



**FAIRMINING**  
COLLABORATIVE

# Annual Report

# 2014

# MISSION STATEMENT:

Fair Mining Collaborative (FMC) provides values based, credible technical and strategic guidance to communities, First Nation Leadership groups, industry, 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:

Sandi Chamberlain, Chair  
Brent England, Treasurer  
Rosemary Fox  
Alan Young  
Maya Stano

We are thrilled to announce that Maya Stano has agreed to join our board!

Maya lives in Vancouver, where she practices Aboriginal and environmental law, with a focus on resource development. She is also the primary author of *Fair Mining Practices: A New Mining Code for British Columbia*.

# STAFF

We go into 2015 with clear vision and a strong staff and contractor team. Amy Crook continues as Executive Director, working closely with Xat'sull First Nation to support their response to the Mount Polley Mine tailings dam breach. Our Fair Mining Training Program will be delivered by Glenn Grande, who has committed to another year with FMC. Stan Tomandl continues our work in the Tranboundary region, and Tara Ammerlaan has returned early from maternity leave to help with the increased workload.



Glenn Grande presenting the *Fair Mining Training Program* in Tofino

# KEY EVENTS OF 2014

We accomplish our work in a complex world. This year, that world came knocking. Our work has been informed and influenced by the following events:



## Tsilhqot'in Decision

In July, the Supreme Court decided to grant the Tsilhqot'in First Nation title to 1700 square kilometers of their traditional territory. The Tsilhqot'in now have a greater right to control resource development in this area. The decision sets a National precedent, and other First Nations in BC are likely to see significantly more control over land use decisions in their traditional territories.

## Mount Polley Disaster



Photo Credit: Jonathan Hayward, Canadian Free Press

On August 4th, the tailings dam failed at Imperial Metal's Mount Polley Mine, spilling an estimated 24.4 million cubic meters of heavy metal laden sediment and water into Hazeltine Creek and Quesnel Lake. FMC is directly involved in assisting the Xat'sull Nation and the Williams Lake Indian Band with their assessment of the impacts of the largest mine spill in Canadian history.

*Out of these two events comes an unprecedented call for mining law reform from First Nations, the public, all BC political parties, and the mining industry and their investors. The Fair Mining Collaborative is in a unique position to provide information, support, and training in response.*

## LETTER FROM THE EXECUTIVE DIRECTOR

*Dear Friends, Colleagues and Supporters,*

Its that time again, when we turn our thoughts back over the past year, and contemplate both our accomplishments and our goals.

This summer changed the playing field. At the start of the summer, we were prepared: *The Mine Medicine Manual* was perfected. *Fair Mining Practices: A New Mining Code for BC* was published; in print, and on our website. *The Fair Mining Training Program (FMTP)* curriculum was nearing completion, and our first set of workshops were planned with the Xat'sull First Nation. Our work on the Transboundary coalition was well underway. We were celebrating the Tsilqu'otin Decision, and contemplating how to adapt ourselves to the new way of doing things... then suddenly, on August 4th the Mount Polley tailings dam breached, spilling into Xat'sull and T'excelcenc territory, and changing everything.

Based on our long relationship, the Xat'sull First Nation asked FMC to play a key role in assisting their impact assessment and remediation efforts. We are honoured to be able to assist them through this environmental tragedy. In support of Xat'sull, I have been regularly meeting with BC Ministers and sitting on working groups that have the political clout and obligation to reform BC's mining laws.

At the same time, FMC has responded to unprecedented interest in mining law reform from the public, government and media. In the weeks after the spill, we did numerous interviews, and website traffic tripled. We are still feeling the effects, as three more First Nations are adopting the mining policy we created for the Xat'sull, and other First Nations are contacting us for

advice and workshops. Work is frantic, and yet, we have suddenly catapulted years ahead. Now, ironically thanks to the Mount Polley breach, it has become starkly apparent to all concerned that the changes we have been advocating for are absolutely necessary.

Mount Polley has taken most of my time this fall, and forced us to ruthlessly prioritize our work. We dropped our participation with the 10 year review of the Metal Mine Effluent Regulations, put our work on cumulative effects on hold, and narrowed our focus to three projects: our work with Xat'sull First Nation, our Transboundary work, and the Fair Mining Training Program.

I'm looking forward to 2015. I think we will finally see some mining law reform in BC, and we're very excited about our Fair Mining Training Program. Stay tuned, we may be coming to a community near you!

