

REFLECTION

Likely Resident and Biologist's Reflections on the Mount Polley Mine Disaster

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There are no unsacred places; there are only sacred places and desecrated places.¹

Do unto those downstream as you would have those upstream do unto you.²

THE LANDSCAPE LOCATED immediately east of the Imperial Metals' Mount Polley Mine situated near the village of Likely in the east Cariboo region of British Columbia changed forever on 4 August 2014. The Mount Polley Mining Corporation's (MPMC) tailings storage facility failed and, in doing so, released approximately 25 million cubic metres of waste storage, including 17 million cubic metres of water and 8 million cubic metres of tailings and materials.³ This disaster affected not only the dam structure but also Polley Lake, Hazeltine Creek along with its main tributary Edney Creek, and Quesnel Lake.

The MPMC has stated that "the remediation is now complete," but this assessment is misleading and disingenuous since most of the tailings will remain at the bottom of the lake in perpetuity.⁴ It will be up to nature to restore Quesnel Lake over the long term.

The disaster forever changed my life as a long-time resident of the Likely area as well as the lives of the residents who live along the shores of Quesnel Lake. In this essay, I reflect on the Mount Polley disaster and the role (and consequences) of corporate power in natural resource extraction, and I conclude with recommendations for more responsible mining practices. The photo shown in Figure 1, taken from the air on 11 August 2014, shows the location of the tailings storage facility failure.

¹ Wendell Berry, *Given: Poems* (Berkeley, CA: Counterpoint Press, 2006), 133.

² Wendell Berry, *Citizenship Papers: Essay* (Berkeley, CA: Counterpoint Press, 2004), 157.

³ Province of British Columbia, "Mount Polley Mine Tailings Dam Breach," incident description, <https://www2.gov.bc.ca/gov/content/environment/air-land-water/spills-environmental-emergencies/spill-incidents/past-spill-incidents/mt-polley>.

⁴ "Industrial Update: Remediation Is Now Complete at Mount Polley," *Williams Lake Tribune*, 20 March 2022, <https://www.wltribune.com/local-business/industrial-update-remediation-is-now-complete-at-mount-polley/>.



Figure 1. Aerial photo taken by the author one week after the disaster.

My interest in Mount Polley predates the disaster. I have had a coincidental and professional relationship with the MPMC for decades. More than forty years ago I worked with a local mining exploration company and staked a claim on Mount Polley – a claim that was eventually sold and became part of the existing mine. My grandfather was a carpenter for the Gaspé Copper Mine in Murdochville, Quebec, which I believe was the source of some of the mill equipment that helped to establish the MPMC. I have been a volunteer member of the MPMC Public Liaison Committee (PLC) prior to, and following, the disaster. The PLC, in the words of the MPMC, was “intended to provide an opportunity for Mount Polley Mining Corporation to share information about mine activities and the results of monitoring programs with its members and for members to share such information with their respective membership.”⁵ Yet, after the disaster, I and another outspoken critic of the mine had to provide reasons for remaining on the PLC, whereas the MPMC asked those who supported the mine to be on the new PLC.

In this essay I draw on one of my favourite authors, Wendell Berry, who was born in 1934 in Kentucky, where he lives to this day. I am

⁵ Mount Polley Mining Corporation, 3 November 2021, PLC meeting notes, 2, chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://imperialmetals.com/assets/docs/mt-polley/Q4-2021-PLC-Meeting-Notes.pdf.

inspired by his life as a poet, novelist, farmer, and environmentalist as well as by his love of home and what it means as the foundation in his life. For this reason I intersperse his wisdom throughout this reflection. Bearing in mind that Kentucky is known for coal extraction, I find Berry especially insightful with regard to balancing economic needs with a healthy environment. His following views as an agrologist may be easily compared to my life in the Cariboo, where I live beside one of the largest mining disasters in Canadian history:

We must support what supports local life, which means community, family, household life – the moral capital our larger institutions have come to rest upon. If the larger institutions undermine the local life, they destroy that moral capital just exactly as the industrial economy has destroyed the natural capital of localities – soil fertility and so on. Essential wisdom accumulates in the community much as fertility builds in the soil.⁶

Industry can enhance small communities and the local environment; however, it must acknowledge the need for environmental health and be a careful steward of the land that has been so generous to it and to the citizens who share this countryside and call it their home.

