



Islands Trust

Memorandum

200 - 1627 Fort Street Victoria BC V8R 1H8

Telephone (250) 405-5151 FAX: (250) 405-5155

Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC 1.800.663.7867

information@islandstrust.bc.ca www.islandstrust.bc.ca

Date May 1, 2013

File: n/a

From North Pender Island Local Trust Committee

Re Mineral Claims on North Pender

The purpose of this memo is to update the community on actions taken in response to the concerns of residents regarding the mineral claims affecting numerous properties on North and South Pender Islands.

In response to a request from the North Pender Island Local Trust Committee a letter requesting that the Islands Trust Area be reserved from the staking of mineral claims was sent from Sheila Malcolmson as Chair Island Trust Council to Rich Coleman, Minister of Energy, Mines and Natural Gas on January 30, 2013. A response from Minister Coleman was received March 14, 2013 noting that the Chief Gold Commissioner is considering options to address the concerns raised.

Attached to this memo are copies of the correspondence noted above, as well as the previous information bulletin outlining where residents can find more detailed information.

The North Pender Island Local Trust Committee will continue to monitor this situation and will advise residents of any new information as it becomes available.



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Web www.islandstrust.bc.ca

January 30, 2013

File No.: 0420-20

Via Email: EMH.Minister@gov.bc.ca

Honourable Rich Coleman
Minister of Energy, Mines and Natural Gas
PO BOX 9060 STN PROV GOVT
Victoria BC V8W 9E3

Dear Minister Coleman:

Re: Mining in the Trust Area

The Islands Trust Council holds that there should be no extraction of peat, metals, minerals, coal or petroleum resources in the Trust Area. This has been the position of Council for twenty years and is enshrined in the Islands Trust Policy Statement, a statutory document founded in extensive community consultation and approved in 1994 by the then-Minister of Municipal Affairs.

In the past few months, approximately twenty mineral claims have encompassed 4,200 acres of private property on North and South Pender Islands. People living on small residential lots and active farms have contacted the Islands Trust asking for help, as the activity of two free miners on the Penders have left them feeling threatened and vulnerable. Members elected to the North Pender Island Local Trust Committee have identified, with Ministry staff and with their MLA Murray Coell, that regulations could be created under the *Mineral Tenure Act* that reserves land in the Trust Area from the staking of mineral claims and restricts the exercise of free miner's rights under existing claims.

The object of the Islands Trust is to preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area and of British Columbia generally, and the *Islands Trust Act* invites the Islands Trust Council to recommend policies to the Province that could achieve this goal.

It is in this context that I respectfully request that the Ministry of Energy and Mines consider regulations that would reserve the Islands Trust Area from the staking of mining claims and exploration under the *Mineral Tenure Act*, as recommended by the North Pender Island Local Trust Committee as a way to achieve the intent of the Islands Trust Policy Statement that there be no extraction of minerals in the Islands Trust Area. Please advise if you require the Islands Trust to go through the steps of formally applying for a no-registration reserve through the completion of the ministry Request for Reserve form.

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Honourable Rich Coleman
January 30, 2013
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In 2007, Ministry of Energy and Mines staff initiated such mineral and coal reserves over much of Greater Victoria, the Saanich Peninsula and Metro Vancouver, resulting in their protection through BC Regulation 119/2008 (attached). We hope that you and your staff can show similar leadership for the ecologically sensitive islands in the Islands Trust Area.

Thank you for your consideration, and I look forward to your reply.

Sincerely,



Sheila Malcolmson
Chair, Islands Trust Council

Attachment: BC Regulation 119/2008

cc: Minister of Community, Sport and Cultural Development
Bowen Island Municipality
Trust Area MLAs: Ron Cantelon, Parksville – Qualicum
Murray Coell, Saanich North and the Islands
Joan McIntyre, West Vancouver – Sea to Sky
Don McRae, Comox Valley
Doug Routley, Nanaimo – North Cowichan
Nicholas Simons, Powell River – Sunshine Coast

Islands Trust Council
Trust Fund Board
Islands Trust website

B.C. Reg. 116/2008, deposited June 4, 2008, pursuant to the **RAILWAY SAFETY ACT** [Section 21 (2) (a)]. Ministerial Order M140/2008, dated June 4, 2008.

B.C. Reg. 116/2008,
Ministerial Order M140/2008
INOPERATIVE

B.C. Reg. 117/2008, deposited June 5, 2008, pursuant to the **MINERAL TENURE ACT** [Section 22] and the **COAL ACT** [Section 21]. Regulation of the Chief Gold Commissioner, dated June 4, 2008.

I, Bill Phelan, Chief Gold Commissioner, Ministry of Energy, Mines and Petroleum Resources, order that the Mineral and Coal Land Reserve Regulation, 2007, B.C. Reg. 280/2007, is amended by adding the following sites to the Table:

COLUMN 1 Site Number and Site Name		COLUMN 2 Mining Division and Land District
1002902	Atlin — Taku Ruby Creek North	Atlin Mining District, Cassiar Land District

— W. PHELAN, *Chief Gold Commissioner, Ministry of Energy, Mines and Petroleum Resources.*

B.C. Reg. 118/2008, deposited June 5, 2008, pursuant to the **MINERAL TENURE ACT** [Section 22] and the **COAL ACT** [Section 21]. Regulation of the Chief Gold Commissioner, dated June 4, 2008.