Warm Regards,

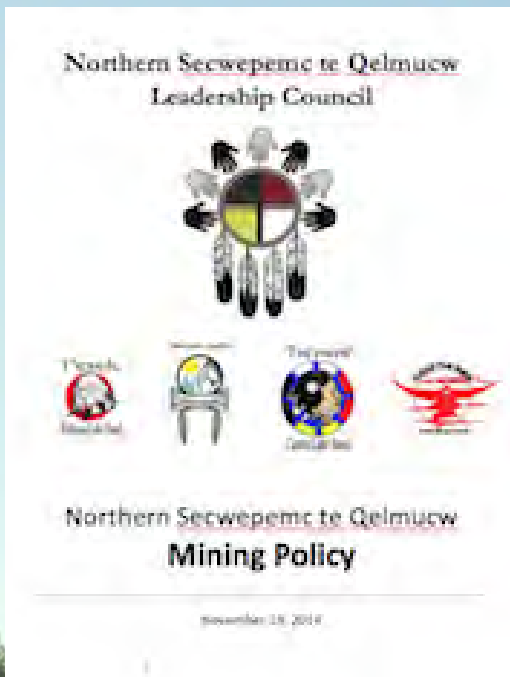
Amy Crook  
Executive Director



FMC forged a connection between Bristol Bay Tribes (proposed Pebble Mine Project) and the Xat'sull First Nation. This introduction resulted in a delegation from Bristol Bay traveling to the Mount Polley area, where they were hosted by the Xat'sull, and had the opportunity to see the tailing dam breach disaster first hand.

Photo Credit: Williams Lake Tribune

# NSTQ MINING POLICY



In November, the four Nations of the Northern Secwepemc te Qelmučw Leadership Council (NStQ), which includes the Tsq'escen' (Canim Lake), Stswecem'c/Xgat'tem (Canoe & Dog Creek), Xat'sull (Soda & Deep Creek), and T'exelc (Williams Lake a.k.a. Sugar Cane) First Nations adopted the Mining Policy created by FMC in 2013. NStQ publically launched their mining policy on December 1, 2014, with the support of First Nations Women Advocating Responsible Mining (FNWARM), the Union of BC Indian Chiefs, the First Nation Summit, the Assembly of First Nations, and the First Nation Energy and Mining Council.

The Mount Polley mine disaster has generated tremendous interest in the NStQ Mining Policy, placing us ahead of the curve because FMC completed this far reaching and precedent setting policy in 2013, well prior to the disaster. We have solutions ready to go, and now we have the leverage to expedite its adoption and implementation across BC, nationally, and internationally.

We expect other First Nations will adopt versions of the NStQ mining policy and help create a fundamental shift in resource development in BC, replacing the focus on money with one on the long-term health of people, culture, and ecosystems.

