



March 3, 2017

Honourable Premier Christy Clark
Lieutenant Governor in Council
Parliament Buildings, Victoria
British Columbia, Canada, V8W 9E2

Re. Request for a Judicial Commission of Public Inquiry on BC Mining Regulation

Dear Premier,
Your Honour,

MiningWatch Canada hereby supports the University of Victoria Environmental Law Centre's (UVIC-ELC) and Fair Mining Collaborative's joint request for the establishment of a Judicial Commission of Public Inquiry to investigate, rectify, and improve the mining regulatory regime in British-Columbia.

MiningWatch is an independent, not-for-profit organization created in 1999 as a co-ordinated public interest response to the threats to public health, water and air quality, fish and wildlife habitat, and community interests posed by some irresponsible mineral policies and practices in Canada and internationally. It is supported by twenty-seven Canadian environmental, social justice, Indigenous, and labour organisations.

For 18 years, MiningWatch has worked on mining regulatory issues in nearly all the Canadian provinces and territories. We have been very active in trying to improve laws, policies, and practices, working with administrative and legislative bodies, independent experts and communities, and even resorting to litigation when it proved necessary to protect the public interest. MiningWatch is also an active advisory member of multiple, government-lead, multi-stakeholder research and policy initiatives, both at the federal and provincial levels. As such, we have a comparative understanding of the various mining regulatory regimes across the country.

It is against this background that we express our deepest and greatest concerns regarding British Columbia's mining regulatory system, which despite recent government actions, is still in a profound state of dysfunction. MiningWatch observes that B.C.'s mining regulatory regime remains, in fact, one of the more problematic—if not the worst—in Canada when it comes to protecting the environment, communities, indigenous peoples, and taxpayers. For examples:

- B.C. ranks worst in Canada for unsecured environmental liability of contaminated mine site clean-up costs, when compared to the other main mining jurisdictions. On a per-capita basis, B.C.'s unsecured liability (over \$1.5 billion) is respectively 123% and 217% higher than Quebec and Ontario. The gap is likely wider as per our estimates.¹ This means that British Columbians

¹ http://miningwatch.ca/sites/default/files/2016-05-30-bcminingliability-analysis_0.pdf

are disproportionately more on the hook for cleaning up the mess left behind by the mining industry.

- B.C. remains the only large mining jurisdiction in Canada that has not yet reformed and modernized its mineral tenure system, which is still based on the 19th century principle of “free entry.” This system exposes taxpayers, the environment, private land owners, municipalities, and indigenous peoples to unnecessary and unacceptable levels of risks, impacts, and conflicts.
- B.C. has seen the worst mining spill in Canada’s history—the 2014 Mount Polley mine disaster—which most independent observers have attributed not only to poor technical and corporate practices, but also to poor regulatory oversight.
- B.C.’s system is subject to severe regulatory capture by the industry, a situation exacerbated by the fact that B.C. remains the only large province in Canada where there are no limits on political donations from corporate interests.²

The particular geology, geography, and socio-economic fabric of B.C. also contribute for increased risks of the mining industry in this province. Mines in B.C. are typically larger, with lower-grade deposits, and generate much more mining wastes—which contain tons of toxic substances that need to be stored on the land and monitored in perpetuity. B.C. is also the most active seismic zone in Canada and many mine sites are located in unstable valleys or on high mountain ranges with high precipitation and erosion rates. When considering that B.C.’s economy is also largely based on in-land and off-shore fishing, salmon fishing, and a myriad of local economies and livelihoods—particularly First Nations’—the compounding risk factors are all the greater when contaminated mine sites fail or spill.

For these reasons, and those stated by UVIC-ELC’s and Fair Mining Collaborative’s review of evidence, we reiterate our support for the urgent establishment of a Judicial Commission of Public Inquiry to investigate, rectify, and improve the mining regulatory regime in British-Columbia.

Thank you for your consideration,

Feel free to contact us for any further information,

Sincerely,



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² The New York Times as described this situation as “*The ‘Wild West’ of Canadian Political Cash.*” https://www.nytimes.com/2017/01/13/world/canada/british-columbia-christy-clark.html?_r=0