

# Mining Compliance & Enforcement 2017/18 Annual Report

## And

### 2018/19 Operational Plan


The [Mining Compliance & Enforcement Strategic Plan](#) sets out the joint vision for mining oversight in the province of British Columbia guiding the actions of Ministry of Energy, Mines and Petroleum Resources (EMPR), Ministry of Environment and Climate Change Strategy (ENV) and the BC Environmental Assessment Office (EAO):


*Achieving enhanced protection of the environment, human health and public safety through an integrated risk-based approach to mining oversight.*

The Strategic Plan sets out five Strategic Objectives for mining oversight:

1. Integrate a risk-based approach and coordinate resources across the sector
2. Increase public confidence in how government manages mining across the province
3. Strengthen linkages between mining C&E and Aboriginal groups
4. Promote compliance with regulatory requirements
5. Enhance policy, tools and training to support a comprehensive C&E program

This document reports on progress made in the 2017/2018 fiscal year as well as establishes actions and milestone for the coming year.

 Shows progress made in 2017/2018 fiscal year

 Shows new actions and milestones for 2018/2019 fiscal year

## Objective

1. Integrate a risk based approach and coordinate resources across the sector

## Strategy

- A. Guide all mining C&E strategic and operational activities based on common risk management framework

Key Actions to support strategy				
Actions	Key Milestones	Lead/ contributions	Performance measures	Status
1. Develop and implement a common risk framework	<p>Explore common and agency specific roles and responsibilities for assessing and managing mining C&amp;E risks</p> <p>Draft risk management framework for agency review</p> <p>Present draft framework for DM Board review</p>	<p>ENV lead</p> <p>EMPR, EAO support</p>	<p>Inter-agency staff workshop held by Q4<sup>1</sup> 2017</p> <p>Risk framework completed Q1 2018</p>	<p>Inter-agency workshop held in Q4 2016</p> <p>Workshops hosted with each agency in 2017</p> <p>Draft framework presented to Deputy Minister (DM) Board Q1 2018</p>
2. Develop and implement risk register tool	<p>Develop risk register, review of risk register by Mining C&amp;E Steering Committee, review of risk register by executive</p>	<p>ENV lead</p> <p>EMPR, EAO support</p>	<p>Risk register developed and reviewed by DM Board Q4 2018</p>	<p>New</p>

<sup>1</sup> Q1 = Jan1-Mar31; Q2 – Apr1-Jun30; Q3 – Jul1-Sep30; Q4 – Oct1-Dec31

## Objective

1. Integrate a risk based approach and coordinate resources across the sector

## Strategy

- B. Effectively coordinate on-the-ground activities for major mines

Key Actions to support strategy				
Actions	Key Milestones	Lead/ contributions	Performance measures	Status
1. Establish and implement a C&E Coordination Committee for major mines	Establish EA Projects C&E Coordination Committee	EAO lead  EMPR, ENV and EAO (committee membership)	Committee and Terms of Reference established and published Q4 2017	Committee established and Terms of Reference (TOR) established
	Coordinate inspections of major mines with EA certificates	ENV, EAO and EMPR	Coordinated inspections of at least 5 major mines with EA certificates Q1 2018 (Target increases to 10 in 2018/19)	Inter-agency inspections completed: <ul style="list-style-type: none"> <li>•Tulsequah (EMPR, ENV)</li> <li>•Brucejack (EMPR, EAO, CEAA)</li> <li>•Red Chris (EMPR, ENV)</li> <li>•Brule (EMPR, EAO)</li> <li>•Willow Creek (EMPR, EAO)</li> <li>•Wolverine (EMPR, EAO)</li> <li>•West Pine Quarry (EMPR, EAO)</li> <li>•Trend/Roman (EMPR, EAO)</li> </ul>
			Coordinated inspections of at least 10 major mines with EA certificates by Q2 2019 Joint Compliance Management Plans exist for 10 major mines with EA certificates by Q4 2018	New
2. Develop joint Natural Resource Compliance Management Framework (CMF), to guide how ENV, EMPR and EAO work along with other agencies to ensure compliance across BC	Review ENV Compliance Management Framework with Natural Resource agency compliance leads to determine how to adapt into common guidance	ENV lead  EMPR and EAO support	Common Compliance Management Framework drafted Q1 2018	Draft completed Q4 2017
	Draft of Natural Resource Compliance Management Framework	ENV lead  EMPR, EAO support	Joint CMF final draft presented to ADM Committee Natural Resources: C&E by Q4 2018	New