This disaster did not have to happen. Local residents, and British Columbians at large, were failed by a provincial government who placed corporate profit ahead of environmental stewardship with regard to resource extraction industries in British Columbia. Those were the days when industry had little oversight from government departments, which had been cut to the bone in the self-regulating era. It was a time when the idea was to “police yourself” through professional accountability. This policy was established by Premier Gordon Campbell’s Liberals on 15 May 2002 with the introduction of Bill 54, which included *Mines Act* permit exceptions.⁷ Additionally, in an analysis of mine expansions and approvals published by the Council of Canadians on 24 September 2011, Liberal Premier Clark is quoted as saying: “The government would not be funding the mines but would speed up approvals and cut red tape to get the project rolling.”⁸

⁶ “The Art of Place: Interview with Wendell Berry,” *New Perspectives Quarterly* 9, no. 2 (1992): 29–34.

⁷ “Deregulation Backgrounder, Bill 54 – *Miscellaneous Statutes Amendment Act 2002*,” West Coast Environmental Law, https://www.wcel.org/publications?f%5B0%5D=filter_by_publication_year_%3A2002&search_api_fulltext=&field_pub_format=All&items_per_page=10&page=1.

⁸ Brent Patterson, “News: Premier Clark’s Mining Plans Threaten BC’s Lakes and Rivers,” Council of Canadians, 24 September 2011, <https://canadians.org/analysis/news-premier-clarks-mining-plans-threaten-bcs-lakes-and-rivers/>.

If you were a cynic, and you said it fast enough, “police yourself” sounds a lot like “please yourself.” But the stage for the MPMC disaster may have been set, or at least decorated, in Calgary, Alberta, by Imperial Metals’ major shareholder and billionaire Murray Edwards. As Wendell Berry reminds us:

This massive ascendancy of corporate power over democratic process is probably the most ominous development since the end of World War II, and for the most part “the free world” seems to be regarding it as merely normal.⁹

We saw the influence of corporate power when Edwards helped organize a million-dollar fundraiser for British Columbia premier Christy Clark’s re-election campaign at the Calgary Petroleum Club in 2013. Yes, that’s correct – this fundraiser for the aspiring premier of British Columbia was held in Alberta, not in British Columbia.¹⁰ This seems quite odd to me, but since the disaster occurred in 2014, my level of naïveté has certainly lowered with regard to my expectations of British Columbia’s government premiers and cabinet members. This is regardless of which party in our two-party ruling system wins the corporate lottery as prizes await all those in high places who shamelessly play this game.¹¹

Meanwhile, in looking a bit more into this cozy relationship with the provincial government, we find that Murray Edwards and Imperial Metals were, around the same time, building a new mine called Red Chris in an isolated area of northwestern British Columbia. The isolated location of mines in British Columbia is commonplace, not at all unusual, but the Red Chris project required hydroelectricity to operate. The project also needed a substantial injection of Edwards’s own money as he contributed \$200 million through Edco Capital Corporation, a

⁹ Wendell Berry, *Bringing It to the Table: On Farming and Food* (Berkeley, CA: Counterpoint Press, 2009), 256.

¹⁰ Kelly Sinoski, “Major Imperial Metals Shareholder Held Private Fundraiser for Clark’s Re-Election bid,” *Vancouver Sun*, 7 August 2014, <https://vancouversun.com/news/metro/major-imperial-metals-shareholder-billionaire-n-murray-edwards-held-private-fundraiser-for-clark>.

¹¹ Matt Simmons, “Former BC Premier Christy Clark on Board of Company Proposing LNG Terminal in Alaska,” *Narwhal*, 7 August 2020, <https://thenarwhal.ca/christy-clark-alaskcan-lng-board/>; Derek White, “Ascot Resources Appoints Bill Bennett to Board of Directors,” *Junior Mining Network*, 1 February 2018, <https://www.juniorminingnetwork.com/junior-miner-news/press-releases/667-tsx/aot/41666-ascot-resources-appoints-bill-bennett-to-board-of-directors.html>.

company controlled by Edwards, who was a significant shareholder.¹²

As further proof of the BC government's close relationship and ties to the mining sector, and especially to Imperial Metals, the provincial government decided to be generous with taxpayers' money and, in what has become known as the "powerline to nowhere," announced the construction of the Northwest Transmission Line (NTL) to enable the construction and subsequent operation of the Red Chris Mine.

