

## **FW: Failure of Teck Resource Ltd. to comply with s.13 of the Water Sustainability Act flooded s.22**

From: Constable, Lowell EMLI:EX <Lowell.Constable@gov.bc.ca>  
To: Shaw, Sean EMLI:EX <Sean.Shaw@gov.bc.ca>, Marques, Victor EMLI:EX <Victor.Marques@gov.bc.ca>  
Sent: March 16, 2021 11:26:46 AM PDT  
Attachments: Discharge rate.png, The two properties.png, image001.jpg  
Hi Sean and Victor,

This has been kicking around with FLNRO for some time, so it's taken awhile to get to me. It's related to a 2019 approval for TSF rip rap armouring in West Kettle River at Beaverdell (M-71). It was handled primarily by Jen McConnachie and Jen Brash, and at the time through discussion with FLNRO, it was determined no authorization under the Water Sustainability Act was required. (\\sfp.idir.bcgov\s161\s6224\15\_Mines-Exploration Sites\Major Mines\0E - PROJECTS\2 METAL\M-71 Beaverdell\02 Reports\2010s\2019\2019 03 22 TSF Protection Proposal \Correspondence\2019 04 09 Info from FLNRO INT No Water Authorization Required.pdf ) For that reason, only a Mines Act approval was given and I was the decision maker. I'm going to be the one to respond to the folks below.

I'd really appreciate:

1. If a geotech can check whether we got an as-built and confirm that it matches the proposal design, and
2. Put Beaverdell on the list for Geotech inspection this year.

Let me know if you want to discuss at this stage.

-Lowell

**J. Lowell Constable, P.Eng.**

Executive Director and Deputy Chief Permitting Officer, Major Mines Office  
Ministry of Energy, Mines and Low Carbon Innovation  
1810 Blanshard Street 6<sup>th</sup> Floor | Victoria BC | V8W 9N3 |  
Office: 778-698-7274



---

**From:** Conroy.MLA, Katrine LASS:EX <Katrine.Conroy.MLA@leg.bc.ca>  
**Sent:** January 22, 2021 2:41 PM  
**To:** Minister, FLNR FLNR:EX <FLNR.Minister@gov.bc.ca>  
**Subject:** FW: Failure of Teck Resource Ltd. to comply with s.13 of the Water Sustainability Act flooded s.22  
s.22

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

Not our constituent – this was likely intended to go to the Ministry email.

- Angelika

---

**From:** s.22 [mailto:s.22]  
**Sent:** Friday, January 22, 2021 2:34 PM  
**To:** Conroy.MLA, Katrine <Katrine.Conroy.MLA@leg.bc.ca>  
**Cc:** Popham.MLA, Lana <Lana.Popham.MLA@leg.bc.ca>; Paton.MLA, Ian <Ian.Paton.MLA@leg.bc.ca>; White, Ted T FLNR:EX <Ted.White@gov.bc.ca>

**Subject:** Failure of Teck Resource Ltd. to comply with s.13 of the Water Sustainability Act flooded s.22  
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The following is written without prejudice:

To: Minister of Forests, Lands, Natural Resource Operations and Rural Development, the Honourable Katrine Conroy (via email)

c/c: Minister of Agriculture, the Honourable Lana Popham (via email)  
Official Opposition Critic for Agriculture and Food Security, Ian Paton (via email)  
Director and Comptroller of Water Rights, Ted White (via email)

Dear Madam,

In 2018, the West Kettle River experienced a major flooding event (the largest recorded on this river). The 2018 flood resulted in Teck's property eroding in a very sensitive area. Teck's property is no longer an active mine mill site (they abandoned their water rights/licence around 1996), but it contains multiple tailing storage facilities (seven). The erosion occurred precariously close to one of the tailings ponds; in fact, this almost caused a Mount Polley-type disaster in freshet 2018.

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Resources Limited ("Teck") mining property (PID: 015 104 630). s.22

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In November 2020, Teck was in the river again further making changes to the stream that will impact s.22 because of creating further increased flooding risk. Again, without providing us with a Notice of the Application.

So, why weren't we informed about Teck's Application or Applications (see section 13 of the WSA below - underline and highlighting added)? Did the decision maker simply fail to direct the applicant to give us Notice? We would have strongly opposed the application or worked with them to mitigate the risk they were creating for us. This right to oppose an application is an important aspect in the *Water Sustainability Act*. We were never informed about the application and only learned they must have had permission in November 2019 when we heard and witnessed Teck building a large coffer dam in the West Kettle River. Teck had s.22

### Objections to applications and decision maker initiatives

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(a) any of the following whose rights the decision maker considers are likely to be detrimentally affected if the application is granted:

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Freshet 2020 caused significantly more damage and flooding to our property than the 2018 flood with: erosion of land, destroyed fence, loss of topsoil (measured in tons), logs and river debris all over our property. This damage would have been mostly avoidable had the decision maker and/or applicant followed section 13 of the *Water Sustainability Act*. s.22

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- (1) How Teck was possibly able to circumvent this section of the *Water Sustainability Act*?
- (2) Who was the decision maker involved in approving this application?
- (3) I would like a copy of the application *and* decision, along with the extent of the "works" Teck is proposing.

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Teck provide us with copy of their permits related to their works (presumably from the Ministry of Forest, Lands, Natural Resource Operations and Rural Development, from the DFO and any other relevant parties) - and our requests have either been ignored or not properly followed through by their employees.

Additionally, the decision to allow Teck to build a new "super" berm in the West Kettle will also not likely adequately safe guard the West Kettle River from a tailings storage facility breach in the case of another large flood event. We almost had this event in freshet 2020, when it was forecast to greatly surpass the 2018 flood. (Please see attachment with a forecast of the river's discharge rate late May 2020.) Fortunately, the precipitation during this time hit differently and the forecast proved incorrect. The only safe way to protect the West Kettle River is for Teck to remove at least 2 of the 7 tailings storage facilities further inland. Had the decision maker (and/or Teck) followed s. 13 of the *WSA*- we would have been able to bring that evidence forward. This situation causes a risk to everyone in Agriculture who relies on water from the West Kettle to produce.

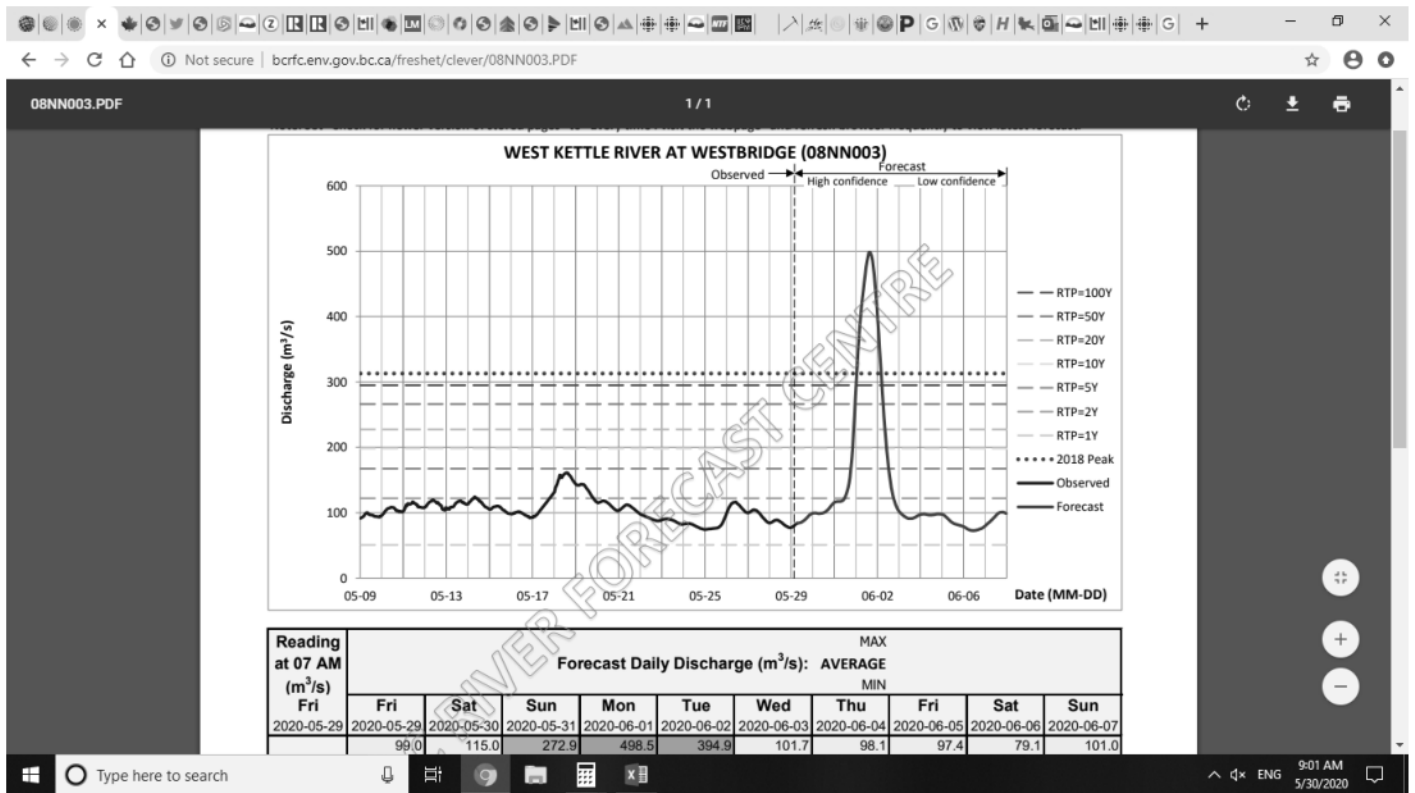
The Ministry of Forest, Lands, Natural Resource Operations and Rural Development has made farming our land excessively difficult if not impossible in 2020. Please correct me if I am mistaken, but doesn't the *WSA* apply in this situation?

