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Advocacy group continues to pursue action against Mount Polley mining company

MiningWatch Canada in provincial court in Williams Lake, B.C today

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Contents from a tailings pond is pictured going down the Hazeltine Creek into Quesnel Lake near the town of Likely, B.C. on August, 5, 2014. (Jonathan Hayward/The Canadian Press)

An advocacy group will be back in provincial court in Williams Lake, B.C., today pursuing private prosecution against the province and a mining company over the collapse of the Mount Polley tailings dam.

MiningWatch Canada launched the case last fall, saying the province and the Mount Polley Mining Corp. violated the Fisheries Act when a tailings pond collapsed at the copper and gold mine in August 2014.

The group alleges serious harm was done to fish and the environment when the dam's failure **sent 25 million cubic metres of mine waste and water** gushing into streams and waterways in B.C.'s Interior.

The allegations have not been proven in court and in January, Crown lawyer Alexander Clarkson argued there is no prospect of conviction in the case. They previously recommended charges be stayed before MiningWatch had presented its evidence.

Clarkson said the private prosecution is not in the public interest because the B.C. Conservation Officer Service, Environment Canada and Fisheries and Oceans Canada are already investigating, and their findings could be considered for the charge approval process.

A dangerous precedent for Canadian mining

But MiningWatch Canada spokesman Ugo Lapointe said the problem with that investigation is some of the laws that the company could be charged under have statute limitations of three years — a deadline that is quickly approaching.

MiningWatch Canada will argue for an opportunity to present evidence today supporting its charge, but Lapointe says he expects the Crown will ask and receive a stay of proceedings today.

If so, his group will pressure the Crown and federal government to lay their own charges in the case.

"We're a bit concerned that three years after the fact, there have been no charges, no sanctions, no fines whatsoever by any level of government," Lapointe said.

Inaction sends a dangerous message to other mining companies, he said.

"It basically says that you can do whatever you want in Canada."

Last week, the MiningWatch Canada sent an open letter to Justice Minister Jody Wilson-Raybould, Environment and Climate Change Minister Catherine McKenna and Fisheries Minister Dominic LeBlanc, saying it has a petition signed by nearly 25,000 Canadians who want to see someone held accountable in the Mount Polley case.

Not pressing charges "further undermines public confidence in the Canadian mining sector, here and abroad, and erodes people's trust in the ability of our regulatory system to effectively protect our environment," the letter said.