The NTL is a 344-kilometre, 287-kilovolt transmission line that originates near Terrace and ends at a new substation near Bob Quinn Lake. The cost of this transmission line ballooned from an original estimate of \$404 million in 2010 to a final cost of \$716 million upon completion in 2014.¹³

The Canadian government during the NTL construction was Stephen Harper's Conservative Party, which decided to offer financial help to the project as well, but for a different reason. At the time, the Tahltan community of Iskut, located approximately eighteen kilometres from Red Chris, was powered by diesel generators. The Conservatives contributed \$130 million to the NTL project (roughly equivalent to \$400,000 per Iskut resident) using the federal Green Infrastructure Fund. While I agree that the Iskut community would benefit from the Iskut Extension Line, I question the sincerity of the Conservatives' reasoning and priorities when so many First Nations communities were, and still are, on boil water advisories.

In addition to the NTL, in 2014 a subsidiary of Imperial Metals built the Iskut Extension Line connecting the Bob Quinn Lake substation to the Tatogga Lake substation, where a sixteen-kilometre power line connects to the Red Chris Mine. Imperial Metals went on to sell this extension line to BC Hydro in 2014 for \$52 million.¹⁴ The Iskut Extension Line becomes a bit of a head scratcher in trying to determine whether the BC government, through BC Hydro, was looking after the best interests of the provincial taxpayers. It is obvious that they and federal taxpayers carried the load on funding this hydro extension to

¹² Imperial Metals, "Imperial Announces New \$50 Million Credit Facility," <https://imperial-metals.com/for-our-shareholders/press-releases/imperial-announces-new-cad50-million-credit-facility>.

¹³ "Industrialization of the Wilderness': Wade Davis on the Northwest Transmission Line," *Narwhal*, 5 August 2015, <https://thenarwhal.ca/industrialization-wilderness-wade-davis-northwest-transmission-line/>.

¹⁴ Imperial Metals, "Imperial Announces Sale and Transfer of Iskut Extension of the Northwest Transmission Line to BC Hydro," <https://imperialmetals.com/for-our-shareholders/press-releases/imperial-announces-sale-and-transfer-of-iskut-extension-of-the-northwest-transmission-line-to-bc-hydro>.

the Red Chris Mine, one of the few customers on that electrical grid. Even with the federal grant, BC taxpayers remained on the hook for at least \$478 million.¹⁵

However, the largesse granted to the mining industry and to Imperial Metals by the BC provincial government doesn't end there. One would only hope that when the words "we have a polluter-pay model in British Columbia and we expect the company will be the one paying for the cleanup and recovery" rolled off the lips Mary Polak,¹⁶ the BC minister of environment, there may have been hope for the polluter-pays policy touted by her ministry.

Not so, as it is now known that this policy was unenforceable in the context of the Mount Polley disaster. I had a first-hand view of Minister Polak, Mines Minister Bill Bennett, and Premier Christy Clark as they assured the citizens of Likely and Quesnel Lake that they were committed to a complete restoration of the disaster during their visit to Likely on 7 August 2014.

Whether we and our politicians know it or not, Nature is party to all our deals and decisions, and she has more votes, a longer memory, and a sterner sense of justice than we do.¹⁷

They didn't discuss the fact that there was no industry-wide disaster or reclamation fund provided by the mining sector. They also failed to acknowledge that provincial security bonds were woefully inadequate and represented a fraction of the cost of any site reclamation upon project closure.

This is in sharp contrast to other mining jurisdictions, like Alaska and Quebec, that required full bond coverage at the time of the MPMC dam breach and continue to do so while British Columbia plays catch-up with the province's mining sector. It is no coincidence that in 2017 Vancouver was called the mining capital of the world, with over eight hundred mining companies calling this city their home.¹⁸ It's my belief that this is the result of British Columbia's being an easy jurisdiction in

¹⁵ Wade Davis, "Wade Davis: Industrial Folly and the Fate of Northern British Columbia," *Narwhal*, 4 October 2018, <https://thenarwhal.ca/wade-davis-industrial-folly-fate-northern-british-columbia/>.

¹⁶ "Mount Polley Mine Spill: Drinking-Water Ban Partially Lifted," CBC News, 8 August 2014, <https://www.cbc.ca/news/canada/british-columbia/mount-polley-mine-spill-drinking-water-ban-partially-lifted-1.2731135>.

¹⁷ Wendell Berry, Promotional copy for Charles F. Little, *The Dying of the Trees* (New York: Penguin, 1997), <https://www.ecobooks.com/books/dying.htm>.