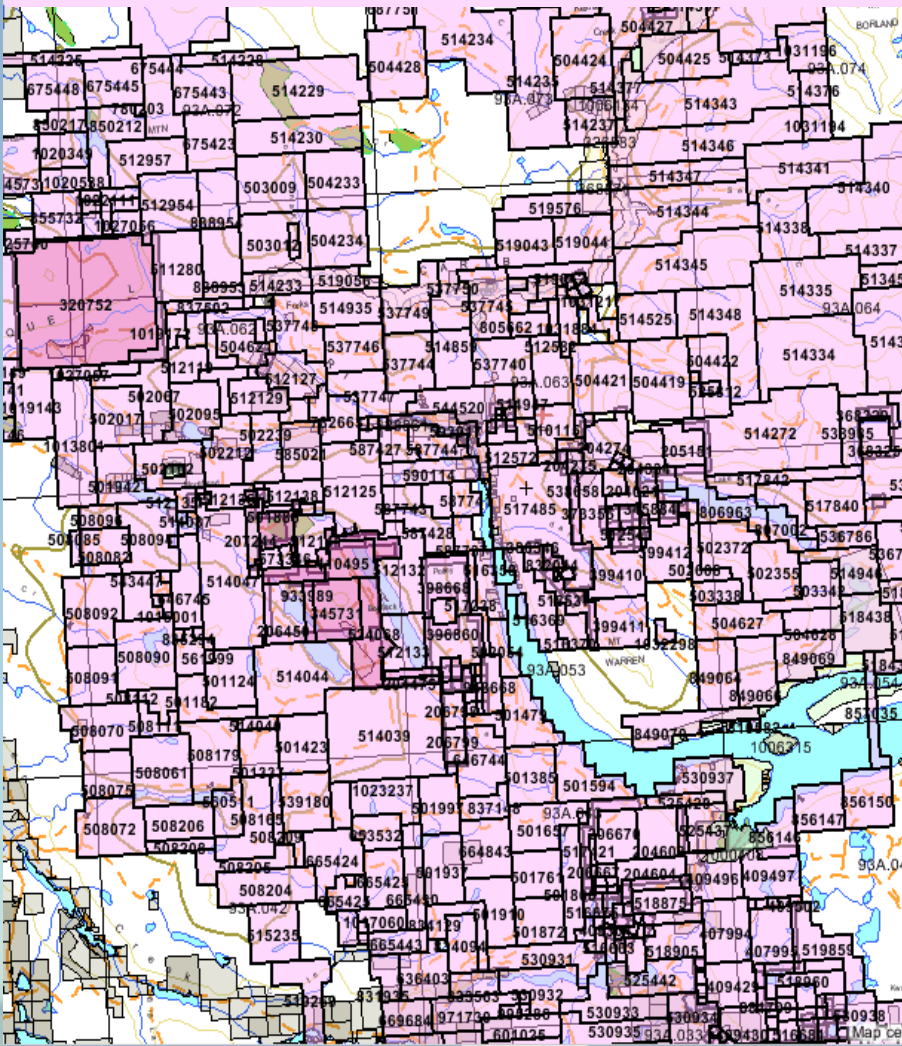


Jacinda Mack, while Xat'sull Resource Manager, meeting with the Deputy Chief Inspector of Mines with support from FMC staff.

*“Since mining arrived in BC First Nations have been ignored and imposed upon, and more recently, as the courts have reaffirmed our rights, some have argued that they do not know what First Nations want and there are no rules to play by. With this Mining Policy we can no longer be ignored or imposed upon, and the Province and industry can no longer claim they do not know how to work with us – this document spells that out in clear, specific terms,”*

*-Chief Bev Sellars*

## Mineral Claims near Mount Polley



*“This policy gives First Nations a practical plan and the tools to back it up. It gives them the resources to deal with governments and companies as equals from a position of knowledge and strength,”*

*-FMC Executive Director  
Amy Crook*

*“This is not about ending all mining. It is about ending the practice of anyone being allowed to stake a claim anywhere they want, exploring wherever they want and developing projects regardless of our rights, concerns and objections.*

*-Chief Patrick Harry*

### A Sampling of NStQ Mining Policy in the media:

**CBC: First Nation in B.C. Sets Out Tougher Rules For Mining In Its Territory.**

<http://www.cbc.ca/news/aboriginal/first-nation-in-b-c-sets-out-tougher-rules-for-mining-in-its-territory>

**The Globe and Mail: B.C. First Nation Sets Out Tougher Rules for Mining In Its Territory**

<http://www.theglobeandmail.com/news/british-columbia/new-rules-will-dictate-how-mining-done-on-land-claimed-by-four-bc-first-nations/article21854456/?cmpid=rss1>

**Industrial Minerals: First Nation Groups Set Mining Policy and Rules in Canada**

<http://www.indmin.com/Article/3406793/First-Nation-groups-set-mining-policy-and-rules-in-Canada.html>

**Global News: First Nation Sets up Mining Rules for Territory**

<http://globalnews.ca/news/1702061/first-nation-sets-up-mining-rules-for-territory/>

**The Northern Miner: Editorial: More Tsilhqot'in fallout in BC**

<http://www.northernminer.com/news/editorial-more-tsilhqot-in-fallout-in-bc/1003400655/?er=NA>

*“For years we warned that the Mount Polley dam was a disaster waiting to happen and we were ignored. This NStQ Mining Policy is designed to make sure that this does not happen again, and provide us with the tools to monitor and ensure compliance with safety and all other regulation and conditions imposed on any mines that are allowed,”*

*-Chief Ann Louie*

# FAIR MINING TRAINING PROGRAM

FMC presented its first Fair Mining Training Program (FMPT) workshop in July at the request of the Clayoquot Action Society (CAS) in Tofino, on Tla-o-qui-aht First Nation Traditional Territory. Glenn Grande, author of the *Mine Medicine Manual* and the FMPT curriculum, facilitated the course. The course covered First Nations' land and title perspectives, mining fundamentals, the basics of BC mining law, an introduction to the BC government Mineral Tenure online system, and culminated in a CAS inventory of all mining claims as part of their work to protect the Clayoquot Biosphere Reserve – a proposed protected area which would fall under the UNESCO World Heritage sites classification system.