Respectfully,

Page 04 of 40

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s.22



Page 06 of 40

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## FW: CLIFF 260755 - Failure of Teck Resource Ltd. to comply with s.13 of the Water Sustainability Act

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From: Constable, Lowell EMLI:EX <Lowell.Constable@gov.bc.ca>  
To: Marques, Victor EMLI:EX <Victor.Marques@gov.bc.ca>, Shaw, Sean EMLI:EX <Sean.Shaw@gov.bc.ca>, Antill, Timothy EMLI:EX <Timothy.Antill@gov.bc.ca>  
Sent: May 11, 2021 8:57:16 AM PDT  
Attachments: image001.jpg  
Hi Victor, Tim and Sean,

Please have a look at the exchange below. A month or two ago when this first made it's way to me I had requested Victor add Beaverdell to the inspection list this year. This is why. I'm not sure it 100% needs to be a Geotech or Reclamation, but we should see if someone can go have a look at this work.

I've directed the info request through FOI, so no need to action that piece until it's official.

-Lowell

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**From:** s.22  
**Sent:** May 10, 2021 9:05 PM  
**To:** Constable, Lowell EMLI:EX <Lowell.Constable@gov.bc.ca>  
**Cc:** Wiggill, Garth W FLNR:EX <Garth.Wiggill@gov.bc.ca>; Hills, Gerald FLNR:EX <Gerald.Hills@gov.bc.ca>  
**Subject:** Re: CLIFF 260755 - Failure of Teck Resource Ltd. to comply with s.13 of the Water Sustainability Act

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Thank you for your response.

Some of the actual works that were done appear to include work that was below the high water mark, and not on private land. In 2019, Teck did work on both sides of the river. The river bed was raised on the opposite side of their main works. Additionally, hydraulic devices were also installed in the river.

As such we request:

- 1) the applications submitted by Teck (including the proposed scope of work)
- 2) the complete approval/authorization file for Teck's works (2019 and 2020), and
- 3) reports from any on-site inspections.

Respectfully,

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**From:** Constable, Lowell EMLI:EX <Lowell.Constable@gov.bc.ca>  
**Sent:** May 10, 2021 11:28 AM  
**To:** s.22  
**Cc:** Wiggill, Garth W FLNR:EX <Garth.Wiggill@gov.bc.ca>; Hills, Gerald FLNR:EX <Gerald.Hills@gov.bc.ca>  
**Subject:** RE: CLIFF 260755 - Failure of Teck Resource Ltd. to comply with s.13 of the Water Sustainability Act

Dear s.22

Thank you for your email of January 22, 2021, to Minister Conroy, regarding work conducted by Teck Resources Ltd. in the West Kettle River near Beaverdell, BC. I have been asked to respond.

The safety and stability of tailings storage dams is a top priority in BC. The site in question is closed and in long-term monitoring phase. In 2019 the Engineer of Record for the tailings facility recommended that erosion protection be placed avoid damage to the Tailings Storage Facility dam integrity and potential release of tailings material into the West Kettle River. As such, the works mentioned in your email were considered a high priority.

Because the tailings storage facility is authorized by the Ministry of Energy, Mines and Low Carbon Innovation (EMLI) under the *Mines Act*, and the proposed works were on private land above the high-water mark, approval was granted through a *Mines Act* permit amendment. Prior to issuing this authorization, the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) reviewed the proposed scope of work confirmed that a *Water Sustainability Act* (WSA) authorization under Section 13 of the WSA did not apply.

*Mines Act* permits are publicly available on this Major Mines website <https://mines.nrs.gov.bc.ca/projects>. Given the concerns you have expressed and your description of the works that were completed, an EMLI mines inspector will visit the Beaverdell site to ensure that works that have been completed are consistent with the design of the works approved in the permit amendment.

Section 41 (3) of the Water Sustainability Regulation (WSR) also indicates that work carried out under a *Mines Act* permit “must ensure that the authorized change is designed, constructed and maintained so that the change does not pose a significant risk of harm to public safety, the environment, land or other property.” If concerns are raised by our mines Inspectors, they may contact the Compliance and Enforcement team in the FLNRORD Kootenay Boundary Region. You are also able to report a suspected violation via the Report all Poachers and Polluters line <https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/natural-resource-law-enforcement/conservation-officer-service/cos-rapp>

Again, thank you for writing and sharing your concerns.

Sincerely,

**J. Lowell Constable, P.Eng.**

Executive Director and Deputy Chief Permitting Officer, Major Mines Office  
Ministry of Energy, Mines and Low Carbon Innovation  
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Executive Director/Deputy Chief Inspector  
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Page 11 of 40

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s.22

## FW: CLIFF 260755 - Failure of Teck Resource Ltd. to comply with s.13 of the Water Sustainability Act

---

From: Antill, Timothy EMLI:EX <Timothy.Antill@gov.bc.ca>  
To: Turcotte, Adrienne EMLI:EX <Adrienne.Turcotte@gov.bc.ca>  
Sent: May 11, 2021 11:18:49 AM PDT  
Attachments: image001.jpg  
FYI: for context

*Tim Antill, M.Sc., P.Ag., R.P.Bio*

Manager, Senior Reclamation Inspector  
B.C. Ministry of Energy, Mines and Low Carbon Innovation

---

**From:** Constable, Lowell EMLI:EX <Lowell.Constable@gov.bc.ca>  
**Sent:** May 11, 2021 11:10 AM  
**To:** Antill, Timothy EMLI:EX <Timothy.Antill@gov.bc.ca>; Marques, Victor EMLI:EX <Victor.Marques@gov.bc.ca>; Shaw, Sean EMLI:EX <Sean.Shaw@gov.bc.ca>  
**Cc:** Norlund, Kelsey EMLI:EX <Kelsey.Norlund@gov.bc.ca>  
**Subject:** RE: CLIFF 260755 - Failure of Teck Resource Ltd. to comply with s.13 of the Water Sustainability Act

I think we need to check it out in-person given the concerns raised.

