



# **2013 Annual Report**

# **Laying the Groundwork**





## Mission Statement:

Fair Mining Collaborative (FMC) provides values based, credible technical and strategic guidance to communities, First Nation Leadership groups, and political decision makers with the intention of building capacity to make informed land-use decisions that foster healthy sustainable communities and ecosystems.

We are a Charitable foundation that partners with our clients to build knowledge of mining impacts and benefits so they can fully participate in fair land-use decision making processes that affect their future. We assist communities with reaching their intended outcomes, we don't advocate for a particular outcome.

## Board of Directors:

Heather Mahoney, Chair

Sandi Chamberlain, Secretary

Brent England, Treasurer

Rosemary Fox

Alan Young

## Staff and Contractors:

We tripled our salaried staff this year: Kelly Forbes, a student intern hired to research cumulative effects, is staying on to continue that vital project and focus our social media presence as Program Assistant. We also moved our Program Manager, Tara Ammerlaan, to a salaried staff position and Amy Crook continues as our un-redoubtable Executive Director. Glenn Grande, Ann Jacob, and Stan Tomandl are staying with us on a contract basis to advance their fabulous work. In total, staff and contractor's time is the equivalent of three and a half full time positions.



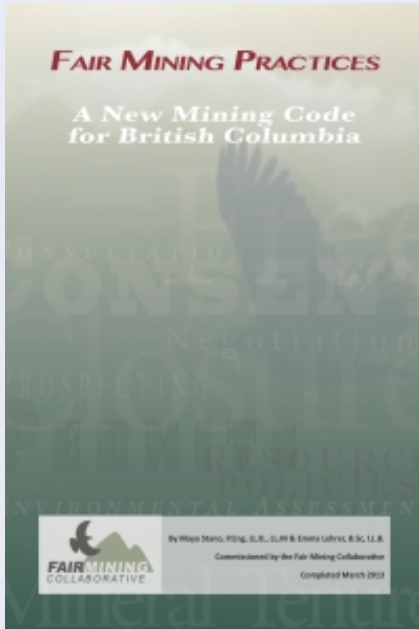
Team Meeting on Fuze, with Jeff Capella of Resource Media. From top right, Kelly Forbes, Tara Ammerlaan, Jeff Capella, Glenn Grande, Amy Crook, Stan Tomandl, Ann Jacob.

## Overview of 2013:

How to describe what we've done this year? We finished, edited, vetted, moved beyond our comfort zones, networked, put ourselves out in the world, joined social media, wrote Blog posts, discovered how hard it can be to take a complex matter and put it into simpler terms. On the whole, we created content. We perfected and published *Fair Mining Practices*, created the *Mine Medicine Manual*, wrote and filmed website content, made curriculum plans – a year of creation of foundational education materials.

# Laying the Groundwork: Projects of 2013

## Published *Fair Mining Practices: A New Mining Code for British Columbia*



This work supported by the Real Estate Foundation, West Coast Environmental Law, the Nature Conservancy, and Wilburforce Foundation.

This is our seminal piece. Perfected and published this spring, it is the first ever comprehensive global analysis of mining laws. Over 400 pages of well-vetted legal research into the laws of other jurisdictions are sorted into “Recommended Solutions” to the issues with BC’s mining system. This research is applicable beyond BC’s borders, as the problems posed by mining are similar throughout the world.

*Fair Mining Practices* was written by Maya Stano and Emma Lehrer. This year, Tara took up the torch, incorporating final edits, formatting, gathering the last international reviews, and writing the chapter and executive summaries.

**Quick Facts:** Over 400 pages, 10 chapters, cites 89 jurisdictions, reviewed by 35 lawyers from the 20 most-cited jurisdictions around the world. Covers all stages of the mining process, from community plans and policies to post closure.

