

Mining watchdog files against Mount Polley

By MONICA LAMB-YORSKI (mailto:news@wltribune.com?subject=Williams Lake Tribune - Mining watchdog files against Mount Polley)

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Mining Watch Canada program co-ordinator Ugo Lapointe (centre front) heads into the provincial courthouse in Williams Lake Tuesday to file a private prosecution against the B.C. government and Mount Polley Mining Corporation over the 2014 breach. / MONICA LAMB-YORSKI PHOTO

Mining Watch Canada has filed a private prosecution against the B.C. government and Mount Polley Mining Corporation over the Aug. 4, 2014 tailings impoundment breach near Likely, B.C.

The claim is for violation against the federal fisheries act, said Mining Watch's Canada program co-ordinator Ugo Lapointe during a media conference held at Alley Katz Bistro before he filed the claim Tuesday at the Williams Lake provincial courthouse.

“The massive spill was caused by the negligence of both the province of B.C. and the Mount Polley Mining Corporation, which is owned by Imperial Metals,” Lapointe said, noting the fisheries act is meant to protect Canadian fish bearing waters from harm and pollution.

“Mining Watch is taking action now because it is concerned that almost two and half years later after the disaster and despite clear evidence of the impacts on water, fish and habitat, the Crown has failed to lay charges to enforce the fisheries act in a timely way,” Lapointe said.

Despite there being clear evidence to proceed, no sanctions and no penalties have been brought forward by any level of government so far, Lapointe said, noting by failing to lay charges, the government is sending the wrong signal to industry and undermining the public’s confidence in the capacity of the regulatory system.

According to the Ministry of Environment website, an investigation by the Conservation Officer Service in collaboration with Environment Canada and Fisheries and Oceans Canada is ongoing to determine whether charges can be laid for contravention under the Environmental Management Act.

Reading from a statement prepared by Bev Sellars, former Xat’sull Chief and present chair of First Nations Women Advocating for Responsible Mining, Jacinda Mack said the Mount Polley Mine disaster is not over for those who live and depend on the lands and waters, and particularly the salmon that have always sustained them.

“Nor is it over for those living in the shadows of other existing and planned mines across B.C., who are acutely aware of the government’s own panel of experts who reported we can expect to see two more such failures every decade,” Mack said. “What is the point of having laws if governments and industry are not held accountable when they are violated?”

Mining Watch has a legal team prepared to take the full case to trial if necessary, LaPointe said, but said they also recognize that taking to court a mining corporation and the B.C. government can lead to very costly and expensive procedures.

“So for this reason Mining Watch will be asking the Federal Crown to carry the prosecution forward. In other words, to do its job and enforce its own sanctions.”

Amnesty International business and human rights campaigner Tara Scurr said her organization has conducted its own investigation on many mining disasters in the world and has many questions about the long-term effects of the Mount Polley breach on fish and wildlife, people’s mental and physical health, and whether monitoring and sampling is adequate.

“As you can see two years later, Mining Watch Canada has had to launch this lawsuit to seek accountability,” Scurr said.

Lapointe said the next step will be a process hearing which will be set in provincial court in Williams Lake within the next few weeks where Mining Watch will present its evidence.

After that it is hoped a court trial date will be determined.

Here Christine McLean from Concerned Citizens of Quesnel Lake talks during the media conference.

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The Reality: The damage has been done, all nicely hidden beneath the surface of Quesnel Lake. Only those familiar with the waters of upper Quesnel River are even aware of the hidden destruction. Will Mt. Polley or Imperial Metals be held accountable ? Good luck ! When Imperial's Redcriss mine reaches full production, do not be surprised to see Mt. Polley closed and Imperial will pack up and leave the people of the Cariboo and

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