
  - See Willenbrock Thesis - page 114  
<https://open.library.ubc.ca/cIRcle/collections/ubctheses/831/items/1.0077503>
- 1965-67 – *Pollution Control Act* was significantly amended to expand to include regulation of industrial wastes and expand geographical application.
  - Specifically section 4 of the Act was amended making it illegal to discharge effluent without a permit.
  - The 1967 Act more broadly defined pollution.
  - The Act still keeps sole discretion of the Director of pollution control to make decisions over permit applications
  - Pollution Control Board shifted to be under Ministry of Lands, Forests and Water Resources
  - See [Kolankiewicz Thesis](#), [Effluent Society](#) – Thesis (2004), UBC
- 1973 First time Pollution Control Objectives for Mining by Pollution Control Board are introduced
  - see 1978 Inquiry Report:  
<http://a100.gov.bc.ca/pub/eirs/finishDownloadDocument.do?subdocumentId=6321>
- 1976 *Pollution Control Act* is amended with the *Pollution Control (1967) Amendment Act, 1976* to expand Director's power to issue a pollution abatement order without an intermediate step of an order to improve effluent treatment
  - see page 116:  
<https://open.library.ubc.ca/cIRcle/collections/ubctheses/831/items/1.0077503>
- 1977 *Pollution Control Act* amended with the *Pollution Control (1967) Amendment Act, 1977* to grant the minister emergency powers in case of spills, and to allow pollution abatement costs and remediation costs to be recovered from person causing or permitting pollution (s. 26)
  - see page 116:  
<https://open.library.ubc.ca/cIRcle/collections/ubctheses/831/items/1.0077503>
- 1981 *Environmental Management Act* gives the Minister powers to take action to combat and environmental emergency like a spill
  - see page 131  
<https://open.library.ubc.ca/cIRcle/collections/ubctheses/831/items/1.0077503>
- 1982 *Waste Management Act* replaces *Pollution Control Act*, it creates a framework for “special waste disposal”
  - the *Waste Management Act* imposed strict liability for waste disposal and spills, pages 122-123: <https://open.library.ubc.ca/cIRcle/collections/ubctheses/831/items/1.0077503>
  - Hansard, page 8173:  
[https://www.leg.bc.ca/documents-data/debate-transcripts/32nd-parliament/4th-session/32\\_p\\_04s\\_820614p](https://www.leg.bc.ca/documents-data/debate-transcripts/32nd-parliament/4th-session/32_p_04s_820614p)

- 1987 *Waste Management Act* amended to require confinement of special wastes and provides for liability of people who allow for escape of a special waste whether it causes a danger or not
  - see page 134  
<https://open.library.ubc.ca/cIRcle/collections/ubctheses/831/items/1.0077503>
- 1989 *Waste Management Act* amended to increase penalties for reckless and intentional violation of the law
  - see page 134  
<https://open.library.ubc.ca/cIRcle/collections/ubctheses/831/items/1.0077503>
- 1990 *Waste Management Act* amended to create certificates of compliance for remediated sites and allow for control, abatement, and remediation orders without require a declaration of an environmental emergency first
  - see page 135:  
<https://open.library.ubc.ca/cIRcle/collections/ubctheses/831/items/1.0077503>
- 1993 *Waste Management Act* amended through the *Waste Management Amendment Act* to include provisions about management and remediation of contaminated sites (coming into force 1997) – significantly broadening of responsible persons for liability, ability to issue pollution prevention order
  - see Symposium Paper, 1994, page 1, page 8-11 for specific mining implications of amendment: <https://open.library.ubc.ca/cIRcle/collections/59367/items/1.0042260>
  - This 1991 BC Government Discussion Paper also provides context for this change and describes earlier amendments leading to this larger amendment:  
[https://www2.gov.bc.ca/assets/gov/environment/air-land-water/site-remediation/docs/approvals/new\\_directions.pdf](https://www2.gov.bc.ca/assets/gov/environment/air-land-water/site-remediation/docs/approvals/new_directions.pdf)
- 1996 *Contaminated Site Regulation* first introduced, you can see the changes to the regulation here:  
<https://www2.gov.bc.ca/gov/content/environment/air-land-water/site-remediation/laws-regulations-compliance>
- 1997 Site registry on investigations conducted begins -  
<https://archive.news.gov.bc.ca/releases/archive/pre2001/1997/november/bg072.asp>
- 2002 addition of Part 4.1 of the *Waste Management Act*, creating separate section for reclamation of contaminated mine sites separate from general contaminated sites section
  - Source: [WCEL Backgrounder on Waste Discharge Regulation](#)
- 2004 *Waste Management Act* and *Environmental Management Act* replaced by *Environmental Management Act* – includes risk-based approach, codes of practice to reduce need for permits for all activities
  - *Contaminated Sites Regulation* amended -  
[https://www2.gov.bc.ca/assets/gov/environment/air-land-water/site-remediation/docs/updates/bill\\_57\\_in\\_effect.pdf](https://www2.gov.bc.ca/assets/gov/environment/air-land-water/site-remediation/docs/updates/bill_57_in_effect.pdf)
  - *Waste Discharge Regulation* deposited, only require Ministry authorization for prescribed industries listed under regulation to introduce waste
  - *Waste Management Act* 26.1 Repealed. Former *Waste Management Act* provisions rolled into *Environmental Management Act*, 2003 ( *WMA* s. 26.1 became *EMA* s. 40). However, the move made the requirement for a contaminated site profile for mining activities under