¹⁸ Michael Allan McCrae, "Vancouver Is the World's Mining Capital," 17 November 2017, <https://www.mining.com/worlds-mining-capital/#:~:text=Vancouver%20is%20the%20mining%20capital,juniors%20headquartered%20in%20the%20city.>

which to do business and having an abundance of mining opportunities.

Even to this day, the industry is supported by BC taxpayers with regard to reclamation costs. On 19 May 2022, Matthew Parizot wrote: “according to the 2020 annual report from the Chief Inspector of Mines, the mining sector owes a total of \$3.4 billion in liabilities, with the province holding \$2.3 billion in securities, for a difference of \$1.1 billion.”¹⁹ Based on this assessment, it is clear that BC taxpayers will still be holding the bag on reclamation costs should another tailings storage facility collapse. And for the Mount Polley disaster in particular, the subject of who paid for reclamation is often contested.

The MPMC parent company states on its website: “Imperial Metals, with support of its shareholders and lenders, has paid for the clean-up and remediation work. No government funding (taxpayers’ money) has been spent on the clean-up or repair work done at the site.”²⁰ But independent economist Robyn Allan, who has held many executive positions in the private and public sectors, has a much different view of who paid for this disaster cleanup.²¹ Robyn’s perspective becomes clear in an opinion piece she published in the *Vancouver Sun* on 3 August 2016. In the article, Robyn summarizes the issue as follows:

While Polak assured the public that Imperial Metals would pick up the tab for the accident, the company was booking tax refunds related to it. In its Sept. 30, 2014 shareholder’s report, Imperial Metals said that for the Mount Polley breach the “company recorded costs of \$67.4 million (\$43.8 million net of tax).” This means taxpayers are subsidizing clean up costs to the tune of \$23.6 million, 35 cents of each dollar the company spent.²²

I wouldn’t consider this funding shuffle “sleight of hand” as the Canada Revenue Agency laws and regulations allow this to occur; however, it is helpful to provide a broader explanation of how the cleanup was also paid for by taxpayers.

¹⁹ Matthew Parizot, “New Reclamation Requirements for BC Mines,” *CIM Magazine*, 19 May 2022, <https://magazine.cim.org/en/news/2022/new-reclamation-requirements-for-bc-mines-en/> (emphasis added).

²⁰ Imperial Metals, “Remediation Q&A,” <https://imperialmetals.com/our-operations/mount-polley-mine/remediation-q-and-a#:~:text=Imperial%20Metals%2C%20with%20support%20of,work%20done%20at%20the%20site.>

²¹ About Robyn Allan, <https://www.robynallan.com/about/>.

²² Robyn Allan, “Opinion: Mount Polley Cleanup Heavily Taxpayer Subsidized,” *Vancouver Sun*, 3 August 2018, <https://vancouver.sun.com/opinion/columnists/opinion-mount-polley-cleanup-heavily-taxpayer-subsidized.>

There should be no relenting in our efforts to influence politics and politicians. But in the name of honesty and sanity we must recognize the limits of politics.²³

As a follow-up to the MPMC mine disaster, BC auditor general Carol Bellringer prepared a 2016 report entitled *An Audit of Compliance and Enforcement of the Mining Sector*. In her related press release she stated: “Almost all of our expectations for a robust compliance and enforcement program were not met,” further adding that “the compliance and enforcement activities of both the Ministry of Energy and Mines, and the Ministry of Environment are not set up to protect the province from environmental risks.”²⁴

Additionally, one of Bellringer’s important recommendations was for the government to “create an integrated and independent compliance and enforcement unit” and for the “removal of the mining sector compliance and enforcement program from the Ministry of Energy and Mines.” This has never happened, and the industry retains a cozy relationship with regulatory bodies.

I’ve always hoped that our provincial and federal governments could shrug off the persistent corporate influence in regulating our mineral resources, but I confess that my related innocence in understanding the regulatory structure in British Columbia has been replaced by cynicism towards the BC government regulators and their policy-makers regardless of the party in power. A great deal of my consulting work over the last few decades has involved working with First Nations on local, regional, provincial, and federal files, and I believe that various Nations offer examples of how to balance economic stability and sound environmental practices in the resource-based industries, including mining. The commitment of many First Nations to find a balance between economic development and cultural beliefs about the sanctity of their traditional lands shows a path forward to sustainability. Unfortunately, the largest struggle is dealing with the corporate creep in the provincial regulatory process.

We must not speak or think of the land alone or of the people alone, but always and only of both together. If we want to save the land, we must save the people who belong to the land. If we want to save the

²³ Wendell Berry, *Sex, Economy, Freedom, and Community: Eight Essays* (Berkeley, CA: Counterpoint Press, 2018).

