



IN THE MATTER OF SECTION 10(2)
OF THE *MINERAL TENURE ACT*
R.S.B.C. 1996, CHAP 292

AND

IN THE MATTER of Free Miner Certificate Number 110257836

DECISION OF THE CHIEF GOLD COMMISSIONER

WHEREAS, Elliot Diedrich is a free miner holding free miner certificate number 110248966 which was last renewed on Sept 19, 2019 as registered in the Mineral Titles Online Registry;

AND WHEREAS, on November 18th, 2021, the chief gold commissioner served notice to Eliot Diedrich pursuant to Section 10(1) of the intention to cancel its free miner certificate;

AND WHEREAS, on April 4th, 2022, a hearing was conducted to provide Eliot Diedrich an opportunity to make submissions and address the information provided in the Section 10(1) notice;

I, Mark Messmer, Chief Gold Commissioner for the Province of British Columbia, have decided to cancel free miner certificate 110248966 until such time as the orders issued in inspection report number 162445 and until the amendment to pay additional security in the amount of \$4,300.00 pursuant to Section 10(7) of the Mines Act issued on October 13 2021 have been complied with.

Mark Messmer
Chief Gold Commissioner

Dated at Vancouver, British Columbia
this 12th day of October, 2022

File 14310-05-159



File Number: 14310-05-160

November 18, 2021

REGISTERED MAIL AND EMAIL

Elliot Diedrich
Box 698
Rocky Mountain House, AB
T4T 1A5
eadiedrich@gmail.com

NOTICE: Section 10(1) of the *Mineral Tenure Act* (the Act)

Dear Mr. Diedrich:

On October 14, 2021, you were issued an order pursuant to Section 18(1)(b) of the Act, that requires you to comply with inspection orders on or before November 12, 2021, and to submit an additional \$4,300 in reclamation liability as stated in a letter to you of October 13, 2021. A copy of this correspondence is attached.

I am advised by Inspector Daigle that you have not complied with the orders and have not submitted the additional reclamation liability amount. For these reasons, I am satisfied that you are in contravention of the *Mines Act*, the conditions of permit P-5-142 and the order under Section 18(1)(b) of the Act.

As indicated in the October 14, 2021 letter, failure to comply with the order could result in further enforcement action, which could include suspension of your Free Miner Certificate.

This letter is your Notice of my intention to cancel your Free Miner Certificate as per Section 10(1) of the *Mineral Tenure Act*.

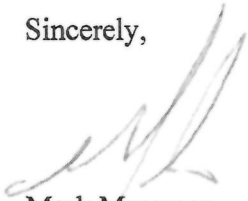
Within 30 days of service of this Notice, you may request a hearing. Should you decide to request a hearing, please contact me directly.

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This notice is served in accordance with Section 62 of the Act.

If you have questions regarding this notice, please contact me at 604-660-2814 or by email at mark.messmer@gov.bc.ca.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Messmer', written in a cursive style.

Mark Messmer
Chief Gold Commissioner

cc Mike Daigle, Senior Mines Inspector, Cranbrook

Attachment: October 14, 2021, Section 18 Notice and Order



File Number: 19020-40-169

October 14, 2021

BY REGISTERED MAIL AND EMAIL

Elliot Diedrich
Box 698
Rocky Mountain House, AB
T4T 1A5
eadiedrich@gmail.com

NOTICE and ORDER: Section 18(1)(a) and Section 18(1)(b) of the *Mineral Tenure Act* (the Act), Placer Claim 383072 (the claim)

Dear Mr. Diedrich:

On October 9, 2020 Inspector Michael Daigle inspected placer claim 383072 on which mine number 0500879 is located. A copy of the inspection report is attached.

On October 13, 2021, Inspector Daigle notified you of the Ministry's intention to amend your Mines act permit P-5-142 pursuant Section 10(7) of the *Mines Act*. A copy of his letter is attached.

Pursuant to Section 18(1)(a) of the *Mineral Tenure Act*, this letter serves as notice that you are in noncompliance with the orders issued in the attached inspection report. For this reason, and pursuant to Section 18(1)(b) of the Act, you are ordered to:

1. **Comply with these inspection orders on or before November 12, 2021.**
2. **Submit the additional \$4,300 in reclamation liability as stated in the October 13th letter to you.**

These orders must be complied with by November 12, 2021.