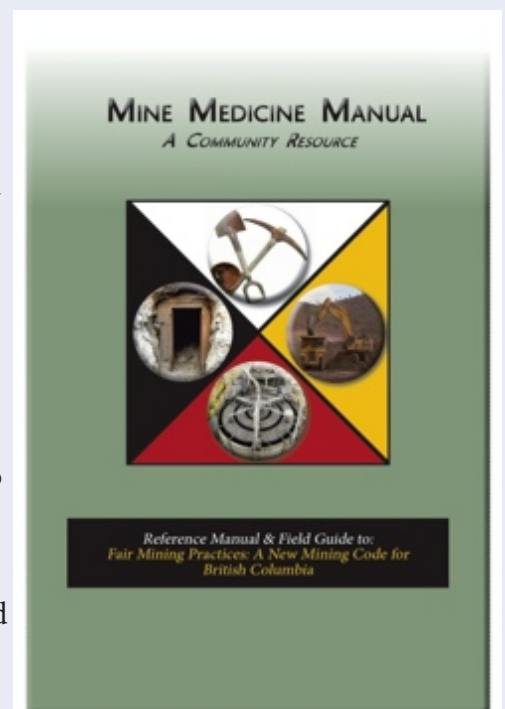
## Created the *Mine Medicine Manual: A Community Resource*

This work supported by the Real Estate Foundation, the Wilburforce Foundation, the Law Foundation of BC, and the Campion Foundation.

The *Mine Medicine Manual* is a user friendly, interactive, graphic field guide condensation of the information in *Fair Mining Practices*. The *Mine Medicine Manual* will be helpful to all communities affected by mining development and is specifically intended for use by First Nation Resource Managers, Councillors, and involved community members.

The *Mine Medicine Manual* encourages a “hands on” approach, and covers diverse topics: from monitoring mineral exploration activity to gathering community input to media outreach. Glenn spent most of 2013 researching, writing, and designing this important document.

**Quick Facts:** Centered around Seven Jobs (honoring the Seven Sacred Teachings). Designed as a reference, a field guide and a learning tool.





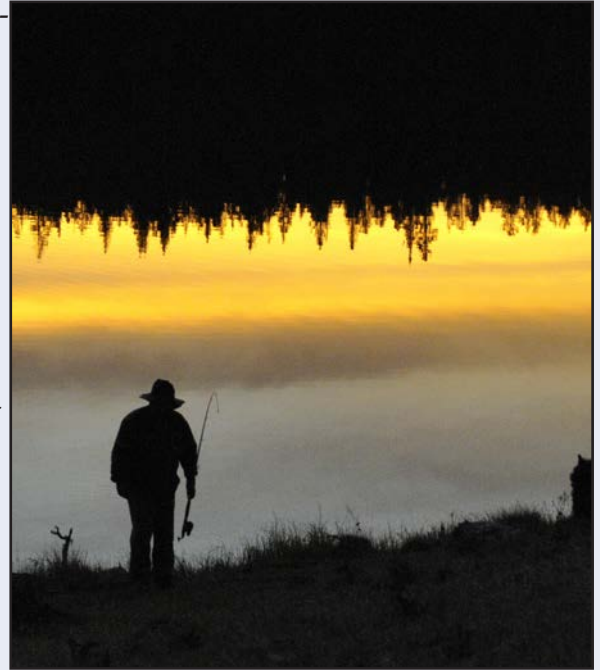
## Developed Community Empowerment Sessions

**This work supported by the Law Foundation of BC, the Campion Foundation, Wilburforce Foundation, the Luna Trust, and Tides Canada on behalf of the Moore Foundation.**

Our vision for 2014 is Building Bridges, with the education piece central to this vision. Stan and Glenn have developed these Community Empowerment Sessions and planned the curriculum. We are now in the process of preparing materials. We plan to hold our first session, a two-day workshop, in the spring of 2014.

The Community Empowerment Sessions are designed to introduce resource managers and other interested people to issues created by mining in BC, and possible solutions.

**Quick Facts:** Delivery methods include videos, workbooks, PowerPoint's, facilitated community discussions, lecture, and field experience.



## Developed Distance Education Program



**This work supported by the Law Foundation of BC, the Campion Foundation, the Wilburforce Foundation, and Tides Canada on behalf of the Moore Foundation.**

Much of BC's resource development takes place in the north, and affects small communities with limited financial resources. We have developed a distance education program to meet the needs of communities in a cost-effective manner.

The education program is comprised of a series of modules so we can tailor our product to the needs of a wide variety of audiences: First Nation resource managers and Council members, community members, students, lawyers, NGO's, government, and industry.

**Quick Facts:** All participants will be able to see each other in real-time video, overcoming some of the challenges posed by large distances and small budgets, and allowing students the opportunity to form valuable connections with each other.

## Developed Web based “Guide to Fair Mining Practices”

This work supported by the Law Foundation of BC.