I, Bill Phelan, Chief Gold Commissioner, Ministry of Energy, Mines and Petroleum Resources, order that the Mineral and Coal Land Reserve Regulation, 2007, B.C. Reg. 280/2007, is amended by adding the following site to the Table:

COLUMN 1 Site Number and Site Name		COLUMN 2 Mining Division and Land District
1002882	Lower Mainland Highway 1	Nanaimo and Vancouver Mining Divisions New Westminster Land District

— W. PHELAN, *Chief Gold Commissioner, Ministry of Energy, Mines and Petroleum Resources.*

B.C. Reg. 119/2008, deposited June 5, 2008, pursuant to the **MINERAL TENURE ACT** [Section 22] and the **COAL ACT** [Section 21]. Regulation of the Chief Gold Commissioner, dated June 4, 2008.

I, Bill Phelan, Chief Gold Commissioner, Ministry of Energy, Mines and Petroleum Resources, order that the Mineral and Coal Land Reserve Regulation, 2007, B.C. Reg. 280/2007, is amended by adding the following sites to the Table:

	COLUMN 1 Site Number and Site Name	COLUMN 2 Mining Division and Land District
1002443	Greater Victoria and Saanich Peninsula	Victoria Mining Division Cowichan, Esquimalt, Goldstream, Highland, Lake, Metchosin, North Saanich, South Saanich, Victoria Land Districts
1002442	Greater Vancouver Regional District	New Westminster and Vancouver Mining Divisions New Westminster Land District

— W. PHELAN, *Chief Gold Commissioner, Ministry of Energy, Mines and Petroleum Resources.*



Ref. 75552

MAR 14 2013

Ms. Sheila Malcolmson
Chair
Islands Trust Council
200 – 1627 Fort Street
Victoria, BC V8R 1H8

Dear Ms. Malcolmson:

Thank you for your January 30, 2013 letter requesting that the provincial government consider regulations that would establish reserves in the Islands Trust area.

I understand that my staff recently met with Pender Island residents and provided detailed information regarding the rights of landowners and mineral claim holders, as defined under the *Mineral Tenure Act* (Act). I also understand staff met with the mineral claim holders to advise them of their rights and obligations under the Act and regulations, specifically as it relates to landowner notification, landowner rights and the definition of mineral lands under the Act. I trust this has helped alleviate some of the concerns associated with the recent acquisition of mineral claims on Pender Island.

Mineral reserves are established by a Regulation of the Chief Gold Commissioner and may be used to limit the registration of mineral claims and/or restrict mining activity on an area of land. At this time, the Chief Gold Commissioner is considering a number of options to address concerns raised by Pender Island residents and the Islands Trust, including the possible use of mineral reserves for Pender Island and the Islands Trust area. For updates on the status of our review, please contact Mr. Mark Messmer, Director, Mineral Titles Branch, at Mark.Messmer@gov.bc.ca or 604-660-2814.

In the meantime, staff will continue to monitor the activities of the claim holders on Pender Island and will be available to respond to any further questions from Pender Island residents or the Islands Trust.

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Ministry of
Energy, Mines and Natural Gas
and Deputy Premier

Office of the Minister

Mailing Address:
PO Box 9060, Stn Prov Govt
Victoria, BC V8W 9E2

Telephone: 250 387-5896
Facsimile: 250 356-2965

Thank you, again, for writing and bringing your concerns to my attention.

Sincerely yours,

A handwritten signature in black ink, appearing to be 'Rich Coleman', with a stylized flourish at the end.

Rich Coleman
Minister and Deputy Premier

pc: Honourable Bill Bennett
Minister of Community, Sport and Cultural Development

Honourable Don McRae
Minister of Education

Mr. Ron Cantelon, MLA
Parksville-Qualicum

Mr. Murray Coell, MLA
Saanich North and the Islands

Ms. Joan McIntyre, MLA
West Vancouver-Sea to Sky



Islands Trust

North Pender Island Local Trust Committee

Information on Mining Claims

The North Pender Island Local trustees have heard community concerns regarding the mining claims on North Pender Island. To assist community members, we are providing the following information about this topic.

Information on mineral claims and the rights of landowners and free miners is available at the provincial government's website on the following links:

Information on to the rights of landowners:

<http://www.empr.gov.bc.ca/Titles/MineralTitles/Pub/Forms/Pages/LandownerNotification.aspx>

Information on mineral claims in BC:

<http://www.empr.gov.bc.ca/Titles/MineralTitles/faq/Pages/PrivateProperty.aspx>

Concerned constituents who cannot find the information about mineral claims they are seeking on the ministry's website can contact the Ministry of Energy, Mines and Natural Resources at 1-866-616-4999 or by email at mineral.titles@gov.bc.ca.

If a landowner believes a mineral claim has been registered on their land for a purpose other than a mining activity, they may complain to the Province's Chief Gold Commissioner. The Commissioner has jurisdiction to cancel the claim if the complaint is justified. For further information on making a complaint, contact the Ministry staff at the above phone number or email address.

If community members have concerns about the province's mineral tenure system, or how the *Mineral Tenure Act* works, please contact your M.L.A. Murray Coell at 1-866-655-5711 or by email at murray.coell.mla@leg.bc.ca.

Landowners can determine if there is a mineral claim registered on their property and the date of registration, by following the links from the Ministry of Energy and Mines website: <http://www.empr.gov.bc.ca/Titles/MineralTitles/faq/Pages/PrivateProperty.aspx>

While this issue has created considerable concern in our community, previous discussions between Islands Trust staff and staff from the Ministry of Energy, Mines and Natural Resources suggest it is very unlikely that there are any mineral resources on the Pender islands that could be economically developed. We understand that any actual land disturbance is very unlikely to occur.

While the Islands Trust Policy Statement does not support mineral extraction in the Islands Trust Area, this policy expresses an objective only and is not binding. The Islands Trust Executive Committee has this topic on its agenda for further discussion in January.

December 13, 2012 Ken Hancock, Local Trustee,

Gary Steeves, Local Trustee