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Former First Nations chief stakes legal claim on mining minister's property

By JUSTINE HUNTER

Former chief of Xat'sull First Nation, in Central B.C., applied for mining rights to demonstrate lack of regulation in province's placer registration

A former First Nations chief who has battled the B.C. government over its mining policies says she has legally staked a claim on the private property of Minister of Energy and Mines Bill Bennett.

It took less than an hour for Bev Sellars, a lawyer and former chief of the Xat'sull First Nation at Soda Creek, to file an application with the province to become a free miner and then to use the ministry's online registry to stake her claim for the right to explore a chunk of land that includes Mr. Bennett's Cranbrook home.

"I really didn't believe it was that easy, I was thinking, 'holy smokes, this is crazy,'" Ms. Sellars said in an interview.

Mr. Bennett declined an interview request on Tuesday, while he was attending a mining conference in Vancouver.

The Xat'sull First Nation was one of the communities affected by the collapse of the dam at the Mount Polley mine in 2014. The breach of the tailings pond dam spilled more than 20 million cubic metres of mine waste and water into surrounding rivers and lakes in the region, about 400 kilometres northeast of Vancouver near Quesnel Lake. As a result of that environmental disaster, Ms. Sellars's community has pushed for a greater say in the development of mines in their territory.

Ms. Sellars is a part of the advocacy group First Nations Women Advocating Responsible Mining. She said in an interview on Tuesday that the ease with which mining companies can claim rights in First Nations' territories has generated decades of conflict.

Ms. Sellars said she staked the claim to Mr. Bennett's property to demonstrate the lack of regulation in the placer mines sector in British Columbia. Although there are restrictions on access to areas around a residence, British Columbia does allow claims on private land and on land that is subject to aboriginal land claims.

Under B.C. law, a placer claim gives the holder exclusive rights to search the claim area for "ore of metal and every natural substance that can be mined and that is either loose, or found in fragmentary or broken rock that is not talus rock and occurs in loose earth, gravel and sand."

It cost her a total of \$129.89 to register her claim and Ms. Sellars said she has not decided yet whether she will seek to exercise that right to explore the minister's property.

"We want to make a point about how ridiculous this system is, but I am not saying I'm not going to mine it. I'll look at all my options in the next few months," she said.

Property within the community of Cranbrook is available for placer claim registration, but this is the first claim to be registered. Because of the restrictions under the Mineral Tenure Act about exploring on private property, however, Ms. Sellars would not have unfettered access to explore the minister's property.

In fact, a property holder could seek to have the permit cancelled if they can prove the claim amounts to "nuisance staking."

Ms. Sellers said she wants the minister to understand the perspective of First Nations in British Columbia: "When we drive around the territory, it's unreal, some of the destruction from the placer mines, but there is nobody there regulating them."

Placer mines target minerals that have been unearthed by the movement of water. Unlike large hard-rock mining operations, placer mines can be operated with minimal tools by a single person. Roughly one-quarter of B.C.'s land base is available for placer mineral claims, and there are currently more than 7,700 placer claims registered, covering more than 400,000 hectares of the province.

A mines ministry spokesman said the online system for registering mineral titles "brings B.C. to the forefront of technological innovation." He would not say how Mr. Bennett reacted to learning that a claim had been staked on his property. Mr. Bennett has promised to seek a more conciliatory approach with First Nations in the mining sector. In 2015, he announced what he described as an unprecedented measure to give indigenous leaders a seat at the table – equal to industry – in drafting a new health and safety law for mining.

Most of the mining activity in the province occurs on land that is subject to aboriginal land claims and Mr. Bennett said at the time the provincial government has been slow to recognize the need to give aboriginal communities a voice in shaping resource development.

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