²⁴ Office of the Auditor General of British Columbia, “Compliance and Enforcement Lacking in BC’s Mining Sector,” 3 May 2016, https://www.bcauditor.com/sites/default/files/publications/news-releases/MEDIA_Compliance_and_Enforcement_Mining_NR_FINAL.pdf.

people, we must save the land the people belong to.²⁵

First Nations in British Columbia also continue to lead the way, along with provincial and national environmental groups, in exposing the close relationship between the BC government and mining corporations. One example involves the mineral claims associated with the “doughnut hole” region of the Skagit River headwaters, which flow south into Washington State. A 19 January 2022 article by CTV News Vancouver states: “an environmentally sensitive and culturally significant part of the Skagit River headwaters, the doughnut hole, has drawn the attention of environmental and Indigenous advocates on both sides of the border for years.”²⁶

The controversy surrounding the headwaters led to the signing of a memorandum of agreement in 2022 between Imperial Metals, the Skagit Environmental Endowment Commission (SEEC), and the province of British Columbia. As part of the agreement, the mineral claims – spanning a 5,800 hectare area – were “surrendered” to the province of British Columbia. The sale of the mineral claims back to the province of British Columbia is particularly concerning. This comes at a cost to BC taxpayers of \$7 million, with another \$7 million coming from Washington State and with SEEC and the Nature Conservancy of Canada contributing \$5 million each. I expect this may be seen as a win-win situation for all parties involved. However, the question begging to be answered is: Will BC taxpayers be continually on the hook for future mineral claims held in environmentally and culturally sensitive areas of the province? A court case currently under way in British Columbia may provide an answer to this question.

Despite British Columbia being the first province in Canada to recognize the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) through legislation on 28 November 2019,²⁷ the province continues to allow the mining industry to stake mineral claims electronically without obtaining free, prior, and informed consent for projects that affect Indigenous Peoples and their traditional territories. The Gitxaala and Ehattesaht First Nations, whose territory is on British

²⁵ Wendell Berry, “Local Economies to Save the Land and the People,” address at the KFTC Annual Membership Meeting, 16 August 2013.

²⁶ Ian Holiday, “Mining Company Makes \$24M Deal with BC, Advocates, to Surrender Claims between 2 Provincial Parks,” CTV News Vancouver, 19 January 2022, <https://bc.ctvnews.ca/mining-company-makes-24m-deal-with-b-c-advocates-to-surrender-claims-between-2-provincial-parks-1.5747184>.

²⁷ Legislative Assembly of British Columbia, “2019 – UNDRIP Legislation Enacted,” <https://www.leg.bc.ca/dyl/Pages/2019-UNDRIP-Legislation-Enacted.aspx>.

Columbia's north coast, have sued the provincial government as the current online staking program does not address UNDRIP.²⁸ The case was heard at the BC Supreme Court in Vancouver and was expected to last two weeks. A public opinion poll conducted by the BC Mining Law Reform in April 2023 found that, among eight hundred British Columbians (eighteen years of age and older), 72 percent believed the province needs to seek and receive consent from First Nations and private landowners prior to issuing mining claims.²⁹

On 26 September 2023, the BC Supreme Court handed down a decision on this issue, ruling that the province of British Columbia must consult with Indigenous groups prior to granting mineral claims to companies.³⁰ It has given the province eighteen months to update the *Minerals Tenure Act* to ensure the Crown's duty to consult.

The antiquated mineral laws in British Columbia reflected in the staking issue noted above are only one aspect of the outdated mining laws that remain harmful to the residents of the province. Having lived in the Likely area for more than fifty years, I am more than aware of placer and hard rock claims, and the legacy of mining debris found throughout the Cariboo region. As a registered professional biologist, I have been a witness to mining damage on private land along the Quesnel River close to my home. In 2018–19, an exploration company based in Vancouver wilfully damaged private land owned by a couple from Hawaii who had recently purchased the property. The exploration company trespassed on two occasions, with the second incident occurring after a warning was issued by the BC Gold Commissioner to compensate the owners for the first infractions. The second incident was far more damaging than the first, and, using the Ministry of Energy, Mines, and Petroleum Resources' Regional Mine Reclamation Bond Calculator Guidance Document, I determined the cost of property restoration to be approximately \$272,215.66. The exploration company lost its claims in that area and the executives lost their free mining licences. The landowners

²⁸ "First Nations' Court Challenge to BC's Mineral Rights System Begins," CBC News, 3 April 2023, <https://www.cbc.ca/news/canada/british-columbia/gitxaala-chattesaht-first-nations-bc-mineral-rights-claims-court-1.6797691>.