*“The work of Fair Mining Collaborative has been indispensable. Their expertise, publications and training have taken the mystery out of mining—we know now how to respond when mining companies come knocking.”*

*-Dan Lewis, Executive Director,  
Clayoquot Action Society, Tofino BC.*



Through the work done in this course, members of CAS and the local community were shocked to identify areas that were imminently threatened by mining. Our work also revealed areas of overlapping First Nation territories compelling neighbouring tribes to work together. Most importantly, our work resulted in a total inventory

of mining activity within the proposed UNESCO protected area - prioritizing and collating the entire scope of mining in the area by historical, territorial, financial, geological, and cultural significance. Based on the CAS findings from our training program, the Clayoquot Biosphere Reserve initiative has substantial ammunition in its action plan to protect this vital area.



Glenn has prepared extensive materials for the Fair Mining Training Program, – a 150-slide Power Point presentation and accompanying Curriculum Manual for instructors, along with a Student Workbook for each student. Even though the Tofino presentation was a ‘dry run’, its effects reverberate well into the Clayoquot Biosphere Reserve initiative. This bodes tremendous promise as we roll out the FMTP in 2015 (now a full two-day course) with the Aboriginal Leadership Program and FNWARM. We’ve had interest from other Nations and hope to create a revenue stream to support our work.

After consultation with many allies, we concluded that a distance education component would not be practical at this time, and instead we’re focussing on regional workshops. Our work on the community empowerment sessions and distance education program has evolved into this: the Fair Mining Training Program. All our material can be easily adapted to a distance education format as demand for our products grow.

## MMM Updated!

Our *Mine Medicine Manual*, released in 2013, has undergone revision and expansion to reflect the changing field for mining in British Columbia.

Find your softcopy at [www.fairmining.ca/resources](http://www.fairmining.ca/resources), or email us at [info@fairmining.ca](mailto:info@fairmining.ca) for a hardcopy.

*“I love the Mine Medicine Manual !  
It’s been so helpful !”*

*-Julia Banks, Resource Manager,  
Xat’sull First Nation*

### THE MINE MEDICINE MANUAL A COMMUNITY RESOURCE



Glenn M. Grande

Reference Manual & Field Guide to:  
*Fair Mining Practices: A New Mining Code for  
British Columbia*



# THE BIG PICTURE: TRANSBOUNDARY REGION

In 2014, FMC joined the Transboundary Working Group, made up of 14 NGOs and 16 First Nations/tribal groups, representing both sides of the US-Canada border. We share a commitment to ensure that the interests of communities and the environment are heard and respected by governments and proponents on both side of the border.

FMC's work in the transboundary region includes:

- Assisting the Gitanyow Hereditary Chiefs with their decisions regarding the Kerr-Sulphurets-Mitchell (KSM) mine proposal. This work included media outreach, technical review of the Environmental Impact Statement, and networking with other First Nations and affected public.
- Collaboration with First Nations to submit comments to both the BC Environmental Assessment Office and the Canadian Environmental Assessment Agency (CEAA) on the KSM mine proposal.
- Research of laws and policy applying to the transboundary region.
- Helping liaison between northwest BC First Nations, Alaska Tribes, and NGO's at the Western Mining Action Network conference in Anchorage, and the United Tribal Transboundary working group in Juneau last spring.



Tlingit and Haida Leaders in Juneau with Tahltan Central Council President Annita McPhee, 3rd from right, Tahltan Elder Mary Dennis to Annita's right and Wade Davis, 3rd from left.

Using the Mount Polley Disaster as a springboard, Stan Tomandl of FMC has been working with the Transboundary Working Group and Resource Media to encourage public discourse on mining in the region. This has resulted in wide media coverage, stimulating discussion about the economic, social and environmental effects of mining in the transboundary region.



Tlingit Folks and Stan Tomandl (third from right) waiting to welcome Tahltans at Juneau Airport

# SPRING WORKSHOP WITH FIRST NATIONS WOMEN ADVOCATING RESPONSIBLE MINING

In April, we organized and hosted a workshop for FNWARM and First Nations Energy and Mining Council (FNEMC) members to present FMC's plan for an education outreach program and introduce our work products: the Xat'sull Mining Policy, *Fair Mining Practices: A New Mining Code for British Columbia*, and the *Mine Medicine Manual*. Grand Chief Stewart Phillip (Union of BC Indian Chiefs) and Regional Chief Jody Wilson-Raybould (First Nations Summit) also attended. The workshop provided a chance for FNWARM, FNEMC, and First Nation Leadership members to discuss shared issues, and strategize how to work together in the coming year to achieve the joint goal of environmental and cultural protection through mining law and policy reform.