In partnership with the Justice Education Society, we collaborated on a digital guide to *Fair Mining Practices: A New Mining Code for British Columbia*. This guide extracts the most relevant, interesting, and important material, and adds pictures, videos, and graphics, to make the information more accessible and engaging for the average person.

As part of this project, the Justice Education Society also created a web-based home for *Fair Mining Practices: A New Mining Code for British Columbia*. It is now in an easily searchable HTML format on our webpage, and we can link to specific pages within the document. This will allow better access to the important information in *Fair Mining Practices*, so First Nations, ENGOs and researchers can easily find examples of international laws that promote conservation and Indigenous rights.

**Quick Facts:** With the new content, our website has gone from 9 pages to well over 100 pages.



## Co-authored “Modernizing BC’S Free Entry Mining Laws For A Vibrant, Sustainable Mining Sector” with West Coast Environmental Law.



This work commissioned by West Coast Environmental Law

In collaboration with West Coast Environmental Law, we co-wrote a report on BC’s Free Entry System. This report provides an important overview of BC’s laws, and recommends changes to improve the system. It is written in an engaging and easy to understand style, and includes case studies that illustrate the devastating impact BC’s current laws have had on individual lives and the environment.

West Coast Environmental Law provided a briefing paper on this report to delegates attending the Union of BC Municipalities annual meeting in September. The delegates then voted to support the modernization of BC’s antiquated mining laws!

**Quick Facts:** Makes eight common sense suggestions that would fix BC’s archaic mineral tenure system. Based on research from Chapters 3 and 4 of *Fair Mining Practices: A New Mining Code for British Columbia*.



## Xat'sull Mining Policy ratified by Xat'sull Council

**This ground breaking mining policy was created with our assistance and is based on research from *Fair Mining Practices: A New Mining Code for British Columbia*.**

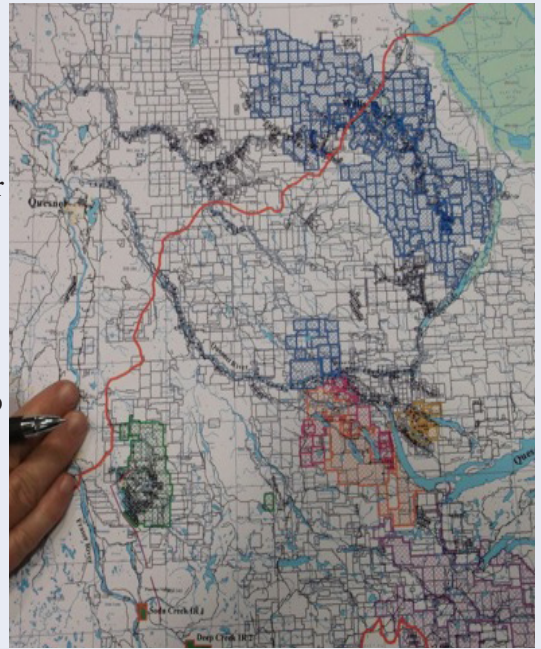
In some ways, this is our most important work to date. The impact of the Xat'sull Mining Policy is potentially huge. It is the most comprehensive mining policy of its kind in Canada. It provides both a strong foundation for conservation based land use planning and a decision making process based on Free, Prior and Informed Consent.

The Xat'sull Nation has asked FMC to assist with the introduction of their policy to other First Nations. The communities represented by FNWARM (First Nation Women Advocating Responsible Mining) are some of the first to take these ideas into their mining and resource policies. The adaptation of the Xat'sull mining policy will support Nations in self-determining the uses of their Traditional Territories and further the growing shift in toward honorable relationships among First Nations, industry, and government.

Almost every provision in this policy is backed up by our research, and an accompanying document lists the laws from other jurisdictions that support each provision.

This policy was drafted in 2012 by Emma Lehrer, and ratified by the band council this spring.

**Quick Facts:** The Xat'sull mining policy contains 107 provisions and 10 appendices and provides a rock solid legal framework to support First Nation negotiators.



Mineral Claims on Xat'sull Territory

## How it All Adds Up: Cumulative Effects

**This work supported by Tides Canada on behalf of the Moore Foundation, UVic Co-operative Education Program, the Luna Trust and Western Mining Action Network / Indigenous Environmental Network.**



In BC, the study of the cumulative effects of mining and other industries is in its infancy, despite resource development projects being proposed and approved at a lightning pace.