²⁹ "New Public Opinion Polling Reveals Support for the Issue Raised By Gitxaala Nation's Landmark Legal Challenge," *BC Mining Law Reform*, 30 April 2023. See https://reform-bcmining.ca/news/2023/04/seven-in-ten-british-columbians-agree-indigenous-consent-should-be-obtained-prior-to-mineral-claim-staking/?fbclid=IwAR2NjY2bLX9OhU9Sshs2XVIH3u_dQ2E9QENggh5wrz_Z_JQYMWVvi_FmoEI.

³⁰ "BC Court Ruling on Consultation and Claim-Staking 'Only Decision' Possible, Says Indigenous Adviser," *Times Colonist*, 19 October 2023, <https://www.timescolonist.com/resources-agriculture/bc-court-ruling-on-consultation-and-claim-staking-only-decision-possible-says-indigenous-adviser-7709631>.

were never awarded the \$10,000 reclamation bond but were allowed to sell a few pieces of old mining equipment at a fraction of the cost of the damage to their private property. This inadequate compensation only came as result of the efforts of the owners doing what they could to leverage the legal system, with little support from the regulators. Like the MPMC disaster, this damage to private property would not have happened if the province had had tougher laws and more intensive monitoring with regard to regulating the mining sector. It would help if the industry would establish a bonding mechanism that would be meaningful for both large- and small-scale infractions. Beyond legal action, there seems to be little justice for the local populations when the mining sector destroys local landscapes.

Most of us are still too sane to piss in our own cistern, but we allow others to do so and we reward them for it. We reward them so well, in fact, that those who piss in our cistern are wealthier than the rest of us.³¹

An issue that continues to be very concerning to the majority of local residents in the area of the disaster is the ongoing release of mine waste into Quesnel Lake. A pipeline from the mine site to one of the largest natural reservoirs of fresh water in British Columbia was originally approved as a temporary permit to gradually release wastewater from the disaster site while the tailings storage facility was being repaired.

I willingly took part in a public process to determine what long-term design could be utilized in treating and releasing mine wastewater into the surrounding environment. This process included broad public input that was resoundingly in favour of a pipeline to Quesnel River rather than to Quesnel Lake. The “temporary” discharge into the lake (which carries on to this day) was chosen by the MPMC and supported by the BC government, despite contradicting the advice of a majority of participants in the public advisory process. We were advised of this decision after the first meeting, told that the decision process was complete, and thanked for our “participation and input.”

This pipeline continues to discharge mine waste into Quesnel Lake through a BC government approval process and further contributes to the existing by-product from the disaster. This is unacceptable. In 2018, the MPMC scientific officer stated that “there is no evidence

³¹ Wendell Berry, “Compromise, Hell!” *Orion Magazine*, November/December, 2004, <https://orionmagazine.org/article/compromise-hell/>.

that [deposited tailings] are re-suspending.”³² However, recent research published by Drs. Ellen Petticrew and Phil Owens from the University of Northern British Columbia (UNBC) says otherwise. In a related UNBC communique, Owens states:

One might expect the tailings to remain at the bottom of the lake, but ... the physical dynamics of lakes can mobilize this material, thereby delivering contaminated sediment to downstream river ecosystems. In the Quesnel watershed, we have measured this effect for at least seven years after the spill occurred.³³

My most recent disappointment relating to the MPMC disaster involves former BC premier John Horgan. At the time, John Horgan was the New Democratic Party (NDP) leader of the opposition. I met him on 6 August 2014, when we spent several hours touring the mouth of Hazeltine Creek and other affected areas of the lake. John seemed concerned and gave me confidence that changes to the mining and environmental acts would make a difference moving forward. Mr. Horgan eventually went on to win the next provincial election and he became our premier.

However, mining industry lobbyists in British Columbia play no favourites when it comes to influencing the halls of power in Victoria. During Mr. Horgan’s tenure as premier, we saw limited changes to the system that would suggest a new direction in regulatory guidance. We continue to see the “temporary” pipeline carrying wastewater into Quesnel Lake, and it has become a permanent fixture of the mine operation as subsequent permit applications continue to be granted by our current NDP government.