EMA disappear. Contaminated sites under a Mines Act permit no longer require a Site Profile.

- Section 47(1) of *Environmental Management Act* changed to constrain ability of Ministry to re-open investigations about contaminated sites after certificate of compliance issued
  - i. Source: [see 2007 EMA CLE report in sources](#)
- 2014 Addition of administrative penalties regulation under EMA (s. 115), addition of *Administrative Penalties Regulation*
- 2016 Auditor General critiques Waste Discharge Regulation for failing to increase fees for discharge in any significant way (compare from when the Regulation was introduced to now how these fees have changed), as well as the lack of transparency under s. 137
  - Source: [Auditor General Report](#)
- 2016 amendments proposed to spill response and polluter pays system under *EMA* – check to see if these amendments were passed
  - Source: [Auditor General Report](#)

### Other Pollution Control Legislative Changes to Research

1. A mine permit to conduct exploration activities is obtained by submitting a Notice of Work application to the Minister of Energy and Mine. The Chief Inspector may grant an exemption from this requirement (Mineral Tenure Act, RSBS 1996 c 292 s 14(2); Mines Act, RSBC 1996 c 293 ss 10(1),(2)).
  - a. Note that such an exemption, if granted, also exempts the miner from having to comply with **the Environmental Management Act, SBC 2003 c 53 s 6(5)** as it relates to the discharge of waste. If the Chief Inspector exempts a miner from having to obtain a permit for exploration activities, there is no residual legal requirement to prepare a closure or reclamation plan
  - b. See footnote 33 + 39 p. 130, 132:  
<http://www.fairmining.ca/wp-content/uploads/2015/07/Fair-Mining-Practices-A-New-Mining-Code-for-BC-Web-Copy.pdf>
2. Look up the history of the following, using BC Laws and Hein Online:
  - a. Part 5 Remediation of Mineral Exploration Sites and Mines of the *Environmental Management Act*; and
  - b. s. 137 (Cabinet powers to exempt mines from permitting requirements)
3. Using BC Laws, determine when the *Placer Mining Waste Control Regulation* was first introduced and what impacts it has -  
[http://www.bclaws.ca/civix/document/id/complete/statreg/107\\_89](http://www.bclaws.ca/civix/document/id/complete/statreg/107_89)
  - a. *EMA* Regulations have point in time back to 2009:  
<http://www.bclaws.ca/civix/content/complete/statreg/414786120/03053/1507148332/?xsl=/templates/browse.xsl>

### Important resources for Pollution Control Act, WMA, and EMA

- CLE Paper detailing major changes to the EMA as a result of the 2004 major amendment of the legislative regime:  
[http://www.ahbl.ca/wp-content/uploads/2012/05/How\\_the\\_New\\_Environmental\\_Management\\_Act\\_Works-Jason\\_Bourgeois-October2007.pdf](http://www.ahbl.ca/wp-content/uploads/2012/05/How_the_New_Environmental_Management_Act_Works-Jason_Bourgeois-October2007.pdf)

