

B.C. woman files private charges over Mount Polley tailings spill

Bev Sellars has filed court documents alleging that Mount Polley Mining Corp. polluted the environment

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An Indigenous woman has filed private charges in the 2014 collapse of the tailings dam at the Mount Polley mine, days after British Columbia's government announced that [provincial charges would not be laid](#).

Bev Sellars has filed court documents alleging that Mount Polley Mining Corp. polluted the environment when a tailings dam burst, sending 24 million cubic metres of mine waste into local waterways.

Sellars was the acting chief of the Xat'sull First Nation, located near the gold and copper mine in B.C.'s Cariboo region, when the dam collapsed on Aug. 4, three years ago.

'Sacred responsibility'

The 15 charges, filed in Vancouver provincial court under both the provincial Environmental Act and the Mines Act, come after the newly elected NDP government announced Wednesday there would be no provincial charges laid by Friday's three-year deadline.

Sellars said in a news release that she couldn't let the alleged pollution go.

"In my culture, we have a sacred responsibility not only to care for the land, waters, animals, and people living today, but also for the next seven generations to come," said Sellars.

Her legal action is being supported by MiningWatch Canada, West Coast Environmental Law, the Wilderness Committee and the First Nation Women Advocating for Responsible Mining.



Wilderness Committee

@wildernews

Proud to support [@BevSellars](#) as she seeks justice after the [#MtPolley](#) disaster, three years ago today: bit.ly/2fglqJh [#bcpoli](#)

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"I could not bear to witness B.C. simply stepping aside and giving up on its own responsibility to protect our shared environment and waters."

An investigation into the dam's collapse is ongoing by the B.C.'s Conservation Officer Service, but earlier this week the agency's deputy chief Chris Doyle couldn't say what stage the probe was at.

B.C. Premier John Horgan said Friday he was shocked to learn that provincial charges were not being laid.

"To have three years pass without any consequences is disturbing to me personally and, I think, disturbing for all British Columbians," he said.

However, Horgan said the federal government is very much engaged in the investigation and the province will work with federal investigators to ensure there are consequences for the events that took place.

Possible Fisheries Act violations

Horgan, who was sworn in last month, said the Conservation Officer Service is limited in its resources and his government will get to the bottom of why more resources weren't brought in

"We don't have an answer to that question today," he said Friday, adding the lapse of the deadline was "profoundly unfortunate."

Attorney General David Eby said the service is working with the federal government in relation to possible violations of the Fisheries Act, which has a five-year deadline for charges to be laid.

Two reports, by B.C.'s chief inspector of mines and an independent panel of engineering experts, found the collapse involving the mine operated by Imperial Metals Corp. (TSX:III) was caused by a poorly designed dam that didn't account for drainage and erosion failures.

The federal NDP issued a statement Friday pinning the blame on Ottawa.

'Simply ridiculous'

"It is simply ridiculous that no charges have been laid. It's time for the Liberal government to live up to their promises and restore protections for fisheries and bring real improvement to the Fisheries Act," the NDP said in a statement.

Amnesty International also issued a statement expressing its disappointment with the lack of provincial charges, in which it accused the B.C. government of playing "Russian roulette" with citizens' futures.

Imperial Metals did not immediately comment on the private charges.

Citizens can pursue private prosecution if they believe an offence has been committed, but in B.C., the court can decide not to proceed with them if it believes there is no reasonable prospect of conviction.

Last fall, MiningWatch Canada filed private charges alleging tailings pond collapse at the Mount Polley Mine violated the Fisheries Act.

The charges were shelved in March, with Crown Counsel Alexander Clarkson saying the private prosecution was not in the public interest because the B.C. Conservation Officer Service, Environment Canada and Fisheries and Oceans Canada were already investigating.

The Mount Polley mine went back to full operations last year.

- [No B.C. charges in Mount Polley dam collapse as federal investigations continue](#)
- [Mount Polley mine disaster: 3 years later concerns still remain](#)
- [Bev Sellars on reclaiming Canada's Indigenous history](#)

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