One major outcome of the workshop was a unanimous endorsement of FMC's education program by FNWARM, including requests to hold workshops in 2015 in FNWARM member communities. We will accomplish this through a partnership between FMC and the Indigenous Leadership Initiative (ILI), a new program under the Canadian Boreal Initiative. ILI has an established First Nation Guardian program that trains First Nation members to monitor land use in their Traditional Territories and Conservation areas. FMC's role could be to train guardians to monitor impacts of resource development projects, with the goal of building capacity and increasing the viability and recognition of First Nations as decision makers and stewards of their lands; helping to ensure these areas are protected in perpetuity. We will be defining the scope of this project, and FMC's role, with FNWARM and ILI in the first quarter of 2015.

# THE INITIATIVE FOR RESPONSIBLE MINING ASSURANCE (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 (similar to the Forest Stewardship Council (FSC) certification for wood products but for mines.) In 2014, we continued our work with IRMA, submitting extensive comments on the most recent draft of its Standard for Responsible Mining. One addition suggested by Stan Tomandl of FMC was requiring mining companies or governments to provide funds for facilitation and conflict resolution when multiple communities are involved in a mine proposal, in particular, when there are overlapping territorial claims.

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

**IRMA**  
Initiative for Responsible  
Mining Assurance



# PARTNERSHIPS

## *Transboundary Working Group:*



Friends  
of the  
**S**tikine  
Society



ALASKA CENTER  
FOR THE ENVIRONMENT



Wrangell  
Cooperative  
Association



MiningWatch Canada  
Mines Alertes



PETERSBURG VESSEL  
OWNERS ASSOCIATION

## 2014 Collaboration:



**Environmental  
Law Centre**  
UNIVERSITY OF VICTORIA



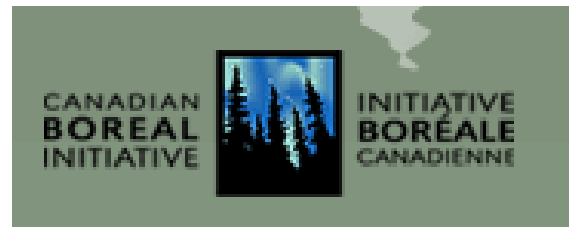
**Clayoquot Action**



JUSTICE  
**EDUCATION**  
SOCIETY



Indigenous  
Leadership  
Alliance



BC First Nations  
Energy and  
Mining Council



*We coordinate our efforts with the following organizations:*

UBC Indigenous Law  
Students' Association



Upper Fraser Fisheries  
Conservation Alliance



# THANKS TO OUR FUNDERS



- Fair Mining Training Program
- Our work with communities, and
- Our participation in panels and workshops.



- Fair Mining Training Program



- Fair Mining Training Program
- Construction of the FMC interactive website,
- Guide to Fair Mining Practices.



- Transboundary Region Work
- Fair Mining Training Program
- FNWARM Workshop.



## FMC'S EXPANDING ROLE IN 2015

FMC is poised to take our Fair Mining Training Program into the rest of British Columbia and across the border to Alaska. Glenn Grande and Tara Ammerlaan will be delivering this program in 2015. Our tools will bring significant capacity to the Transboundary Working Group, non-governmental organizations, and other parties.

We are collaborating with the Sierra Club BC (SCBC), via Stan Tomandl's Board of Director position, on an investigation of possible areas for protection in northern BC and on the Alaska pan-handle.

Amy will continue working with the Xat'sull and Williams Lake First Nations to support their vision of responsible resource management, and in that capacity, will continue her work with the provincial authorities that are reforming BC's mining laws and policies.

Finally, we are seeking funding for what we consider the second half of the Fair Mining Training Program. Our current program focuses on tools that First Nations and other communities can use to understand and investigate mining activity in their area. We envision a complimentary program, called *Indigenous Laws and Policies: British Columbia*, which will foster a greater understanding in industry and government of the legal orders, policies, and traditional customs and practices of the Indigenous peoples of British Columbia.

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