---

**From:** Antill, Timothy EMLI:EX <Timothy.Antill@gov.bc.ca>  
**Sent:** May 11, 2021 10:56 AM  
**To:** Marques, Victor EMLI:EX <Victor.Marques@gov.bc.ca>; Constable, Lowell EMLI:EX <Lowell.Constable@gov.bc.ca>; Shaw, Sean EMLI:EX <Sean.Shaw@gov.bc.ca>  
**Cc:** Norlund, Kelsey EMLI:EX <Kelsey.Norlund@gov.bc.ca>  
**Subject:** RE: CLIFF 260755 - Failure of Teck Resource Ltd. to comply with s.13 of the Water Sustainability Act

Hi there,  
If it is a priority for someone to visit, it could be done in a day from Kamloops for Adrienne.  
It may be good to visit the site during current high water levels to see river flows in relation to the completed works and the property in question.  
Cheers,  
Tim

*Tim Antill, M.Sc., P.Ag., R.P.Bio*

Manager, Senior Reclamation Inspector  
B.C. Ministry of Energy, Mines and Low Carbon Innovation

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**From:** Marques, Victor EMLI:EX <Victor.Marques@gov.bc.ca>  
**Sent:** May 11, 2021 10:45 AM  
**To:** Constable, Lowell EMLI:EX <Lowell.Constable@gov.bc.ca>; Shaw, Sean EMLI:EX <Sean.Shaw@gov.bc.ca>; Antill, Timothy EMLI:EX <Timothy.Antill@gov.bc.ca>  
**Cc:** Norlund, Kelsey EMLI:EX <Kelsey.Norlund@gov.bc.ca>  
**Subject:** RE: CLIFF 260755 - Failure of Teck Resource Ltd. to comply with s.13 of the Water Sustainability Act

Thanks Lowell, we will do at least a desktop inspection. Is this is high priority for a field inspection as well?

---

**From:** Constable, Lowell EMLI:EX <Lowell.Constable@gov.bc.ca>  
**Sent:** May 11, 2021 8:57 AM  
**To:** Marques, Victor EMLI:EX <Victor.Marques@gov.bc.ca>; Shaw, Sean EMLI:EX <Sean.Shaw@gov.bc.ca>; Antill, Timothy EMLI:EX <Timothy.Antill@gov.bc.ca>  
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Again, thank you for writing and sharing your concerns.

Sincerely,

**J. Lowell Constable, P.Eng.**  
Executive Director and Deputy Chief Permitting Officer, Major Mines Office  
Ministry of Energy, Mines and Low Carbon Innovation  
1810 Blanshard Street 6<sup>th</sup> Floor | Victoria BC | V8W 9N3 |  
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Lowell Constable  
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### Objections to applications and decision maker initiatives

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(a)any of the following whose rights the decision maker considers are likely to be detrimentally affected if the application is granted:

(i)an authorization holder;

- (ii) a change approval holder;
  - (iii) an applicant for an authorization or change approval;
  - (iv) a riparian owner, and
- (b) a land owner whose land is likely to be physically affected if the application is granted.

Freshet 2020 caused significantly more damage and flooding to our property than the 2018 flood with: erosion of land, destroyed fence, loss of topsoil (measured in tons), logs and river debris all over our property. This damage would have been mostly avoidable had the decision maker and/or applicant followed section 13 of the *Water Sustainability Act*.<sup>s.22</sup>

s.22

So, I would like to know:

- (1) How Teck was possibly able to circumvent this section of the *Water Sustainability Act*?
- (2) Who was the decision maker involved in approving this application?
- (3) I would like a copy of the application *and* decision, along with the extent of the "works" Teck is proposing.

s.22

Teck provide us with copy of their permits related to their works (presumably from the Ministry of Forest, Lands, Natural Resource Operations and Rural Development, from the DFO and any other relevant parties) - and our requests have either been ignored or not properly followed through by their employees.

Additionally, the decision to allow Teck to build a new "super" berm in the West Kettle will also not likely adequately safe guard the West Kettle River from a tailings storage facility breach in the case of another large flood event. We almost had this event in freshet 2020, when it was forecast to greatly surpass the 2018 flood. (Please see attachment with a forecast of the river's discharge rate late May 2020.) Fortunately, the precipitation during this time hit differently and the forecast proved incorrect. The only safe way to protect the West Kettle River is for Teck to remove at least 2 of the 7 tailings storage facilities further inland. Had the decision maker (and/or Teck) followed s. 13 of the *WSA*- we would have been able to bring that evidence forward. This situation causes a risk to everyone in Agriculture who relies on water from the West Kettle to produce.

The Ministry of Forest, Lands, Natural Resource Operations and Rural Development has made farming our land excessively difficult if not impossible in 2020. Please correct me if I am mistaken, but doesn't the *WSA* apply in this situation?

Respectfully,

s.22

s.22



## RE: CLIFF 260755 - Failure of Teck Resource Ltd. to comply with s.13 of the Water Sustainability Act

---

From: Shaw, Sean EMLI:EX <Sean.Shaw@gov.bc.ca>  
To: Antill, Timothy EMLI:EX <Timothy.Antill@gov.bc.ca>, Constable, Lowell EMLI:EX <Lowell.Constable@gov.bc.ca>, Marques, Victor EMLI:EX <Victor.Marques@gov.bc.ca>  
Cc: Norlund, Kelsey EMLI:EX <Kelsey.Norlund@gov.bc.ca>  
Sent: May 11, 2021 11:39:32 AM PDT  
Attachments: image003.jpg, image001.png  
Thanks All



Sean Shaw, Ph.D., P.Geo.  
**Director, Technical Operations, Major Mines Office**  
Ministry of Energy, Mines and Low Carbon Innovation  
**Phone: 778-698-7259**

---

**From:** Antill, Timothy EMLI:EX <Timothy.Antill@gov.bc.ca>  
**Sent:** May 11, 2021 11:36 AM  
**To:** Constable, Lowell EMLI:EX <Lowell.Constable@gov.bc.ca>; Marques, Victor EMLI:EX <Victor.Marques@gov.bc.ca>; Shaw, Sean EMLI:EX <Sean.Shaw@gov.bc.ca>  
**Cc:** Norlund, Kelsey EMLI:EX <Kelsey.Norlund@gov.bc.ca>  
**Subject:** RE: CLIFF 260755 - Failure of Teck Resource Ltd. to comply with s.13 of the Water Sustainability Act

Hello,  
Adrienne will visit the site next week to complete an inspection. She is familiar with the site and has been there before. She had actually driven by the site not too long ago and was commenting to herself on the height of the river and the past armouring works.

In talking with Victor, she will coordinate with Sarah Morse to capture potential Geotech concerns.

All the best,  
Tim

*Tim Antill, M.Sc., P.Ag., R.P.Bio*  
Manager, Senior Reclamation Inspector  
B.C. Ministry of Energy, Mines and Low Carbon Innovation

---

**From:** Constable, Lowell EMLI:EX <Lowell.Constable@gov.bc.ca>  
**Sent:** May 11, 2021 11:10 AM  
**To:** Antill, Timothy EMLI:EX <Timothy.Antill@gov.bc.ca>; Marques, Victor EMLI:EX <Victor.Marques@gov.bc.ca>; Shaw, Sean EMLI:EX <Sean.Shaw@gov.bc.ca>  
**Cc:** Norlund, Kelsey EMLI:EX <Kelsey.Norlund@gov.bc.ca>  
**Subject:** RE: CLIFF 260755 - Failure of Teck Resource Ltd. to comply with s.13 of the Water Sustainability Act

I think we need to check it out in-person given the concerns raised.

---

**From:** Antill, Timothy EMLI:EX <Timothy.Antill@gov.bc.ca>  
**Sent:** May 11, 2021 10:56 AM  
**To:** Marques, Victor EMLI:EX <Victor.Marques@gov.bc.ca>; Constable, Lowell EMLI:EX <Lowell.Constable@gov.bc.ca>; Shaw, Sean EMLI:EX <Sean.Shaw@gov.bc.ca>  
**Cc:** Norlund, Kelsey EMLI:EX <Kelsey.Norlund@gov.bc.ca>  
**Subject:** RE: CLIFF 260755 - Failure of Teck Resource Ltd. to comply with s.13 of the Water Sustainability Act

Hi there,

If it is a priority for someone to visit, it could be done in a day from Kamloops for Adrienne.