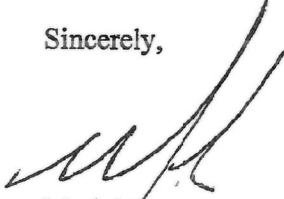
These orders are an interim enforcement measure. In the event that you fail to comply with these orders, further enforcement action may follow. This could include cancellation of placer claim 383072 and suspension of your Free Miner Certificate pursuant to Section 10 of the Act.

These orders are deemed to have been served pursuant to Section 62 of the Act on the eighth day of mailing by registered mail.

.../2

If you have any questions, please contact inspector Daigle or myself.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Messmer', with a large, sweeping flourish extending upwards and to the right.

Mark Messmer
Chief Gold Commissioner

Attachment: October 13 2021 letter from Inspector Daigle and Inspection Report 162445 for Mine 0500879



October 13, 2021

File: 18080-02-09
Mine No.:0500879

Dear Mr. Diedrich

This letter is written to notify you of the Ministry's intention to amend your Mines Act permit P-5-142 pursuant to *Mines Act* section 10(7). You have provided an opportunity to submit information about the proposed increase and your submission resulted in the proposed bond increase to be adjusted from \$5,100 to \$4,300.

The Ministry currently holds a \$1000.00 bond, per Condition number 2.(a). The additional \$4,300 is now payable and must be submitted prior to November 12, 2021. Options for payment of the additional security can be found at [Securities - Province of British Columbia \(gov.bc.ca\)](https://www2.gov.bc.ca/gov/content/industry/mines-energy-recovery/permits/Security-Bonds).

I conducted an inspection to review site conditions on October 9, 2020 and observed that the nearby Boulder creek bridge has been removed, and that vehicle access to the site may be limited. In consideration that access to the site has changed relative to the situation when the security was originally assessed for permit P-5-142 issued September 27, 2013, and the current site conditions, the Ministry has assessed the current conditions using the Security Bond Calculator. The Ministry has concluded that the current cost of clean-up and reclamation of the site is \$5,300. The permittee is responsible for ensuring there is adequate security to properly carry out reclamation.

The bond must be in place prior to issuing this permit amendment.

Regards,

A handwritten signature in cursive script that reads "Mike Daigle".

Mike Daigle

Senior Inspector of Mines, Permitting

Ministry of Energy, Mines and
Low Carbon Innovation

Mailing Address:
202-100 Cranbrook St North
Cranbrook BC V1C 3P9
Telephone: 250-417-6134

Location:
202-100 Cranbrook St N
Cranbrook BC V1C 3P9



Report of Inspector of Mines - Permitting

Inspection Number: 162445
File Number:
Permit Number: P-5-142
Total Orders: 2
Mine Number: 0500879

Issued pursuant to Section 15 of the Mines Act

Mine Name/Number	DUMB LUCK 4 0500879	Visit Date	2020-10-09
Type of Mining	PS. PLACER - SURFACE	Location	
Latitude/Longitude	49.69167, -115.56463	Northing/Easting/Zone	603523, 5505339, 11U
		Permittee	Diedrich, Elliott
Inspector	Michael Daigle, INSPECTOR	Accompanying Inspector	
Address	202-100 Cranbrook Street North Cranbrook, B.C. V1C 3P9		
In Attendance	Kathie Wagar, Regional Director, Ministry of Energy and Mines; Joel Woodfin, HSE Inspector, Ministry of Energy and Mines		
Copies to			

The Mine Manager is required to provide a written response within 15 days of receiving the inspection report. The Manager's response must outline the remedial steps taken by a specified date and the work still outstanding. A copy must be provided to the inspector, and in the case of health and safety matters, the occupational health and safety committee and the local union. Appeals to a decision, order or ruling must be made in writing to the Chief Inspector within 30 days after the issue date of the inspection report. In this document, Code means Health, Safety and Reclamation Code for Mines in British Columbia.