John Horgan stepped down as the premier of British Columbia in November 2022 and as an MLA for the Langford–Juan de Fuca riding in March 2023 after two bouts with cancer and thirty-eight years in politics. After playing a large role for the NDP, our provincial left-wing social democratic government, Mr. Horgan has earned a much-needed rest. However, less than a day after stepping down as an MLA, he accepted a position as a board member of Teck Coal. As Carol Linnitt of the *Narwhal* comments:

³² Lynn Anglin, “Progress Made on Remediation at Mount Polley,” *Williams Lake Tribune*, 11 May 2018, A20, https://www.wltribune.com/e-editions/?iid=i20180511041138932&&headline=V2lsbG1hbXMgTGFrZSBUCmlidW51LCBNYXkgMTEsIDIwMTg=&&doc_id=180511111157-0a7644e33d97456eb934fc4b520dda94.

³³ UNBC Stories, “Seasonal Turnover Sends Pulses of Metal-Rich Sediment from Mount Polley Tailings Pond Breach Down Quesnel River,” University of Northern British Columbia, <https://www2.unbc.ca/newsroom/unbc-stories/seasonal-turnover-sends-pulses-metal-rich-sediment-mount-polley-tailings-pond-breach-down-quesnel-river>.

Horgan's words are perturbing for those who were asking for greater accountability for Teck's coal mines during the time he was, in fact, making policy decisions. That time, it's important to remember, extended to mere months ago.³⁴

It apparently didn't take long for Horgan to be rewarded for his efforts while premier. The *Tyee's* Steve Burgess puts it into perspective:

Horgan points out that Elk Valley supplies coal for metallurgy. Unlike coal-fired electric plants, there is currently no viable alternative to coal for operations like steel-making. So it's like, say, you're a cow on the board of Maple Leaf Foods but it's OK, you're a dairy cow, and besides there's probably only a few hoof shavings in those hot dogs anyway.³⁵

In a recent development in August 2023, Democracy Watch sent a letter to the BC conflict of interest commissioner "calling for an investigation and ruling on whether former BC Premier John Horgan violated the BC *Members' Conflict of Interest Act* (the 'MCOIA') by trying to influence the BC government's position on the IJC investigation after he started negotiating his director position with Teck months before he resigned as an MLA on March 31, 2023."³⁶

The revolving door from the legislature in Victoria to resource-based industry boards opens regardless of your political background. After reading a recent article in the *Vancouver Sun* by Gord Hoekstra dated 23 April 2023, I rather doubt John Horgan will change the direction of Teck, and his new board position with Teck Coal seems simply opportunistic. Earlier this year, the province gave Teck a \$15.5 million administrative penalty, which is laughable, considering, as Hoekstra describes, "in the mining sector, Teck alone had revenues of \$17.3 billion in 2022."³⁷ This fine is a cost of doing business for Teck and other mining corporations in British Columbia. Teck is not alone in receiving a slap on the wrist. While the MPMC was never fined for its 2014 tailings storage

³⁴ Carol Linnitt, "When a Former Premier Joins a Coal Company: Unpacking John Horgan's Jump to Teck's Elk Valley Board," *Narwhal*, 4 April 2023, <https://thenarwhal.ca/bc-john-horgan-teck-coal/>.

³⁵ Steve Burgess, "Please Advise! What's with John Horgan's New Coal Job?" *The Tyee*, 6 April 2023, <https://theyee.ca/Opinion/2023/04/06/Horgan-Joins-Coal-Company-Board/>.

³⁶ "Democracy Watch Calls for Ethics Investigations of Federal Cabinet Minister and Former BC Premier for Conflicts of Interest with Investigation of Pollution by Teck Resources' Mines," *Democracy Watch*, 21 August 2023, <https://democracywatch.ca/democracy-watch-calls-for-ethics-investigations-of-federal-cabinet-minister-and-former-b-c-premier-for-conflicts-of-interest-with-investigation-of-pollution-by-teck-resources-mines/>.

³⁷ Gord Hoekstra, "BC's Corporate Polluters Now Having to Pay Out Massive Fines, But Is It Making a Difference?" *Vancouver Sun*, 23 April 2023, <https://vancouversun.com/feature/b-c-s-corporate-polluters-now-having-to-pay-out-massive-fines-but-is-it-making-a-difference>.

facility failure (despite numerous operational deficiencies related to the disaster) it *was* fined \$9,000 in December 2020 for failing to investigate and test long-term water treatment systems. Remarkably, it appealed this administrative fine, requesting that the amount be reduced to \$900 – a request that was denied by the Environmental Appeal Board.³⁸

I was originally angry about the Mount Polley disaster and the lack of government accountability and monitoring that had led to the tailings storage facility failure. I was also angry with the professional engineers who failed us all, consulting engineers and MPMC engineers, all of whom should have known that the background data for the dam location and height weren't sound enough to support the continued dam development.