- Auditor General Report (2016) – covers recent proposals and amendments as a result of Mt. Polley disaster - <http://www.bcauditor.com/pubs/2016/audit-compliance-and-enforcement-mining-sector>
- Alastair Richard Lucas, LLM Thesis, UBC, *Pollution Control Law in British Columbia: The Administrative Approach* (1967): helpful for historical pollution control law details prior to 1967 back to 1869. <https://open.library.ubc.ca/cIRcle/collections/ubctheses/831/items/1.0077760>
- Leon John Kolakiwicz, MSc Thesis, UBC, *Implementation of British Columbia's Pollution Control Act, 1967, in the Lower Fraser River* (1981): covers changes in *Pollution Control Act* between 1956 and 1970s, <https://open.library.ubc.ca/cIRcle/collections/ubctheses/831/items/1.0095064>
- Arn M Keeling, PhD Thesis, UBC, *The Effluent Society: Water Pollution and Environmental Politics in British Columbia, 1889-1980* (2004): excellent summary of pollution control legislation, a lot of detail on mining in chapters 2-3, links legislative changes to historic events - <https://open.library.ubc.ca/cIRcle/collections/ubctheses/831/items/1.0091830>
- James Rhatigan, MA Thesis, UBC, *Afterlife of a Mine: The Tangles Legacies of the Britannia Mine* (2016): history of Britannia mine, also details 1990s changes to *Waste Management Act* legislation in response to Britannia Mine problems with responsibility and liability <https://open.library.ubc.ca/cIRcle/collections/ubctheses/24/items/1.0319337>
- West Coast Environmental Law paper on Waste Discharge Regulation from 2004 <https://www.wcel.org/sites/default/files/publications/ResponsetoProposedWasteDischargeRegulation.pdf>
- West Coast Environmental Law paper on *Waste Management Act* changes to separate out mining site reclamation in 2002 <https://www.wcel.org/sites/default/files/publications/Deregulation%20Backgrounder%20-%20Bill%2032.pdf>
- Christel Willenbrock, UBC LLM Thesis, *A Policy Analysis of Waste Management Legislation in Canada and Germany with a Focus on Polluter Pays Principle* (1995) - <https://open.library.ubc.ca/cIRcle/collections/ubctheses/831/items/1.0077503>
- West Coast Environmental Law report from 2013 on Free Entry Mining Laws <https://www.wcel.org/publication/modernizing-bcs-free-entry-mining-laws-vibrant-sustainable-mining-sector>

## Research Topic 3: Catastrophic Mining Events and Historical Issues

### Research

#### Details to Include

\*Note: We are focussing on events with significant environmental impacts as opposed to workers' safety issues (not that labour issues aren't important...)

- Name of Mine
- Nature of event
- Date/timing of event (describe whether this date is the date of discovery of contamination or date of catastrophe)
- Reclamation actions or continuing contamination



- Cite sources used
- Any other commentary on the event provided by resources

### List of Events (as a Starting Point)

1. 2014 Mt. Polley disaster – well detailed at pp. 16-17 of [ELC Inquiry Report](#), pp 66-68 [Auditor General Report](#)
2. Britannia Mine
  - a. 1972 – Britannia mine’s acid mine drainage recognised by Pollution Control Board - pollution abatement order issued to Anaconda (owned of Britannia, one month before mine closure) 1974
  - b. 2001 – province settles for \$35 million dollars w/ potentially responsible parties for Britannia (about 1/3 of water treatment plan estimated cost)
  - c. 2011 – pink salmon start spawning in Britannia Creek for first time in living memory
  - d. Starting Point Sources: [UBC Thesis on Britannia Mine History \(2016\)](#); [ELC Inquiry Report](#)
3. Tsolum River – Mt. Washington Mine - [ELC Inquiry Report](#)
4. Jordan River – Sunro Mine - [ELC Inquiry Report](#)
5. Elk River Valley Coal Mines – contamination, Selenium - [ELC Inquiry Report](#)
6. Pinchi Lake - [ELC Inquiry Report](#)
7. Alice Arm heavy metals - [ELC Inquiry Report](#)
8. Kamloops mercury contamination –[ELC Inquiry Report](#)
9. Cyanide escape from heap leaching mine near Grand Forks - [ELC Inquiry Report](#)
10. Tulsequah Chief Mine – acid mine drainage - [ELC Inquiry Report](#)
11. Shasta Baker Mine dam – inadequate security bond for reclamation, [Auditor General Report](#)
12. Mercury pollution at Barkerville - [ELC Inquiry Report](#)
13. Mercury contamination at Granite Creek, Princeton - [ELC Inquiry Report](#)
14. Sheep Creek, Salmo BC – gold operations in Sheep Creek reported to have killed all fish in Salmon River in 1912 – continued issues into 1940s, 1950s - [Effluent Society](#) – Thesis (2004), UBC
15. Toby Creek - small tailings impoundment collapsed in 1958 – 100000 tones of tailings into Toby Creek, Mineral King mine (effluent thesis) - only \$20 fine and \$9 court costs prosecution under Fisheries Act in 1958
  - a. 1963 prosecution – dismissed based on inconsistent interpretation of Fisheries Act offence (whether mens rea required)
  - b. Source: [Effluent Society](#) – Thesis (2004), UBC
16. Keremeos - fisheries and agricultural impacts 1911 near Keremeos due to gold mining along the Similkameen, 1916 again Copper Mountain tailings dump upstream of Hedley
  - a. elevated arsenic levels as of 2003
  - b. Source: [Effluent Society](#) – Thesis (2004), UBC
17. 1966 – Pollution Control Board granted permits to Western Mines to dispose of tailings in Buttle Lake, in Strathcona Park (Van Isl) amidst public outcry (began to discharge in 1967) – open pit mine
  - a. 1971 showed adverse environmental effects from tailings (not stopped disposal until 1984)

