

Wilderness Tourism Association



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BC Mineral Tenure Policy and Mine Waste Management Standards - Time for Reform

British Columbia's Mineral Tenure Policy

There are a number of mining projects currently proposed in wilderness areas throughout British Columbia. Mineral tenure holders still enjoy a “free entry” system in BC which allows proponents to stake a claim on the subsurface minerals of any lands, be they private property, park, protected area or otherwise. Individuals use an online application to stake a claim, without any requirement to visit the land or consult landowners, First Nations or other stakeholders that might be impacted by mineral development in the claim area.

Once the claim has been staked, the proponent must give 8 days notice and is then allowed “free entry” onto the claim property for exploration and development. After this stage, the proponent may make further application to extend the claim by converting it to a lease. By adhering to a few inexpensive and relatively benign requirements, which do not include public consultation or environmental assessment, the government is obligated to award the lease to the proponent. In this way, mining interests still take priority over all other land-use interests in BC.

This free entry system undermines local land-use planning goals and requires no social license on the part of the claim holder. With some exceptions, there is no requirement for consultation with or compensation to First Nations. There is no requirement for environmental assessment for mineral exploration or for mines producing less than 75,000 tons of ore per year. By increasing annual mine size incrementally, mines can avoid ever having to complete an environmental assessment despite the fact that as mines grow in size, so does disturbance of the land base and waste production.

This antiquated legal framework harkens back to a time when wilderness resources were thought to be inexhaustible, when First Nations interests were ignored, and when the frontier mentality of resource exploitation guided our economic models. Today, our economic paradigm is shifting toward favouring sustainable models of resource use, nature-based tourism being chief among them. Moreover, there is a growing legal requirement for developers to consult with First Nations and other stakeholders, a social trend completely ignored by BC's 150 years old mineral tenure policy.

The Risks of Mining in Iconic British Columbian Wilderness

To place the issue in context we can take the example of the Sacred Headwaters, one of British Columbia's most spectacular intact wilderness areas, which is receiving mining proposals at an unprecedented rate. This remote wilderness area in northwestern BC is where three of the province's most important wild salmon-bearing rivers, the Nass, the Stikine and the Skeena, make their start.

The Sacred Headwaters supports thriving populations of wild caribou, wolves, grizzly bears, moose, mountain goats, Stone sheep, migratory birds and wild salmon by providing quality, relatively undisturbed wildlife habitat. It has also been home to the Tahltan people for thousands of years. The Tahltan still depend on the land for subsistence hunting and trapping, medicinal and food plants and cultural well-being. The region exists as an important and globally rare refuge of intact wilderness and, as such, is a revered travel destination for visitors from across the country and around the world.

There are a number of stakeholders in the wilderness areas of the Sacred Headwaters, including hundreds of nature-based tour operators. However, despite long-standing opposition by local communities, First Nations, and environmental groups, mineral tenure is still granted without preliminary consultation. The certainty of environmental destruction and contamination by mine construction and operation and the risk of serious downstream impacts from mine waste effluent cannot be ignored. And yet, BC's archaic mineral tenure policy continues to do just that.

Mine Operation and Waste Management Policy: Improved Standards Needed to Mitigate Risks

Wilderness areas are fragmented and contaminated by mining projects, especially when catastrophic accidents occur. The Mount Polley Mine disaster of August 2014 is one such accident and is considered to be among the worst environmental disasters in Canadian history. When Mount Polley's tailings storage facility breached due to a collapse of the dam foundation, it contaminated neighboring Quesnel Lake and subsequently the Quesnel River, which joins downstream with the Fraser River. Quesnel Lake is the major destination for Fraser River Sockeye. This disaster released millions of cubic meters of water, toxic slurry and debris into the watershed's pristine, salmon-rich lakes and rivers and will likely require spill containment management for decades.

An Independent Review Panel tasked by the BC government to assess the Imperial Metals-owned Mount Polley disaster advised that newer, safer mine waste storage technologies, namely dry-stack tailings, be adopted by all future mining operations. However, despite the recommendations of the Panel and the severe and lasting environmental damage caused by the Mount Polley failure, the BC Minister of Energy and Mines permitted another Imperial Metals-owned open-pit mine, the Red Chris Mine located in the heart of the Sacred Headwaters, to begin filling Black Lake with mine tailings using a design strikingly similar to the Mount Polley dam. Black Lake is located in the headwaters of the Iskut River, which merges 236 km downstream with the Stikine River. Furthermore, the July 2015 approval by Mines Minister Bill Bennett to reopen the Mount Polley mine without requirement for dry-stack tailings storage is proof that environmental catastrophes are considered "business as usual" for the mining sector.

The risk of potential downstream contamination by mine activity in our wilderness areas cannot be overstated. Hundreds of local communities and nature-based tour operators depend on the intact wilderness areas of British Columbia and associated downstream watersheds for their livelihoods. The lower Iskut-Stikine watershed, for example, supports numerous sport, commercial and subsistence fisheries. Even in the absence of a major mine failure like Mount Polley, local and downstream communities will be impacted by chronic noise, air and water pollution, habitat fragmentation and destruction and the related strain on fish and wildlife populations.

The risk of a mine disaster in the pristine wilderness areas of the province is just too high, especially given the status quo of mining policy in BC which allows such risky practices as freshwater tailings storage. The recommendations of the expert review panel were meant to inform

government mine permitting standards, not to simply be developed and then ignored. With so many communities and wilderness tourism operations relying on the unspoiled rivers, lakes, forests and wetlands of our wilderness areas, there is no excuse for allowing such laxity around mine permitting and management.

WTABC Recommendations for Mineral Tenure and Mine Operation Standards Reform

It's clear that BC's mineral tenure laws and mine operations standards are in need of an update. Requirements for mineral claim applicants should be expanded to include consultation with stakeholders and First Nations and should consider local land-use objectives. There should be restrictions placed on mining activity in ecologically sensitive areas, watersheds, parks and other protected areas. Furthermore, shifting to a competitive bidding system would generate more incentive for mineral claim applicants to develop thorough mine development, operation and environmental impact mitigation and remediation plans at the application stage. A competitive bidding structure for mineral tenuring would also help to ensure that public interest is taken into account when releasing the land to mineral development.

In addition to modernizing mineral tenure policy, safer mine waste storage technologies, such as dry-stack tailings, should be adopted by all mining operations in the province, as the expert panel has advised, in order to safeguard against another Mount Polley disaster in our globally significant British Columbian wilderness.