

LETTER TO THE EDITOR

June 20, 2006

The Editor
The Tyee

I am writing in response to your the June 14 article, 'War Brewing' over Mining Rights in Rural B.C.'

The writer is correct in noting that there is an ongoing dispute between neighbours in the Bluenose mountain area, where it appears one party attempted to use mining laws to his advantage. However, it is not accurate to say this is the result of B.C.'s new online mineral title system. The rights of property owners and mineral owners were not altered by the introduction of this system. Nor were the fees for recording and holding mineral claims changed. What has changed is the previous requirement to physically mark mineral claims on the ground by cutting trees and blazing lines. This requirement has been replaced by recording on an electronic map, eliminating the need to cut vegetation.

The laws regarding private surface rights and subsurface rights in B.C. are similar to those throughout Canada. The holder of subsurface interests has the right to use the surface to access the resource. B.C.'s *Mineral Tenure Act* actually restrains rights of the subsurface holder by restricting the areas where a miner can explore. For example, a miner is restricted from exploring on land occupied by a building, on orchard land or land under cultivation, protected heritage property or land in a park.

The dispute between Mr. Essington and Mr. Westie and others is indeed unfortunate but should not be considered in anyway typical of interaction between miners and surface rights owners. Staff from the Ministry of Energy, Mines and Petroleum Resources and local MLA Tom Christensen met with Mr. Westie. The police have investigated as has a ministry claims inspector. Corrective actions have been hampered by lack of physical evidence of wrongdoing and, for a period of time, the reluctance of people to make a formal complaint. The Chief Gold Commissioner has since ordered Mr. Essington to refrain from entering certain lands without permission. Failure to abide by the order could lead to further sanctions.

The writer's points regarding pollution and investment are misleading. Mineral exploration and mining is not exempt from pollution laws in British Columbia; we have some of the highest standards in the world. In addition, government did not "*spend \$400 million on mining exploration*"- this was money invested by mining companies – not government - creating literally thousands of new jobs for British Columbians. Further, property values in Sechelt are going up, not down. In fact, I just saw a report from the Greater Vancouver Real Estate Board showing property values there have risen 70 per cent since 2001.

I'd like to conclude by saying mining and mineral claims are legitimate rights, with claims being just the first step in a long and extensive process towards a potential mine. The majority of mineral exploration in B.C. occurs on Crown land and, in instances where miners interact with

private landowners, relations are usually amicable. This unusual event is regrettable and I encourage Mr. Westie to maintain contact with ministry staff if he has anything to report.

Sincerely,

Bill Bennett
B.C. Minister of State for Mining
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