It may be good to visit the site during current high water levels to see river flows in relation to the completed works and the property in question.

Cheers,

Tim

*Tim Antill, M.Sc., P.Ag., R.P.Bio*

Manager, Senior Reclamation Inspector

B.C. Ministry of Energy, Mines and Low Carbon Innovation

---

**From:** Marques, Victor EMLI:EX <[Victor.Marques@gov.bc.ca](mailto:Victor.Marques@gov.bc.ca)>

**Sent:** May 11, 2021 10:45 AM

**To:** Constable, Lowell EMLI:EX <[Lowell.Constable@gov.bc.ca](mailto:Lowell.Constable@gov.bc.ca)>; Shaw, Sean EMLI:EX <[Sean.Shaw@gov.bc.ca](mailto:Sean.Shaw@gov.bc.ca)>; Antill, Timothy EMLI:EX <[Timothy.Antill@gov.bc.ca](mailto:Timothy.Antill@gov.bc.ca)>

**Cc:** Norlund, Kelsey EMLI:EX <[Kelsey.Norlund@gov.bc.ca](mailto:Kelsey.Norlund@gov.bc.ca)>

**Subject:** RE: CLIFF 260755 - Failure of Teck Resource Ltd. to comply with s.13 of the Water Sustainability Act

Thanks Lowell, we will do at least a desktop inspection. Is this is high priority for a field inspection as well?

---

**From:** Constable, Lowell EMLI:EX <[Lowell.Constable@gov.bc.ca](mailto:Lowell.Constable@gov.bc.ca)>

**Sent:** May 11, 2021 8:57 AM

**To:** Marques, Victor EMLI:EX <[Victor.Marques@gov.bc.ca](mailto:Victor.Marques@gov.bc.ca)>; Shaw, Sean EMLI:EX <[Sean.Shaw@gov.bc.ca](mailto:Sean.Shaw@gov.bc.ca)>; Antill, Timothy EMLI:EX <[Timothy.Antill@gov.bc.ca](mailto:Timothy.Antill@gov.bc.ca)>

**Subject:** FW: CLIFF 260755 - Failure of Teck Resource Ltd. to comply with s.13 of the Water Sustainability Act

Hi Victor, Tim and Sean,

Please have a look at the exchange below. A month or two ago when this first made it's way to me I had requested Victor add Beavertell to the inspection list this year. This is why. I'm not sure it 100% needs to be a Geotech or Reclamation, but we should see if someone can go have a look at this work.

I've directed the info request through FOI, so no need to action that piece until it's official.

-Lowell

---

**From:**s.22

**Sent:** May 10, 2021 9:05 PM

**To:** Constable, Lowell EMLI:EX <[Lowell.Constable@gov.bc.ca](mailto:Lowell.Constable@gov.bc.ca)>

**Cc:** Wiggill, Garth W FLNR:EX <[Garth.Wiggill@gov.bc.ca](mailto:Garth.Wiggill@gov.bc.ca)>; Hills, Gerald FLNR:EX <[Gerald.Hills@gov.bc.ca](mailto:Gerald.Hills@gov.bc.ca)>

**Subject:** Re: CLIFF 260755 - Failure of Teck Resource Ltd. to comply with s.13 of the Water Sustainability Act

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

Thank you for your response.

Some of the actual works that were done appear to include work that was below the high water mark, and not on private land. In 2019, Teck did work on both sides of the river. The river bed was raised on the opposite side of their main works. Additionally, hydraulic devices were also installed in the river.

As such we request:

- 1) the applications submitted by Teck (including the proposed scope of work)
- 2) the complete approval/authorization file for Teck's works (2019 and 2020), and
- 3) reports from any on-site inspections.

Respectfully,

s.22

---

**From:** Constable, Lowell EMLI:EX <Lowell.Constable@gov.bc.ca>

**Sent:** May 10, 2021 11:28 AM

**To:** s.22

**Cc:** Wiggill, Garth W FLNR:EX <Garth.Wiggill@gov.bc.ca>; Hills, Gerald FLNR:EX <Gerald.Hills@gov.bc.ca>

**Subject:** RE: CLIFF 260755 - Failure of Teck Resource Ltd. to comply with s.13 of the Water Sustainability Act

Dear s.22

Thank you for your email of January 22, 2021, to Minister Conroy, regarding work conducted by Teck Resources Ltd. in the West Kettle River near Beaverdell, BC. I have been asked to respond.

The safety and stability of tailings storage dams is a top priority in BC. The site in question is closed and in long-term monitoring phase. In 2019 the Engineer of Record for the tailings facility recommended that erosion protection be placed avoid damage to the Tailings Storage Facility dam integrity and potential release of tailings material into the West Kettle River. As such, the works mentioned in your email were considered a high priority.

Because the tailings storage facility is authorized by the Ministry of Energy, Mines and Low Carbon Innovation (EMLI) under the *Mines Act*, and the proposed works were on private land above the high-water mark, approval was granted through a *Mines Act* permit amendment. Prior to issuing this authorization, the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) reviewed the proposed scope of work confirmed that a *Water Sustainability Act* (WSA) authorization under Section 13 of the WSA did not apply.

*Mines Act* permits are publicly available on this Major Mines website <https://mines.nrs.gov.bc.ca/projects>. Given the concerns you have expressed and your description of the works that were completed, an EMLI mines inspector will visit the Beaverdell site to ensure that works that have been completed are consistent with the design of the works approved in the permit amendment.

Section 41 (3) of the Water Sustainability Regulation (WSR) also indicates that work carried out under a *Mines Act* permit “must ensure that the authorized change is designed, constructed and maintained so that the change does not pose a significant risk of harm to public safety, the environment, land or other property.” If concerns are raised by our mines Inspectors, they may contact the Compliance and Enforcement team in the FLNRORD Kootenay Boundary Region. You are also able to report a suspected violation via the Report all Poachers and Polluters line <https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/natural-resource-law-enforcement/conservation-officer-service/cos-rapp>

Again, thank you for writing and sharing your concerns.

Sincerely,

**J. Lowell Constable, P.Eng.**

Executive Director and Deputy Chief Permitting Officer, Major Mines Office

Ministry of Energy, Mines and Low Carbon Innovation

1810 Blanshard Street 6<sup>th</sup> Floor | Victoria BC | V8W 9N3 |

Office: 778-698-7274



Lowell Constable  
Executive Director/Deputy Chief Inspector  
Major Mines Office

---

**From:** s.22 [mailto:s.22]  
**Sent:** Friday, January 22, 2021 2:34 PM  
**To:** Conroy.MLA, Katrine <Katrine.Conroy.MLA@leg.bc.ca>  
**Cc:** Popham.MLA, Lana <Lana.Popham.MLA@leg.bc.ca>; Paton.MLA, Ian <Ian.Paton.MLA@leg.bc.ca>; White, Ted T FLNR:EX <Ted.White@gov.bc.ca>  
**Subject:** Failure of Teck Resource Ltd. to comply with s.13 of the Water Sustainability Act flooded s.22 s.22

The following is written without prejudice:

To: Minister of Forests, Lands, Natural Resource Operations and Rural Development, the Honourable Katrine Conroy (via email)

c/c: Minister of Agriculture, the Honourable Lana Popham (via email)  
Official Opposition Critic for Agriculture and Food Security, Ian Paton (via email)  
Director and Comptroller of Water Rights, Ted White (via email)

Dear Madam,

In 2018, the West Kettle River experienced a major flooding event (the largest recorded on this river). The 2018 flood resulted in Teck's property eroding in a very sensitive area. Teck's property is no longer an active mine mill site (they abandoned their water rights/licence around 1996), but it contains multiple tailing storage facilities (seven). The erosion occurred precariously close to one of the tailings ponds; in fact, this almost caused a Mount Polley-type disaster in freshet 2018.

s.22 from Teck  
Resources Limited ("Teck") mining property (PID: 015 104 630). s.22

s.22  
s.22 You can't make changes to one property, especially in or about a stream, without it impacting the other. This should be quite obvious and Teck is keenly aware of this. In fact, s.22 after the flood, project manager Gerry Murdoch, immediately stated Teck was interested in buying s.22  
s.22 That is the only occasion we heard they had such an interest.