To address this need, we hired a student intern, Kelly Forbes, in the spring of 2013. She has been investigating the current state of cumulative effects assessment and management in British Columbia as it relates to mining, First Nations, and salmon.

Through a case study comparative analysis, Kelly identified inconsistencies with the way “cumulative effects” were being interpreted by mining companies, the government, First Nations, and environmental groups. Kelly, who was so good we hired her as a Program Assistant, has shared ideas with West Coast Environmental Law and the Upper Fraser Fisheries Conservation Alliance on the project. We are continuing our cumulative effects research into 2014 with the hope of building a bridge between the identified inconsistencies, and on-the-ground conflict.

We will use the information collected during this project in our education courses, and publish it on our website in articles and blog posts.

# In Service to Communities

**Our work with communities is fee-for-service. We are able offer this service at a discounted rate thanks to the generous support of the Campion Foundation.**

The work we do directly with communities is the lifeblood of our organization. It is what gets us out of bed in the morning. Our interactions with the people who live and wrestle with mining everyday is what inspires all our work.

This year, our two main community projects were working on the Kerr-Sulphurets-Mitchell (KSM) mining proposal, on behalf of a First Nation, and assisting the Xat'sull First Nation with mining projects (Gibraltar, Spanish Mountain Gold, QR, Dome, and Mt. Polley) in their Traditional Territory.



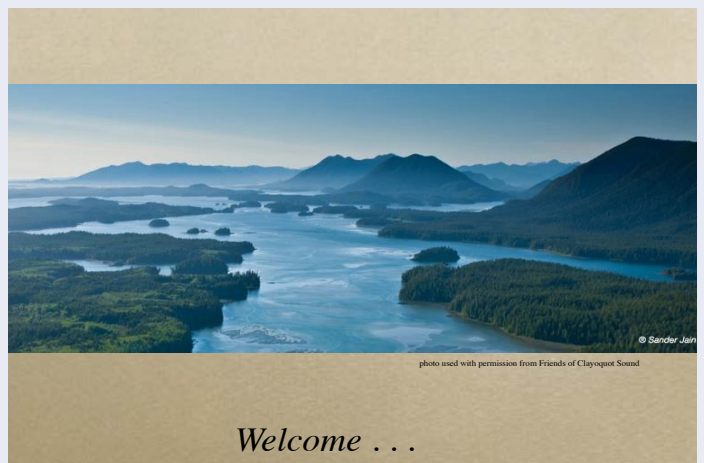
Amy Crook at meeting with Bev and Jacinda Sellers



Border Lake, Downstream of Proposed KSM Mine

The KSM project is located in north-western BC, north of Stewart, BC. The project's tailings storage facility would be located at the headwaters of the Nass river, BC's third largest salmon producing river. The mine site itself is located in the Unuk watershed which flows to Alaska. FMC is assisting with the evaluation of the mine's potential downstream impacts to the Nass and Bell-Irving watersheds.

Friends of Clayoquot Sound (FOCS) also hired us to research Imperial Metals' Fandora Mine exploration proposal and create a PowerPoint presentation. FOCS presented the information and slides at a town hall gathering of Tla-o-qui-aht and other community members in Tofino, BC. This project was commissioned to aid the protection of Tranquil River in Uyu Tuknis (We Take Care Of) Tribal Park.



2013 also saw the repackaging of Taseko's "Prosperity" mine proposal as "New Prosperity" and it went through a second federal environmental assessment. We assisted the Tsilhqot'in National Government with their technical assessment of potential water quality and fishery impacts.