I've moved on from the anger and am presently cynical and saddened by the continued lack of government oversight in the mining sector and the lack of a public voice. It's still difficult to understand why no charges were levied related to the tailings storage failure, and it is equally troubling that no government managers or staff have been held accountable. They, more than the MPMC staff, did not do their job. The mine staff operated the mine with the relaxed policies and directives they were given.

I'm also saddened that the MPMC, which has extracted billions of dollars over the years from the local landscape, continues to treat the surrounding area, such as Quesnel Lake, as its dumping ground. However, my heart and soul are continually healed knowing that my son is doing whatever he can as the MPMC environmental lead onsite to bridge the abyss between his employer and its relationship with the community of Likely and the residents of Quesnel Lake who bear the brunt of the disaster. It's comforting to know that a local who grew up in the Quesnel Lake area, rather than someone from afar (with little understanding of local nuances and little connection to the local landscape and its people), is helping guide the MPMC through the pitfalls of community relationships. I'm tired of mining-sector professionals and consultants from away telling us what is good and wholesome about the Mount Polley Mine and how we should feel about the disaster. I'll never forget the PLC meeting at which I was muted by the MPMC hosts for my comments and another member was removed for his well-founded criticism.

In closing, rather than continue to criticize the BC government, and to a lesser extent the mining industry, I'd like to offer two suggestions

³⁸ Judith Lavoie, "Mount Polley Loses Appeal of \$9,000 Penalty for Violating New Wastewater Permit," *Narwhal*, 13 September 2021, <https://thenarwhal.ca/bc-mount-polley-mine-fine/>.

that are not unique in today's world and, indeed, are embraced in other jurisdictions and resource sectors.

First, the province of British Columbia – and more importantly the beautiful landscape we are privileged to enjoy – would benefit from providing rivers with “personhood” rights, as has been done in places such as New Zealand and Ecuador. Through a recent initiative by the Innu Council of Ekuanitshit and the Minganie Regional County Municipality, this granting of legal standing is now happening in Canada with regard to the Magpie River in northern Quebec.³⁹

Second, the people of British Columbia deserve a meaningful and independent way to help guide the mining sector rather than the current way, which is based on insincere and condescending relationships between mining regulators, industry, and rural communities. I recommend that the BC Ministry of Energy and Mines implement a resource extraction fee on industry and that it share this fee with the electorate. This fee should include a substantial research fund that addresses independent mining sector concerns. We have historic examples of such practices in the forestry industry. For example, in 1994, through a small increase in stumpage fees, the BC Ministry of Forests formed Forest Renewal BC. This fund included research grants for First Nations, community groups, and not-for-profit organizations as well as universities and the industry itself. This model could be used in the mining sector to provide funding to help answer questions of concern and to reflect broad societal queries. This is particularly important because it appears that, if the status quo continues, there is limited incentive for the industry to improve on what is known as best available technology (BAT). Where is the incentive for an operating mine to adopt BAT for water treatment when the Ministry of Mines and Energy has no research branch to improve mining operations on behalf of the populace? It seems like status quo practices are driven by the industry's bottom line.

In closing, when I feel overwhelmed by the uphill battle facing our community (and others globally) when confronting Canadian mining companies that have temporarily staked claims and intend to damage our landscapes until the wealth runs out, I walk our dogs on the local trails or go fishing. The following quote from Wendell Berry provides me with comfort, knowing the world will be fine when the mines move on and the earth heals itself over time:

³⁹ “This River in Canada Is Now a ‘Legal Person,’” Aljazeera, <https://www.aljazeera.com/news/2021/4/3/this-river-in-canada-now-legal-person>.

When despair for the world grows in me and I wake in the night at the least sound in fear of what my life and my children's lives may be, I go and lie down where the wood drake rests in his beauty on the water, and the great heron feeds. I come into the peace of wild things who do not tax their lives with forethought of grief. I come into the presence of still water. And I feel above me the day-blind stars waiting with their light. For a time I rest in the grace of the world, and am free.⁴⁰

⁴⁰ Wendell Berry, *New Collected Poems* (Berkeley, CA: Counterpoint Press, 2012), 79.