Teck began doing work in the West Kettle river in November 2019 making alterations to the stream. Their new works appear to be well beyond "repair or replacement" of the original works lost in the 2018 flood. s.22  
s.22

In November 2020, Teck was in the river again further making changes to the stream that will impact s.22 because of creating further increased flooding risk. Again, without providing us with a Notice of the Application.

So, why weren't we informed about Teck's Application or Applications (see section 13 of the WSA below - underline and highlighting added)? Did the decision maker simply fail to direct the applicant to give us Notice? We would have strongly opposed the application or worked with them to mitigate the risk they were creating for us. This right to oppose an application is an important aspect in the *Water Sustainability Act*. We were never informed about the application and only learned they must have had permission in November 2019 when we heard and witnessed Teck building a large coffer dam in the West Kettle River. Teck had s.22

### Objections to applications and decision maker initiatives

13 (1) A decision maker must direct that an applicant for a licence, use approval or change approval, or for an amendment to any of them involving a change of works, give notice of the application in accordance with section 117 [delivery and publication of documents and information] or the regulations to

(a) any of the following whose rights the decision maker considers are likely to be detrimentally affected if the application is granted:

- (i) an authorization holder;
- (ii) a change approval holder;
- (iii) an applicant for an authorization or change approval;
- (iv) a riparian owner, and

(b) a land owner whose land is likely to be physically affected if the application is granted.

Freshet 2020 caused significantly more damage and flooding to our property than the 2018 flood with: erosion of land, destroyed fence, loss of topsoil (measured in tons), logs and river debris all over our property. This damage would have been mostly avoidable had the decision maker and/or applicant followed section 13 of the *Water Sustainability Act*. s.22

s.22

So, I would like to know:

- (1) How Teck was possibly able to circumvent this section of the *Water Sustainability Act*?
- (2) Who was the decision maker involved in approving this application?
- (3) I would like a copy of the application *and* decision, along with the extent of the "works" Teck is proposing.

s.22

Teck provide us with copy of their permits related to their works (presumably from the Ministry of Forest, Lands, Natural Resource Operations and Rural Development, from the DFO and any other relevant parties) - and our requests have either been ignored or not properly followed through by their employees.

Additionally, the decision to allow Teck to build a new "super" berm in the West Kettle will also not likely adequately safe guard the West Kettle River from a tailings storage facility breach in the case of another large flood event. We almost had this event in freshet 2020, when it was forecast to greatly surpass the 2018 flood. (Please see attachment with a forecast of the river's discharge rate late May 2020.) Fortunately, the precipitation during this time hit differently and the forecast proved incorrect. The only safe way to protect the West Kettle River is for Teck to remove at least 2 of the 7 tailings storage facilities further inland. Had the decision maker (and/or Teck) followed s. 13 of the WSA- we would have been able to bring that evidence forward. This situation causes a risk to everyone in Agriculture who relies on water from the West Kettle to produce.

The Ministry of Forest, Lands, Natural Resource Operations and Rural Development has made farming our land excessively difficult if not impossible in 2020. Please correct me if I am mistaken, but doesn't the WSA apply in this situation?

Respectfully,

s.22

s.22

## Beaverdell Inspection

---

From: Turcotte, Adrienne EMLI:EX  
To: Morse, Sarah EMLI:EX <Sarah.Morse@gov.bc.ca>  
Sent: May 25, 2021 2:51:38 PM PDT  
Attachments: image001.jpg

Hi Sarah,

I'm just getting ready for the Beaverdell Inspection.

Can you let me know if you have any items that you want me to check out while I'm there – I think you were looking into planned works / as built?

Thanks,



Adrienne Turcotte, P.Ag  
**Reclamation Inspector, Major Mines Office**  
Ministry of Energy, Mines and Low Carbon Innovation  
**Phone:** 250-371-3903

## RE: Beaverdell Mine Inspection - May 19, 2021

---

From: Jason McBain <Jason.McBain@teck.com>  
To: Turcotte, Adrienne EMLI:EX <Adrienne.Turcotte@gov.bc.ca>, Jennifer McConnachie <Jennifer.McConnachie@teck.com>  
Cc: Antill, Timothy EMLI:EX <Timothy.Antill@gov.bc.ca>, Marques, Victor EMLI:EX <Victor.Marques@gov.bc.ca>, Kathleen Willman <Kathleen.Willman@teck.com>, Morse, Sarah EMLI:EX <Sarah.Morse@gov.bc.ca>  
Sent: May 25, 2021 3:28:53 PM PDT  
Attachments: image001.png, image002.jpg

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

Hi Adrienne,

Let me know when you plan on getting to site on the 27<sup>th</sup>. My cell number is 236-987-9941

I will be on site with one of our contractors but can easily break away to meet you and go over anything you want to see.

Thanks!

Jason

**Jason McBain, M.Eng., P.Eng.**

Senior Engineer, Tailings & Mine Waste  
Teck Resources Limited  
Legacy Properties  
[jason.mcbain@teck.com](mailto:jason.mcbain@teck.com)  
236-987-9941 - Cell

---

**From:** Turcotte, Adrienne EMLI:EX <Adrienne.Turcotte@gov.bc.ca>  
**Sent:** Monday, May 17, 2021 4:42 PM  
**To:** Jennifer McConnachie <Jennifer.McConnachie@teck.com>  
**Cc:** Antill, Timothy EMPR:EX <Timothy.Antill@gov.bc.ca>; Marques, Victor EMPR:EX <victor.marques@gov.bc.ca>; Kathleen Willman <Kathleen.Willman@teck.com>; Michelle Unger <Michelle.Unger@teck.com>; Jason McBain <Jason.McBain@teck.com>; Morse, Sarah EMPR:EX <sarah.morse@gov.bc.ca>  
**Subject:** RE: Beaverdell Mine Inspection - May 19, 2021

[External email]

Hi Jen,

Thanks for your quick response.

Myself and Tim are available for a meeting tomorrow morning at 9am (PST) if that works for you, for you to update us on the status of the site.

We can delay the inspection to next Thursday May 27 for Teck to have representation on site.

Thanks,  
Adrienne

---

**From:** Jennifer McConnachie <[Jennifer.McConnachie@teck.com](mailto:Jennifer.McConnachie@teck.com)>  
**Sent:** May 17, 2021 2:36 PM  
**To:** Turcotte, Adrienne EMLI:EX <[Adrienne.Turcotte@gov.bc.ca](mailto:Adrienne.Turcotte@gov.bc.ca)>



**Cc:** Antill, Timothy EMLI:EX <Timothy.Antill@gov.bc.ca>; Marques, Victor EMLI:EX <Victor.Marques@gov.bc.ca>; Kathleen Willman <Kathleen.Willman@teck.com>; Michelle Unger <Michelle.Unger@teck.com>; Jason McBain <Jason.McBain@teck.com>

**Subject:** RE: Beaverdell Mine Inspection - May 19, 2021

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

Hi Adrienne,

Teck completed installation of an engineered erosion protection revetment in 2020. Perhaps it would be prudent to have a call so that we can give you an update on the status of the site and so you can provide context on the complaint? We also wonder if the inspection could be delayed until Teck representation can mobilize to site, currently we plan to conduct a site visit started next Thursday, May 27<sup>th</sup>.

Would you be able to take a call at 4pm MT (3pm PT) today to discuss? Or is there a time that will work tomorrow?