# Presenting Ourselves to the World

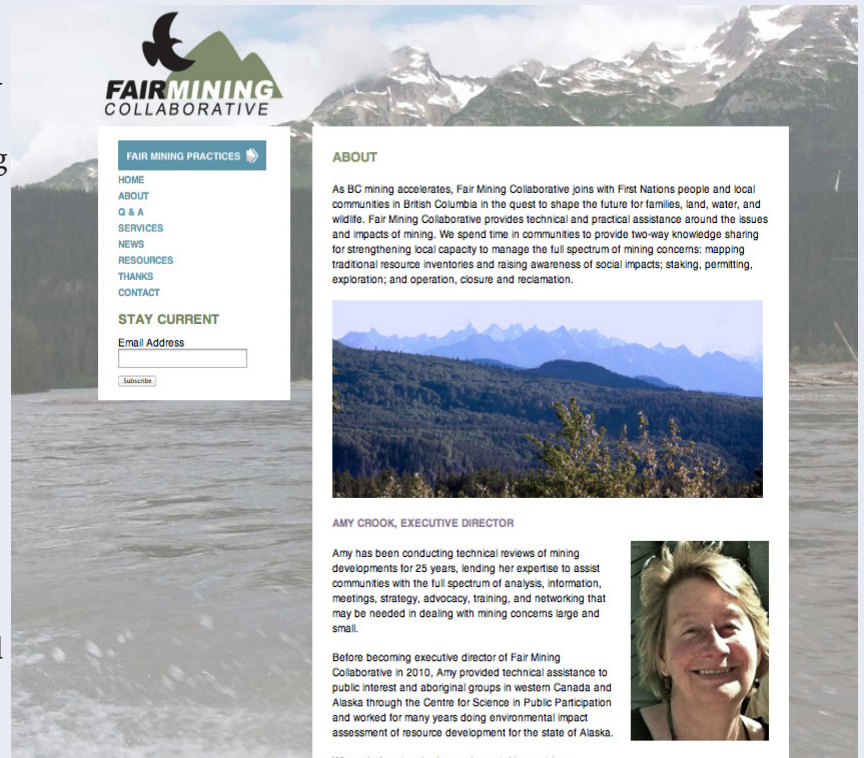
This work funded by Wilburforce Foundation, the Campion Foundation and the Luna Trust.

This year, as an organization, we took a big leap into the public eye. We changed our name from the “Environmental Mining Education Foundation” (which no one could remember) to the “Fair Mining Collaborative.” We launched our website, designed by Winterstreet Design:

www.fairmining.ca.

We have also been cultivating a social media presence on Twitter.

Resource Media has been of tremendous assistance in these endeavours. They have helped us to understand marketing strategy, how to present ourselves consistently, and assisted in translating difficult concepts into easy to understand language.



Stan with Cheif Bev Sellers

## Fair Mining Collaborative Outreach:

Cultivating a network of like minded people, learning about issues, building relationships. Our FMC Community Circuit Riders, Stan Tomandl and Ann Jacob, have participated in 400+ hours, mostly volunteer time, reaching out and networking with people and organizations at more that 70 events over the course of 2013.



In the First Nations realm this included the Indigenous Nationhood Movement, Idle No More, the Truth and Reconciliation Commission on Residential School Abuse in Canada, the Indigenous Research Law Clinic, half a dozen First Nations communities, and Indigenous Peoples from Latin America and the Philippines. They have joined organizations and attended conferences relating to mining and: law, social justice, indigenous rights, economics, governance & politics, communication & media, ecology, geology, hydrology, negotiations, and conflict resolution. This has included getting to know, learn from and consult with key Canadian, North American, and international leaders from all sides of mining issues.

# Partnerships

We have collaborated with the following organizations on major projects in 2013:

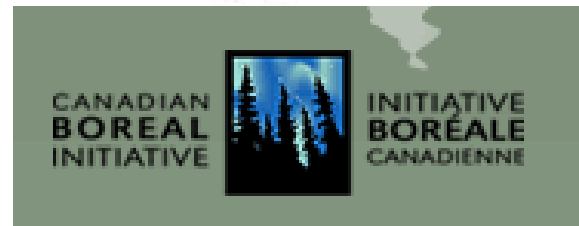


These organisations have helped us with staff development and training:





We have continued working with and building relationships with these organisations:



**Clayoquot Action**



*MiningWatch Canada*  
*Mines Alertes*



**SOUTHEAST ALASKA**  
**Conservation Council**



**UBC Indigenous Law**  
**Students' Association**



**Upper Fraser Fisheries**  
**Conservation Alliance**

# Panels and Presentations



Amy Crook at GEMM conference

## Global Exploration Mining and Minerals 2013

**Our development and delivery of a presentation at the conference on effective community participation was funded by GEMM, and sponsored by Sierra Club BC and Friends of the Stikine Society.**

In collaboration with the Sustainable Development Strategies Group, we co-chaired a working session entitled “Communities and Companies: Toward Improved Engagement”. This well attended working session featured speakers from British Columbia and the Philippines and was facilitated by Glenn, Amy, and Anne Marie Sam of the Nak'azdli First Nation.