## Objective

1. Integrate a risk based approach and coordinate resources across the sector

## Strategy

- C. Optimize human and financial resources to most effectively protect the environment, human health and public safety

Key Actions to support strategy				
Actions	Key Milestones	Lead/ contributions	Performance measures	Status
1. Produce an annual Mining C&E Operational Plan with set actions, key milestones and performances measures that align with the Mining C&E Strategic Plan	Draft of annual Mining C&E Operational Plan	EMPR, ENV, EAO	Mining C&E Operational plan published Q4 2017	Complete and available <a href="#">here</a>
			2018/19 Mining C&E Operational plan published Q2 2018	New

## Objective

2. Increase confidence in how government manages mining across the province

## Strategy

A. Ensure mining C&E activities are transparent and open to the public

Key Actions to support strategy				
Actions	Key Milestones	Lead/ contributions	Performance measures	Status
1. Develop a public information website for major mines in BC	Develop website (beta)	EMPR lead EAO, ENV support Technical support from Information Management Branch and Natural Resource Transformation Secretariat	Website operational with information from 15 major mines publically available Q1 2017	Complete <a href="#">BC Mine Information Website</a>
	Enhance website - increase functionality and expand information available on mines in BC	EMPR lead EAO, ENV support Technical support from Information Management Branch and Natural Resource Transformation Secretariat	Develop through ongoing continuous improvement and enhancements Launch Q1, 2018	5 mines added during fiscal 2017/18. Information on 20 mines now available  Enhancements based on user engagement include: • Location search enabled within the map • Inspection types now visible at a glance (Compliance Oversight tab) Inspections sortable by date ascending/descending and by agency
			Pilot spatial data display for 2 mines on BC Mine Information website Q1 2019	New
2. Increase transparency of mining enforcement actions	Progressively expand violations database to include ENV, EAO & EMPR enforcement actions (Natural Resource Compliance and Enforcement Database (NRCED))	ENV lead	NRCED site launch Q3 2018	New

## Objective

2. Increase confidence in how government manages mining across the province

## Strategy

B. Formalize risk management approach to potential mine reclamation liabilities

Key Actions to support strategy				
Actions	Key Milestones	Lead/ contributions	Performance measures	Status
1. Update reclamation security policy considering best practices in BC and other jurisdictions	Undertake independent review of BC and other jurisdictions' reclamation securities practices	Contracted resources EMPR lead	Independent reviews complete and published Q1 2017	Independent reviews complete <a href="#">Stantec report</a> <a href="#">Ernst and Young report</a>
	Draft reclamation security policy complete	EMPR	Updated reclamation security policy published Q1 2019	New

## Objective

2. Increase confidence in how government manages mining across the province

## Strategy

C. Explore use of a dedicated investigative unit

Key Actions to support strategy				
Actions	Key Milestones	Lead/ contributions	Performance measures	Status
1. Undertake assessment of EMPR's current investigative framework to determine need and options for a dedicated investigative unit	Hire investigators (on a temporary basis) to provide capacity to ongoing investigations and review investigative program	EMPR lead	Staff in place at EMPR Q3 2017	Complete  Investigation unit in place Q2 2017
	Explore options for dedicated investigative unit	EMPR lead	Establish dedicated investigative unit Q1 2018	Complete - Investigation Unit established  Permanent positions filled in 2017: 1 Director, Investigations 2 Sr. Investigators 1 Investigative Analyst  Unit submitted 3 reports to Crown Counsel resulting in 11 charges under the <i>Mines Act</i> . Matters now before the court
2. Explore options for independent oversight unit	Develop options and recommendations for independent oversight unit	EMPR lead  ENV, EAO support	Recommendations complete Q1 2019	New