Thank you,  
Jen

---

**Jennifer McConnachie, MSc, PAg**  
Senior Supervisor, Reclamation and Closure  
Teck Resources Limited, Legacy Properties

Phone: 1-250-427-8431  
Cell: 1-250-432-5510  
Email: [Jennifer.McConnachie@teck.com](mailto:Jennifer.McConnachie@teck.com)

[www.teck.com](http://www.teck.com)

*"Everyone going home safe and healthy every day"*  
*"Tout le monde retourne à la maison en toute sécurité et en santé tous les jours"*



---

**From:** Turcotte, Adrienne EMLI:EX <Adrienne.Turcotte@gov.bc.ca>

**Sent:** Monday, May 17, 2021 3:23 PM

**To:** Kathleen Willman <Kathleen.Willman@teck.com>

**Cc:** Michelle Unger <Michelle.Unger@teck.com>; Jennifer McConnachie <Jennifer.McConnachie@teck.com>; Jeff Rees <Jeff.Rees@teck.com>; Antill, Timothy EMPR:EX <Timothy.Antill@gov.bc.ca>; Marques, Victor EMPR:EX <victor.marques@gov.bc.ca>

**Subject:** Beaverdell Mine Inspection - May 19, 2021

[External email]

Good afternoon,

EMLI will be conducting an inspection of the Beaverdell Mine (M-71) on Wednesday May 19, 2021 in response to a recent public complaint related to freshet flooding/erosion.

Could you please advise if a representative from Teck will plan to attend the inspection on Wednesday? If a representative from Teck is not available to attend, could you please advise of any potential access issues (locked entry, etc)?

Thank you,



Adrienne Turcotte, P.Ag

**Reclamation Inspector, Major Mines Office**

Ministry of Energy, Mines and Low Carbon Innovation

**Phone:** 250-371-3903

## RE: Beaverdell Mine Inspection - May 27, 2021

---

From: Jason McBain <Jason.McBain@teck.com>  
To: Turcotte, Adrienne EMLI:EX <Adrienne.Turcotte@gov.bc.ca>  
Sent: May 25, 2021 3:30:41 PM PDT  
Attachments: image002.jpg, image003.png

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

Hi Adrienne,

I just got this email as I was typing my email to you! Haha.

As-builts are not done yet, so I didn't think it would be prudent to send a draft.

Jason

**Jason McBain, M.Eng., P.Eng.**

Senior Engineer, Tailings & Mine Waste  
Teck Resources Limited  
Legacy Properties  
[jason.mcbain@teck.com](mailto:jason.mcbain@teck.com)  
236-987-9941 - Cell

---

**From:** Turcotte, Adrienne EMLI:EX <Adrienne.Turcotte@gov.bc.ca>  
**Sent:** Tuesday, May 25, 2021 4:28 PM  
**To:** Jason McBain <Jason.McBain@teck.com>  
**Cc:** Antill, Timothy EMPR:EX <Timothy.Antill@gov.bc.ca>; Marques, Victor EMPR:EX <victor.marques@gov.bc.ca>; Kathleen Willman <Kathleen.Willman@teck.com>; Morse, Sarah EMPR:EX <sarah.morse@gov.bc.ca>; Jennifer McConnachie <Jennifer.McConnachie@teck.com>  
**Subject:** RE: Beaverdell Mine Inspection - May 27, 2021

[External email]

Good afternoon Jason,

As discussed, EMLI will be conducting an inspection of the Beaverdell Mine (M-71) this Thursday May 27, 2021. I anticipate arriving to site at approximately 11am, and will bring a pdf along with other PPE. My cell phone is 778-220-4607 should you need to reach me on Thursday.  
If available please send along the as builts, as discussed in our meeting last week.

Cheers,  
Adrienne



Adrienne Turcotte, P.Ag  
**Reclamation Inspector, Major Mines Office**  
Ministry of Energy, Mines and Low Carbon Innovation  
**Phone:** 250-371-3903

---

**From:** Turcotte, Adrienne EMLI:EX

**Sent:** May 17, 2021 3:42 PM

**To:** 'Jennifer McConnachie' <[Jennifer.McConnachie@teck.com](mailto:Jennifer.McConnachie@teck.com)>

**Cc:** Antill, Timothy EMLI:EX <[Timothy.Antill@gov.bc.ca](mailto:Timothy.Antill@gov.bc.ca)>; Marques, Victor EMLI:EX <[Victor.Marques@gov.bc.ca](mailto:Victor.Marques@gov.bc.ca)>; Kathleen Willman <[Kathleen.Willman@teck.com](mailto:Kathleen.Willman@teck.com)>; Michelle Unger <[Michelle.Unger@teck.com](mailto:Michelle.Unger@teck.com)>; Jason McBain <[Jason.McBain@teck.com](mailto:Jason.McBain@teck.com)>; Morse, Sarah EMLI:EX <[Sarah.Morse@gov.bc.ca](mailto:Sarah.Morse@gov.bc.ca)>

**Subject:** RE: Beaverdell Mine Inspection - May 19, 2021

Hi Jen,

Thanks for your quick response.

Myself and Tim are available for a meeting tomorrow morning at 9am (PST) if that works for you, for you to update us on the status of the site.

We can delay the inspection to next Thursday May 27 for Teck to have representation on site.

Thanks,  
Adrienne

---

**From:** Jennifer McConnachie <[Jennifer.McConnachie@teck.com](mailto:Jennifer.McConnachie@teck.com)>

**Sent:** May 17, 2021 2:36 PM

**To:** Turcotte, Adrienne EMLI:EX <[Adrienne.Turcotte@gov.bc.ca](mailto:Adrienne.Turcotte@gov.bc.ca)>

**Cc:** Antill, Timothy EMLI:EX <[Timothy.Antill@gov.bc.ca](mailto:Timothy.Antill@gov.bc.ca)>; Marques, Victor EMLI:EX <[Victor.Marques@gov.bc.ca](mailto:Victor.Marques@gov.bc.ca)>; Kathleen Willman <[Kathleen.Willman@teck.com](mailto:Kathleen.Willman@teck.com)>; Michelle Unger <[Michelle.Unger@teck.com](mailto:Michelle.Unger@teck.com)>; Jason McBain <[Jason.McBain@teck.com](mailto:Jason.McBain@teck.com)>

**Subject:** RE: Beaverdell Mine Inspection - May 19, 2021

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Hi Adrienne,

Teck completed installation of an engineered erosion protection revetment in 2020. Perhaps it would be prudent to have a call so that we can give you an update on the status of the site and so you can provide context on the complaint? We also wonder if the inspection could be delayed until Teck representation can mobilize to site, currently we plan to conduct a site visit started next Thursday, May 27<sup>th</sup>.

Would you be able to take a call at 4pm MT (3pm PT) today to discuss? Or is there a time that will work tomorrow?

Thank you,  
Jen

---

**Jennifer McConnachie, MSc, PAg**  
Senior Supervisor, Reclamation and Closure  
Teck Resources Limited, Legacy Properties

Phone: 1-250-427-8431  
Cell: 1-250-432-5510  
Email: [Jennifer.McConnachie@teck.com](mailto:Jennifer.McConnachie@teck.com)

[www.teck.com](http://www.teck.com)

"Everyone going home safe and healthy every day"  
"Tout le monde retourne à la maison en toute sécurité et en santé tous les jours"



---

**From:** Turcotte, Adrienne EMLI:EX <Adrienne.Turcotte@gov.bc.ca>

**Sent:** Monday, May 17, 2021 3:23 PM

**To:** Kathleen Willman <Kathleen.Willman@teck.com>

**Cc:** Michelle Unger <Michelle.Unger@teck.com>; Jennifer McConnachie <Jennifer.McConnachie@teck.com>; Jeff Rees <Jeff.Rees@teck.com>; Antill, Timothy EMPR:EX <Timothy.Antill@gov.bc.ca>; Marques, Victor EMPR:EX <victor.marques@gov.bc.ca>

**Subject:** Beaverdell Mine Inspection - May 19, 2021

[External email]

Good afternoon,

EMLI will be conducting an inspection of the Beaverdell Mine (M-71) on Wednesday May 19, 2021 in response to a recent public complaint related to freshet flooding/erosion.

Could you please advise if a representative from Teck will plan to attend the inspection on Wednesday? If a representative from Teck is not available to attend, could you please advise of any potential access issues (locked entry, etc)?