Amy and Anne Marie Sam at Gemm Presentation



# Ten Year Review of Metal Mining Effluent Regulations

**This work supported by the Champion Foundation with a stipend provided by Environment Canada.**

What comes out of mines, other than minerals? Water. It would be nice if it were clean water, but regulating mine water discharge is what the federal laws called the Metal Mining Effluent Regulations (MMER) is all about. This year, we were invited by Environment Canada to participate in the 10 year review of the MMER.

We are participating in two subgroups, one looking at selenium, and another dealing with proposed changes to the Environmental Effects Monitoring (EEM) program. Amy is focussing primarily on Selenium, while Tara focuses on EEM. With the general operations funding provided by the Champion Foundation, we have co-authored three papers outlining shared ENGO concerns.



## The Initiative for Responsible Mining Assurance (IRMA)

**This work supported by the Champion Foundation with a travel subsidy from IRMA**

IRMA is made up of a diverse range of organisations: from United Steelworkers of Canada to Tiffany & Co, environmental NGOs to mining companies. IRMA is developing a Certification program for mining (Imagine the Forest Stewardship Council (FSC) certification, but for mines.)

Amy reviewed the current draft of the IRMA Standards and introduced *Fair Mining Practices* research to the IRMA team, who are using it as a resource document as they craft the first public draft of their proposal, due out in early 2014. IRMA hopes to begin certifying mines in 2015. Working with such a diverse group has been interesting and inspiring.



**Quick Facts:** Information on IRMA can be found at <http://www.responsiblemining.net>.

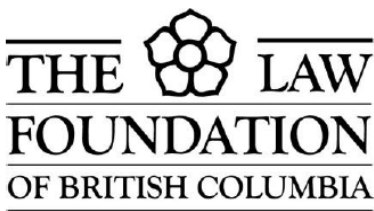
# Thanks to Our Funders



- *Fair Mining Practices: A New Mining Code for British Columbia,*
- *The Mine Medicine Manual: A Community Resource,*
- Community Empowerment Sessions,
- Distance Education Program,
- Presenting Ourselves to the World, and
- Support for staff and organisation development through TREC programs.



- *Fair Mining Practices: A New Mining Code for British Columbia,*
- *The Mine Medicine Manual: A Community Resource.*



- *The Mine Medicine Manual: A Community Resource,*
- Construction of the FMC interactive website,
- Community Empowerment Sessions,
- Distance Education Program, and
- Guide to Fair Mining Practices.



- *Fair Mining Practices: A New Mining Code for British Columbia.*



- *The Mine Medicine Manual: A Community Resource,*
- Community Empowerment Sessions,
- Distance Education Program,
- Presenting Ourselves to the World,
- Our work with communities, and
- Our participation in panels and workshops.



- *Fair Mining Practices: A New Mining Code for British Columbia.*



~ **On Behalf of the Gordon and Betty Moore Foundation** ~

- Community Empowerment Sessions,
- Distance Education Program, and
- Cumulative Effects research.



- *The Mine Medicine Manual: A Community Resource,* and
- Cumulative Effects research.

## Luna Trust

- Cumulative Effects research,
- Networking with our many allies, and
- Community Empowerment Sessions.



# Building Bridges

## Our Vision for 2014



Moving into 2014, our focus is shifting. We've laid the groundwork, in *Fair Mining Practices* and *The Mine Medicine Manual*. We've re-branded from Environmental Mining Education Foundation to Fair Mining Collaborative, and claimed a corner of the World Wide Web.

Our next step is cultivating the changes we hope to facilitate in BC – better protection for ecosystems, more responsible mining practices, and fair treatment of communities.

We will do this by offering training to people working in the field: community members, resource managers, and other interested citizens. This training will take the form of both in-person workshops, and a distance education program. Much of the planning for both these programs has already been completed.

In addition, we will continue the vital on-the-ground work of consulting with communities on environmental assessments for mining proposals, and monitoring mining operations, as need arises and capacity allows.

Geographically, we are focussing again on transboundary watersheds with Alaska, as we did in 2007 and 2008. The Unuk and the Stikine watersheds face intense development pressure from mining, mineral exploration, pipelines, and hydro electric projects. The Nass, one of BC's major salmon rivers, would be affected by the large mining proposals on the Unuk River system.

The cumulative effects research Kelly has been doing will tie into this work, as well as inform our education programs.

Finally, as capacity allows, we will continue to build out social media presence and use this platform to inform and engage the public.

**The Fair Mining Collaborative Team, December 2013**

[www.fairmining.ca](http://www.fairmining.ca)