## Objective

3. Strengthen linkages between mining C&E and First Nations

## Strategy

A. Increase opportunities for First Nations to engage during mining authorization

Key Actions to support strategy				
Actions	Key Milestones	Lead/ contributions	Performance measures	Status
1. Expand use of collaboration plans (agreements) with First Nations during environmental assessments and permitting processes	<p>Offer to meet with government regulatory agencies and First Nations post authorization process to review the effectiveness of collaboration plans</p> <p>Consider lessons learned related to C&amp;E in future agreements or amendments</p>	EMPR, EAO	Conduct review meetings post authorization to obtain feedback for future consideration Q1 2018 onwards	Collaboration plans implemented for Kemess Underground and Ajax mine processes. Review meeting undertaken with Tsay Keh Dene, Kwadacha First Nation and Takla Lake First Nation on Kemess



## Objective

3. Strengthen linkages between mining C&E and First Nations

## Strategy

B. Increase opportunities for First Nations to participate in compliance oversight of mines in BC

Actions				
Actions	Key Milestones	Lead/ contributions	Performance measures	Status
1. Develop and offer opportunities for First Nations to participate in compliance oversight of mines	Provide opportunities to First Nations to participate in inspections through the NRS Aboriginal Liaison Program and other initiatives	EMPR, ENV, EAO	5 inspections of mines include participation by First Nations Q1 2018	<ul style="list-style-type: none"> <li>Red Chris (Tahltan)</li> <li>Mount Polley (Williams Lake/Soda Creek)</li> <li>Baldy Ridge (Ktunaxa)</li> <li>Line Creek (Ktunaxa)</li> <li>Fording (Ktunaxa)</li> <li>Brucejack (Nisga'a)</li> <li>Mount Milligan (Nak'azdli Whut'en)</li> </ul>
			8 inspections of mines include participation by First Nations Q1 2019	New
	Support participation by First Nations in mining C&E through training and field mentoring	EMPR, ENV, EAO	Deliver at least 1 training session for First Nations to participate in mining compliance verification Q1 2018	Joint training delivered to NW and NE Aboriginal Liaison Program representatives and Tahltan in 2017
			Deliver at least 3 training sessions to First Nations representatives to support attendance on mine inspections Q1 2019	New

**Objective**

4. Promote compliance with regulatory requirements

**Strategy**

A. Ensure conditions of authorizations are clear, enforceable and complementary

Key Actions to support strategy				
Actions	Key Milestones	Lead/ contributions	Performance measures	Status
1. Establish common principles for drafting enforceable conditions	Establish common principles for drafting enforceable conditions	ENV lead EMPR, EAO support	Principles adopted Q1 2018	All three agencies have guidance for drafting enforceable conditions
	New and amended permits written with enforceable conditions	EMPR, ENV, EAO	As permits issued/amended	Ongoing

## Objective

4. Promote compliance with regulatory requirements

## Strategy

B. Work with industry to determine needs for targeted compliance education and encourage best practices

Key Actions to support strategy				
Actions	Key Milestones	Lead/ contributions	Performance measures	Status
1. Conduct outreach to determine focus for mining guidance and education needs	Document all current mining C&E promotion practices & establish joint calendar	EAO lead ENV, EMPR support	Calendar produced Q1 2018	Complete
	Engage industry associations to prioritize education needs	EMPR ENV, EAO support	Host meeting with industry associations to assess priority needs and define future engagement opportunities Q1 2018	Engaged MABC mine managers Q1 2018 Conducted joint ENV-EAO-EMPR compliance promotion activities at Mineral Exploration Roundup Conference Q1 2018
			Host meeting with MABC Mine Managers group to assess and prioritize education needs Q3 2018	New