- b. controversy – credited w/ amendment to Pollution Control Act in 1967
  - c. Source: [Effluent Society](#) – Thesis (2004), UBC
- 18. 1968 – Kaiser Resources proposal to develop coal in mega mine in Elk River
  - a. new regulations for reclamation of strip mines under Mining Regulation Act – 1969 – in response to this new strip mine
  - b. Source: [Effluent Society](#) – Thesis (2004), UBC
- 19. Siltation of Harmer Creek (Elk River tributary) – 1969 ordered to build impoundments (no prosecution)
  - a. Source: [Effluent Society](#) – Thesis (2004), UBC
- 20. Island Copper Mine – 1978 – disposal of tailings in inlet discovered to be welling up
  - a. Source: [Effluent Society](#) – Thesis (2004), UBC

## Research Topic 4: The Code and ARD Guidelines

### Health, Safety and Reclamation Code

Determine when the Health, Safety and Reclamation Code was first introduced and determine what significant changes have been made to it.

- Briefly look at the history of the current section 34 of the *Mines Act*, which creates the Health, Safety and Reclamation Code committee
  - Can see changes approved through Orders in Council, for example this Code has been around since at least 1990:  
[http://www.bclaws.ca/civix/document/id/oic/arc\\_oic/0945\\_1990/search/CIVIX\\_DOCUMENT\\_ROOT\\_STEM:\(health%20safety%20and%20reclamation%20code\)?3#hit1](http://www.bclaws.ca/civix/document/id/oic/arc_oic/0945_1990/search/CIVIX_DOCUMENT_ROOT_STEM:(health%20safety%20and%20reclamation%20code)?3#hit1)
  - Table of Legislative change – re-enacted as of 2003 (unsure what was there before)
- 2016: revisions introduced to Health, Safety, and Reclamation code that govern the handling of tailings storage facilities, revised in response to Mt. Polley disaster
  - See [BC News Release](#)
  - Inquiry Report from ELC
  - Code Review process:  
<https://www2.gov.bc.ca/gov/content/industry/mineral-exploration-mining/health-safety/health-safety-and-reclamation-code-for-mines-in-british-columbia/codereview>
  - Revision introduced Part 10.1.3, which requires mine plans to include “asserted and claimed aboriginal and treaty rights”. However, no guidance or clarification for miners accompanies this amendment.
  - 2017 Revision:  
[https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/mineral-exploration-mining/documents/health-and-safety/code-review/health\\_safety\\_and\\_reclamation\\_code\\_2017\\_rev.pdf](https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/mineral-exploration-mining/documents/health-and-safety/code-review/health_safety_and_reclamation_code_2017_rev.pdf)

### Acid Rock Drainage Policy and Guidelines

- Write out a brief summary of this policy and guidelines
- Guidelines – 1998 -  
[https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/mineral-exploration-mining/documents/permitting/ml-ard\\_guidelines.pdf](https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/mineral-exploration-mining/documents/permitting/ml-ard_guidelines.pdf)
  - Working policies and procedures compiled in 1991

- Policy – developed in 1998, sets out risk assessment policy, requirements for consideration of ML/ARD potential in financial security requirement - [https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/mineral-exploration-mining/documents/permitting/ml-ard\\_policy.pdf](https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/mineral-exploration-mining/documents/permitting/ml-ard_policy.pdf)

## Appendix A: Introduction to Major Mining Law Reform Project

Over the next two years, the ELC and ELC students will work with environmental and First Nation groups to write a crisp and pithy law reform agenda for mining. The goal is to advance the creation of a much-needed, concise Agenda/Platform for Change in Mining Laws. Reform is necessary in an industry that can permanently destroy entire watersheds, an industry that has wiped out salmon runs in a number of rivers, poisoned fish and wildlife, and cost taxpayers tens of millions of dollars in remediation costs.

In 2013 the ELC drafted the Fair Mining Practices Code, which laid out potential reforms in a lengthy, detailed (400 + pages) document. Now there is a need to consolidate the necessary reforms in a much briefer form that the public and laypeople can understand – in order to mobilize public support for real change. With a new government, the time for this work is particularly opportune.

The aim of this major law reform project is to develop ten modules on ten different aspects of mining law (e.g., mineral tenure reform; placer mining; monitoring and enforcement; polluter pays principle; environmental assessment; free, prior and informed consent/UNDRIP; etc). These modules will become important background documents for a public discussion about mining reform, to be conducted by partners in this project.

Published as a package, these modules will become the essential Backgrounders for webinars, workshops, meetings, and discussions with First Nations, local governments, NGOs, community groups and others working to develop a Mining Law Reform Agenda. Mining Watch Canada and Fair Mining Collaborative will be our partners in promoting this debate and discussion about the modules and the agenda for change.