Thank you,



Adrienne Turcotte, P.Ag

**Reclamation Inspector, Major Mines Office**

Ministry of Energy, Mines and Low Carbon Innovation

**Phone:** 250-371-3903

## RE: Beaverdell Mine Inspection - May 19, 2021

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From: Turcotte, Adrienne EMLI:EX  
To: Jason McBain <Jason.McBain@teck.com>  
Sent: May 25, 2021 4:04:25 PM PDT  
Attachments: image001.png, image002.jpg  
Sounds great – I will see you around 11am on Thursday.  
Cheers,  
Adrienne

---

**From:** Jason McBain <Jason.McBain@teck.com>  
**Sent:** May 25, 2021 3:29 PM  
**To:** Turcotte, Adrienne EMLI:EX <Adrienne.Turcotte@gov.bc.ca>; Jennifer McConnachie <Jennifer.McConnachie@teck.com>  
**Cc:** Antill, Timothy EMLI:EX <Timothy.Antill@gov.bc.ca>; Marques, Victor EMLI:EX <Victor.Marques@gov.bc.ca>; Kathleen Willman <Kathleen.Willman@teck.com>; Morse, Sarah EMLI:EX <Sarah.Morse@gov.bc.ca>  
**Subject:** RE: Beaverdell Mine Inspection - May 19, 2021

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

Hi Adrienne,

Let me know when you plan on getting to site on the 27<sup>th</sup>. My cell number is 236-987-9941

I will be on site with one of our contractors but can easily break away to meet you and go over anything you want to see.

Thanks!

Jason

**Jason McBain, M.Eng., P.Eng.**

Senior Engineer, Tailings & Mine Waste  
Teck Resources Limited  
Legacy Properties  
[jason.mcbain@teck.com](mailto:jason.mcbain@teck.com)  
236-987-9941 - Cell

---

**From:** Turcotte, Adrienne EMLI:EX <[Adrienne.Turcotte@gov.bc.ca](mailto:Adrienne.Turcotte@gov.bc.ca)>  
**Sent:** Monday, May 17, 2021 4:42 PM  
**To:** Jennifer McConnachie <[Jennifer.McConnachie@teck.com](mailto:Jennifer.McConnachie@teck.com)>  
**Cc:** Antill, Timothy EMPR:EX <[Timothy.Antill@gov.bc.ca](mailto:Timothy.Antill@gov.bc.ca)>; Marques, Victor EMPR:EX <[victor.marques@gov.bc.ca](mailto:victor.marques@gov.bc.ca)>; Kathleen Willman <[Kathleen.Willman@teck.com](mailto:Kathleen.Willman@teck.com)>; Michelle Unger <[Michelle.Unger@teck.com](mailto:Michelle.Unger@teck.com)>; Jason McBain <[Jason.McBain@teck.com](mailto:Jason.McBain@teck.com)>; Morse, Sarah EMPR:EX <[sarah.morse@gov.bc.ca](mailto:sarah.morse@gov.bc.ca)>  
**Subject:** RE: Beaverdell Mine Inspection - May 19, 2021

[External email]

Hi Jen,

Thanks for your quick response.

Myself and Tim are available for a meeting tomorrow morning at 9am (PST) if that works for you, for you to update us on the status of the site.

We can delay the inspection to next Thursday May 27 for Teck to have representation on site.

Thanks,  
Adrienne

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**From:** Jennifer McConnachie <[Jennifer.McConnachie@teck.com](mailto:Jennifer.McConnachie@teck.com)>  
**Sent:** May 17, 2021 2:36 PM  
**To:** Turcotte, Adrienne EMLI:EX <[Adrienne.Turcotte@gov.bc.ca](mailto:Adrienne.Turcotte@gov.bc.ca)>  
**Cc:** Antill, Timothy EMLI:EX <[Timothy.Antill@gov.bc.ca](mailto:Timothy.Antill@gov.bc.ca)>; Marques, Victor EMLI:EX <[Victor.Marques@gov.bc.ca](mailto:Victor.Marques@gov.bc.ca)>; Kathleen Willman <[Kathleen.Willman@teck.com](mailto:Kathleen.Willman@teck.com)>; Michelle Unger <[Michelle.Unger@teck.com](mailto:Michelle.Unger@teck.com)>; Jason McBain <[Jason.McBain@teck.com](mailto:Jason.McBain@teck.com)>  
**Subject:** RE: Beaverdell Mine Inspection - May 19, 2021

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

Hi Adrienne,

Teck completed installation of an engineered erosion protection revetment in 2020. Perhaps it would be prudent to have a call so that we can give you an update on the status of the site and so you can provide context on the complaint? We also wonder if the inspection could be delayed until Teck representation can mobilize to site, currently we plan to conduct a site visit started next Thursday, May 27<sup>th</sup>.

Would you be able to take a call at 4pm MT (3pm PT) today to discuss? Or is there a time that will work tomorrow?

Thank you,  
Jen

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**Jennifer McConnachie, MSc, PAg**  
Senior Supervisor, Reclamation and Closure  
Teck Resources Limited, Legacy Properties

Phone: 1-250-427-8431  
Cell: 1-250-432-5510  
Email: [Jennifer.McConnachie@teck.com](mailto:Jennifer.McConnachie@teck.com)

[www.teck.com](http://www.teck.com)

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*"Tout le monde retourne à la maison en toute sécurité et en santé tous les jours"*



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**From:** Turcotte, Adrienne EMLI:EX <[Adrienne.Turcotte@gov.bc.ca](mailto:Adrienne.Turcotte@gov.bc.ca)>  
**Sent:** Monday, May 17, 2021 3:23 PM  
**To:** Kathleen Willman <[Kathleen.Willman@teck.com](mailto:Kathleen.Willman@teck.com)>  
**Cc:** Michelle Unger <[Michelle.Unger@teck.com](mailto:Michelle.Unger@teck.com)>; Jennifer McConnachie <[Jennifer.McConnachie@teck.com](mailto:Jennifer.McConnachie@teck.com)>; Jeff Rees <[Jeff.Rees@teck.com](mailto:Jeff.Rees@teck.com)>; Antill, Timothy EMPR:EX <[Timothy.Antill@gov.bc.ca](mailto:Timothy.Antill@gov.bc.ca)>; Marques, Victor EMPR:EX <[victor.marques@gov.bc.ca](mailto:victor.marques@gov.bc.ca)>  
**Subject:** Beaverdell Mine Inspection - May 19, 2021

[External email]

Good afternoon,

EMLI will be conducting an inspection of the Beaverdell Mine (M-71) on Wednesday May 19, 2021 in response to a recent public complaint related to freshet flooding/erosion.

Could you please advise if a representative from Teck will plan to attend the inspection on Wednesday? If a representative from Teck is not available to attend, could you please advise of any potential access issues (locked entry, etc)?