**Objective**

4. Promote compliance with regulatory requirements

**Strategy**

C. Increase compliance through education and awareness

Key Actions to support strategy				
Actions	Key Milestones	Lead/ contributions	Performance measures	Status
1. Develop and implement with industry a proponent early education program	Conduct coordinated post EAC issuance meeting with certificate holder to review EAC requirements	EAO lead  EMPR, ENV support  Program coordinated by EAO through Major Projects Coordination Committee	EACs issued for major mines followed by coordinated meeting within 90 days of issuance – beginning Q1 2018	Process initiated for mines that received EA Certificates in Q1 2018 and will continue going forward

## Objective

5. Enhance policy, tools and training to support a comprehensive C&E program

## Strategy

A. Provide inspectors with additional C&E tools to address non-compliance

Key Actions to support strategy				
Actions	Key Milestones	Lead/ contributions	Performance measures	Status
1. Develop and implement Administrative Monetary Penalties under the <i>Mines Act</i> as an additional enforcement tool for responding to non-compliance	Enable administrative monetary penalty program through enactment of Administrative Penalties (Mines) Regulation	EMPR lead	Regulation enacted and in force Q1 2017	Complete <a href="#">Administrative Penalties (Mines) Regulation</a>
	Conduct staff training	EMPR lead ENV support	Circulation of administrative monetary penalty training materials to EMPR staff Q4 2017 and deliver additional training Q1 2018	Complete Training delivered, further guidance and templates developed, ongoing mentoring
	Conduct additional industry outreach (mine managers)	EMPR lead	Outreach to mine managers on program implementation Q1 2018	Industry update on AMPs program via mine managers meeting February 2018
2. Develop and implement new tools for responding to non-compliance	EAO to explore implementation of administrative monetary penalty program and ticket program	EAO lead	Options/recommendations Q1 2019	New
	ENV to hold restorative justice session for EMPR and EAO	ENV lead	Session held by Q4 2018	New

## Objective

5. Enhance policy, tools and training to support a comprehensive C&E program

## Strategy

B. Explore opportunities where new technologies may be used to strengthen industry compliance

Actions				
Actions	Key Milestones	Lead/ contributions	Performance measures	Status
1. Develop and pilot the use of new information management technology for proponent compliance reporting	Pilot new technology that automatically scans industry reported data for non-compliances	ENV lead	Pilot report complete including consideration of applicability to EMPR and EAO Q1 2018	Pilot and report complete. Lessons learned shared with C&E Steering Committee
	Implement use of Natural Resource Inspection System (NRIS)	EMPR lead	In use (piloting) Q1 2018	NRIS training complete and program in use Q1 2018
2. Develop and test the use of new mobile technology to increase compliance	EAO to develop and test a mobile app	EAO lead	App launch Q4 2018	New

## Objective

5. Enhance policy, tools and training to support a comprehensive C&E program

## Strategy

C. Strengthen training for mining inspectors

Actions				
Actions	Key Milestones	Lead/ contributions	Performance measures	Status
1. Enhance cross-agency mining inspector training opportunities	Develop coordinated training plan	EMPR lead ENV, EAO support	Plan developed in Q1 2018	Complete
	Develop training opportunities calendar	EMPR lead	Calendar in place and populated Q4 2017	Complete Training schedule launched on inspector of mines training intranet site, continuously updated to reflect on-going training activities
	Support cross training with other agencies (EMPR, ENV, EAO)	EMPR, ENV, EAO	5 cross-training opportunities per year, reported in the annual report – starting in 2018	Underway Joint training (H&S inspectors and EAO staff) delivered Jan 2018 related to Health and Safety February 2018 joint training with FLNRO staff, delivered by EMPR on interviewing skills and techniques
	EAO officer and EMPR inspector cross appointments	EMPR/EAO	2 cross appointments by Q1 2019	New