Introduction

This inspection was planned and conducted as a follow-up to inspection orders issued in report # 152537 sent to the permittee /Mine Manager on June 30, 2020.

Preamble

On May 5, 2019 the site was inspected by Mineral Titles Inspector and the report contained orders to submit a new Notice of Work Application and submit Annual Summary reports as required.

On October 10, 2019 Permitting Inspectors inspected the Dumb Luck 4 placer site and issued orders to barricade around the pond. Information on the mining process was requested and an Advisory was issued to clean up the site and store materials properly.

On June 17, 2020 the mine site was inspected by Health Safety and Environment Inspectors Daigle, and Woodfin. This inspection was in response to a rain event that resulted to significant damage to the near by Boulder Creek bridge and the structure was planned for removal on June 24th. There was no observed compliance with the Order or Advisory from the October 2019 inspection. There were three orders issued in report # 152537 and one warning.

The purpose of this site visit and report are to escalate the previous orders (152537-S1-O1 and 152537-S1-O2).

Inspector	Manager Initials	Report Date: 2020-12-09	DUMB LUCK 4
Michael Daigle	<input type="text"/>		Mine No. 0500879

The Order 152537-S1-O3 will be closed and the attached letter will provide the permittee an opportunity to comment on the proposed increase to the Security Bond for the site.

General Area Observations: Mine camp area and work site were observed.

Latitude/Longitude:

Northing/Easting/Zone:

There has been no change to the site and no observed compliance with the orders issued in report # 152537.

Order 162445-S1-O1 (Enforcement of Order):

Status: Open

Issued Pursuant To: Mines Act Section 35

Section 10.4.1, Health, Safety and Reclamation Code for Mines in BC (MA), Updated Plans

Observation of Contravention:

The work authorization for Mine # 0500879 expired on November 24 ,2016. The Permittee / Mine Manager has been Ordered on two occasions (May 2019 and June 2020) to submit a Notice of Work application. These Orders have not been complied with.

Order 152537-S1-O1 from report # 152537 will now be closed. I am issuing a new Mines Act order under Section 35 Pursuant to Section 10.4.1 of the Health Safety and Reclamation Code.

Remedial Action/Results To Be Obtained:

Section 10.4.1 of the HSRC carries the following requirement. After commencement of operations, mine plans, including programs for reclamation and closure, shall be updated, at a minimum , every 5 years.

Rectify By/Completion Date: 2021-01-29

Manager Response:

(If your response doesn't fit here, please attach a document.)

Inspector

Michael Daigle

Manager Initials

Report Date: 2020-12-09

DUMB LUCK 4

Mine No. 0500879

Page 2 of 3

Order 162445-S1-O2 (Enforcement of Order):

Status: Open

Issued Pursuant To: Mines Act Section 35

Permit Conditions:

Section 4(e) Technical Conditions and Limitations on Operations - I:
(e) Condition of the Land:

Observation of Contravention:

In the previous inspection report the Permittee / Mine Manger was issued Order 152537-S1-O2 to remove all the camp and mining materials until such time as a new authorization was approved. This order has not been complied with and it did not appear that the site was attended for the entire summer.

This site has not been attended to in well over a year and the previous orders issued to clean the site and remove the camp have not been complied with.

Order 152537-S1-O2 from report # 152537 will now be closed. I am issuing a new Mines Act order under Section 35 Pursuant to Permit condition 4 (e).

Remedial Action/Results To Be Obtained:

Permit Condition 4 Technical Conditions and Limitations on Operations (e) requires that sites are left in a neat ,clean and safe condition at the termination of operations each year. The Permittee / Mine Manager shall ensure the site is accessed as early in 2021 as possible and clean up the site. If there is no compliance with Order 162445-S1-01 of this report the Permittee / Mine Manger must remove all camp and mining materials and complete site reclamation by May 28, 2021.

Rectify By/Completion Date: 2021-05-28

Manager Response:

(If your response doesn't fit here, please attach a document.)

Inspector

Manager Initials

Report Date: 2020-12-09

DUMB LUCK 4

Michael Daigle

Mine No. 0500879

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