

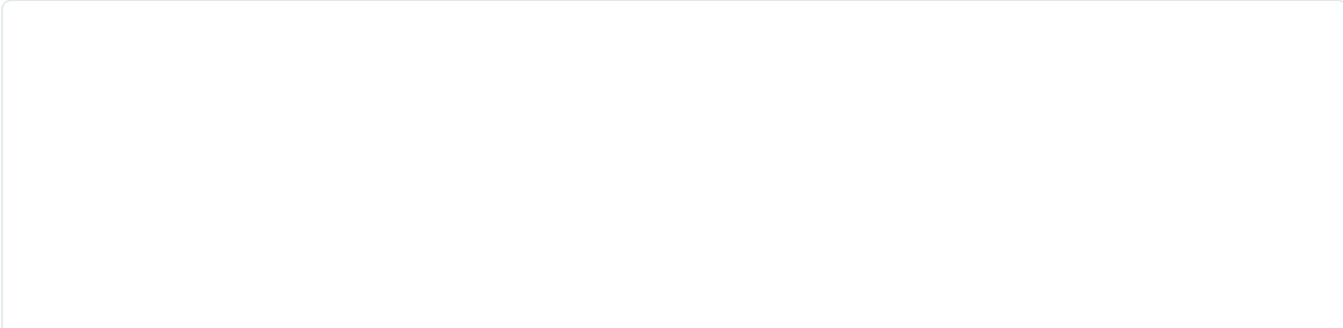
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'It's An Environmental Law-Free Zone': B.C. Auditor General Asked to Investigate Unregulated Placer Mining

Judith Lavoie (/user/judith-lavoie) | April 16, 2018



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Placer mining kills fish, damages streams, poses a risk to drinking water and jeopardizes Indigenous rights, but the activity is virtually unregulated and brings little money into government coffers, says a [report \(http://www.fairmining.ca/wp-content/uploads/2018/03/BCPlacer_Environment_Economic.pdf\)](http://www.fairmining.ca/wp-content/uploads/2018/03/BCPlacer_Environment_Economic.pdf) urging B.C. Auditor General Carol Bellringer to conduct an audit of the province's failure to adequately regulate placer operations.

"Placer mining — the practice of mining for gold in and near streams and riverbeds — is expanding across B.C.," the report states. "The province allows prospectors to stake claims in private property, salmon watersheds and Indigenous lands, leaving local communities to cope with potential mercury contamination and other hazards."

The report, written by the University of Victoria's Environmental Law Centre on behalf of the Fair Mining Collaborative, concludes that B.C.'s current regulations cannot prevent or mitigate harm caused by unregulated miners.

"Placer mining offers little in economic return to offset the environmental damage," the report says.

A spokeswoman for Bellringer's office said the request will be considered along with numerous other audit suggestions, and added that, if accepted, audits can often take more than a year from the day they are started.

"We aim to make the best use of our resources and choose audits with the greatest value to government and the people of B.C.," Colleen Rose wrote in an e-mailed response to questions from DeSmog Canada.

The report's authors, Calvin Sandborn, Environmental Law Centre legal director, articulated student Renata Colwell and law student Erin Linklater, believe the problems with placer mining are causing health and environmental problems and are hoping for quick action.

"We are saying it's urgent," Sandborn said.



regulate this. There are a lot of jurisdictions we can learn from — starting with the Yukon.”

While the Yukon has [rigorous rules](http://www.emr.gov.yk.ca/mining/pdf/handbook_placer_regulations.pdf) (http://www.emr.gov.yk.ca/mining/pdf/handbook_placer_regulations.pdf), in B.C., hand-panning or using hand tools with a sluicer or shaker box — an activity that has more than doubled since 2005 — has little government oversight or tracking.

Miners do not have to obtain Water Sustainability Act authorization to excavate waterways. Adequate setbacks from stream banks are not enforced and some placer mines discharge tailings directly into streams instead of settling ponds.

Miners that use machinery for the excavation have little more regulation, apart from a requirement to apply for a Notice of Work permit.

An environmental assessment is triggered only if they have production capacity of more than 500,000 tonnes a year — a threshold so high that it excludes almost every placer mine in the province.

The Fair Mining Collaborative could not find a single record of a B.C. placer mine undergoing a federal or provincial environmental assessment since the mid-1990s although at least 50 environmental assessments a year are triggered in the Yukon.

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Tara Lamothe-Ammerlaan, Fair Mining Collaborative program manager, said about 550 open permits have been issued for placer mines in B.C. annually for the last three years and, while not all are active, they all have permission to mine.

"For the most part, they operate in or near [riparian areas](https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/fish/riparian-areas-regulation) (<https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/fish/riparian-areas-regulation>), which are arguably the most valuable ecosystems in a landscape. We need to have some kind of regional environmental assessments that set parametres around how much mining activity is compatible with First Nations plans for their territory and with healthy and resilient ecosystems," she said.

Lamothe-Ammerlaan said another major problem is the [free entry system](https://www.wcel.org/publication/modernizing-bcs-free-entry-mining-laws-vibrant-sustainable-mining-sector) (<https://www.wcel.org/publication/modernizing-bcs-free-entry-mining-laws-vibrant-sustainable-mining-sector>) that allows anyone to stake a claim for a minimal fee and miners then have rights — even if it is private property, an important ecosystem, an area important to First Nations or if land-use plans conflict with the mining plans.

(<http://www.cbc.ca/news/canada/british-columbia/former-first-nations-chief-stakes-claim-on-b-c-mining-minister-s-property-1.3952584>) the Cranbrook property of then-energy and mines minister Bill Bennett.

The report says regulation of placer mining is rooted in hopelessly outdated 19th century gold rush laws and some damage is historical, such as the 58-million cubic metres of sediment added to the Fraser River between 1858 and 1909, but modern mining is now stirring up sediment and dangerous substances such as mercury.

Other major problems started more recently, such as the deregulation of creeks around the Atlin area in 1985, allowing direct discharge into streams, after placer miners successfully lobbied their MLA.

The lack of regulation has resulted in sky high levels of aluminum which jeopardises the health of Taku River Tlingit First Nation members and other Atlin residents who use Atlin lake as a drinking water source.

"It's an environmental law-free zone," Sandborn said.

"Someone should let the fish know."

Placer mining can kill fish by introducing sediments and metals into the water and improper excavation destroys spawning grounds, says the report, which uses numerous studies to support its claims.

A [1992 study \(http://www.dfo-mpo.gc.ca/Library/240698.pdf\)](http://www.dfo-mpo.gc.ca/Library/240698.pdf) found that unmined streams "support a standing stock of fish 40 times that of placer-mined streams."

While the environmental damage mounts, B.C. sees little economic return with the province collecting only \$253,248 between 2008 and 2015 on more than \$50 million in reported gold sales.

"Since operators are taxed per mine, individual operators may pay no tax, even if they are producing more than \$50,000 of gold a year across multiple mines," the report says.

Lamoth-Ammerlaan believes the report has built a strong case for an audit by documenting the lack of regulation and the high environmental stakes.

"I think this industry, with its significant potential for environmental harm and recorded gold sales tanging between \$2 million and \$15 million per year over the past decade, is perfect for this kind of scrutiny."

Image: Prospector inspects mining equipment. Photo: Peter Essick / Aurora Photos

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