Thank you,



Adrienne Turcotte, P.Ag  
**Reclamation Inspector, Major Mines Office**  
Ministry of Energy, Mines and Low Carbon Innovation  
**Phone:** 250-371-3903



## RE: May 27, 2021 - Beaverdell Mine Inspection - Field Trip Check In Form

From: Antill, Timothy EMLI:EX  
To: Turcotte, Adrienne EMLI:EX <Adrienne.Turcotte@gov.bc.ca>  
Sent: May 26, 2021 1:53:40 PM PDT  
Attachments: image001.jpg  
Great, thanks Adrienne!  
Safe travels tomorrow  
Tim

*Tim Antill, M.Sc., P.Ag., R.P.Bio*  
Manager, Senior Reclamation Inspector  
B.C. Ministry of Energy, Mines and Low Carbon Innovation

**From:** Turcotte, Adrienne EMLI:EX <Adrienne.Turcotte@gov.bc.ca>  
**Sent:** May 26, 2021 1:42 PM  
**To:** Antill, Timothy EMLI:EX <Timothy.Antill@gov.bc.ca>  
**Subject:** May 27, 2021 - Beaverdell Mine Inspection - Field Trip Check In Form

Hey Tim,

Here are the details of my inspection to Beaverdell tomorrow:

Field Trip Check In Form	
<b>Field Trip Date(s): May 27, 2021</b>	<b>Field Crew: Adrienne Turcotte</b>
<b>Designated Check in Person (Primary Contact):</b> Tim Antill, MMO Reclamation Manager	
<b>Trip Information (location, coordinates, map):</b> Beaverdell Mine – Beaverdell, BC	
<b>Departure Time:</b> Kamloops 730am  Beaverdell 230pm  Via Hwy 1, Hwy 97, Hwy 33	<b>Arrival Time:</b> Beaverdell 11am  Kamloops 6pm
<b>Check in Interval/Times:</b> On departure and arrival, and every 2 hrs in between	
<b>Truck Information:</b> <ul style="list-style-type: none"><li>• 2018 Chevy Silverado 2500, dark brown, with Canopy</li><li>• Plate:s.22</li></ul>	
<b>Identified Risks:</b> <ul style="list-style-type: none"><li>• Driving hazards: wildlife, other vehicles</li><li>• Weather</li><li>• Limited cell service on parts of the drive</li></ul>	<b>Emergency Equipment Available</b> <ul style="list-style-type: none"><li>• InReach</li><li>• Cell phone 778-220-4607</li></ul>
<b>Notes (site contact information, additional information):</b> 1. Jason McBain 236-987-9941 <a href="mailto:Jason.McBain@teck.com">Jason.McBain@teck.com</a>	



Adrienne Turcotte, P.Ag  
**Reclamation Inspector, Major Mines Office**  
Ministry of Energy, Mines and Low Carbon Innovation  
Phone: 250-371-3903

## 20210527\_M\_71\_Beaverdell\_Inspection\_(34x44L).kml

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From: Turcotte, Adrienne EMLI:EX <Adrienne.Turcotte@gov.bc.ca>  
To: Lee, Samson EMLI:EX <Samson.Lee@gov.bc.ca>  
Sent: May 31, 2021 11:48:03 AM PDT  
Attachments: 20210527\_M\_71\_Beaverdell\_Inspection\_(34x44L).kml  
Hi Sam

Attached is the Avenza track and points from my inspection Thursday. I ended up using the 2019 figure GIS created for this inspection.

Could you please make me a figure of the inspection with the approved PMA showing?

I have to issue this report on Friday.

Let me know if you need anything from me.

Thanks!

Adrienne

20210527\_M\_71\_Beaverdell\_Inspection\_(34x44L).kml

Sent from my iPad

## RE: CLIFF 260755 - Failure of Teck Resource Ltd. to comply with s.13 of the Water Sustainability Act

---

From: Antill, Timothy EMLI:EX  
To: Constable, Lowell EMLI:EX <Lowell.Constable@gov.bc.ca>  
Sent: June 1, 2021 1:08:15 PM PDT  
Attachments: image001.jpg

Hi Lowell.

Adrienne did her Beaverdell inspection last week. In addition to the normal inspection report, do you want any follow up regarding the complaint (eg a memo or communication with the land owner)?

Based on the site visit, Adrienne did not feel that the revetment work at the Beaverdell site would result in the concerns outlined by the land owner. It sounds like someone (not Teck) has installed an separate revetment on the left bank near/on the private property, that would likely be more problematic. Could dig into it and the history a bit more, but have not pursued it to date. Depends on what we want for follow up.

Happy to discuss further

Tim

*Tim Antill, M.Sc., P.Ag., R.P.Bio*

Manager, Senior Reclamation Inspector

B.C. Ministry of Energy, Mines and Low Carbon Innovation

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**From:** Constable, Lowell EMLI:EX <Lowell.Constable@gov.bc.ca>  
**Sent:** May 11, 2021 11:41 AM  
**To:** Antill, Timothy EMLI:EX <Timothy.Antill@gov.bc.ca>; Marques, Victor EMLI:EX <Victor.Marques@gov.bc.ca>  
**Cc:** Norlund, Kelsey EMLI:EX <Kelsey.Norlund@gov.bc.ca>; Shaw, Sean EMLI:EX <Sean.Shaw@gov.bc.ca>  
**Subject:** RE: CLIFF 260755 - Failure of Teck Resource Ltd. to comply with s.13 of the Water Sustainability Act

Fantastic Tim! Thanks for jumping on this like that, and to Sarah and especially to Adrienne.

-Lowell

---

**From:** Antill, Timothy EMLI:EX <Timothy.Antill@gov.bc.ca>  
**Sent:** May 11, 2021 11:36 AM  
**To:** Constable, Lowell EMLI:EX <Lowell.Constable@gov.bc.ca>; Marques, Victor EMLI:EX <Victor.Marques@gov.bc.ca>; Shaw, Sean EMLI:EX <Sean.Shaw@gov.bc.ca>  
**Cc:** Norlund, Kelsey EMLI:EX <Kelsey.Norlund@gov.bc.ca>  
**Subject:** RE: CLIFF 260755 - Failure of Teck Resource Ltd. to comply with s.13 of the Water Sustainability Act

Hello,  
Adrienne will visit the site next week to complete an inspection. She is familiar with the site and has been there before. She had actually driven by the site not too long ago and was commenting to herself on the height of the river and the past armouring works.

In talking with Victor, she will coordinate with Sarah Morse to capture potential Geotech concerns.

All the best,  
Tim

*Tim Antill, M.Sc., P.Ag., R.P.Bio*

Manager, Senior Reclamation Inspector

B.C. Ministry of Energy, Mines and Low Carbon Innovation

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**From:** Constable, Lowell EMLI:EX <Lowell.Constable@gov.bc.ca>  
**Sent:** May 11, 2021 11:10 AM  
**To:** Antill, Timothy EMLI:EX <Timothy.Antill@gov.bc.ca>; Marques, Victor EMLI:EX <Victor.Marques@gov.bc.ca>; Shaw, Sean EMLI:EX <Sean.Shaw@gov.bc.ca>  
**Cc:** Norlund, Kelsey EMLI:EX <Kelsey.Norlund@gov.bc.ca>

**Subject:** RE: CLIFF 260755 - Failure of Teck Resource Ltd. to comply with s.13 of the Water Sustainability Act

I think we need to check it out in-person given the concerns raised.

---

**From:** Antill, Timothy EMLI:EX <[Timothy.Antill@gov.bc.ca](mailto:Timothy.Antill@gov.bc.ca)>

**Sent:** May 11, 2021 10:56 AM

**To:** Marques, Victor EMLI:EX <[Victor.Marques@gov.bc.ca](mailto:Victor.Marques@gov.bc.ca)>; Constable, Lowell EMLI:EX <[Lowell.Constable@gov.bc.ca](mailto:Lowell.Constable@gov.bc.ca)>; Shaw, Sean EMLI:EX <[Sean.Shaw@gov.bc.ca](mailto:Sean.Shaw@gov.bc.ca)>

**Cc:** Norlund, Kelsey EMLI:EX <[Kelsey.Norlund@gov.bc.ca](mailto:Kelsey.Norlund@gov.bc.ca)>

**Subject:** RE: CLIFF 260755 - Failure of Teck Resource Ltd. to comply with s.13 of the Water Sustainability Act

Hi there,

If it is a priority for someone to visit, it could be done in a day from Kamloops for Adrienne.

It may be good to visit the site during current high water levels to see river flows in relation to the completed works and the property in question.

Cheers,

Tim

*Tim Antill, M.Sc., P.Ag., R.P.Bio*

Manager, Senior Reclamation Inspector

B.C. Ministry of Energy, Mines and Low Carbon Innovation

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**From:** Marques, Victor EMLI:EX <[Victor.Marques@gov.bc.ca](mailto:Victor.Marques@gov.bc.ca)>

**Sent:** May 11, 2021 10:45 AM

**To:** Constable, Lowell EMLI:EX <[Lowell.Constable@gov.bc.ca](mailto:Lowell.Constable@gov.bc.ca)>; Shaw, Sean EMLI:EX <[Sean.Shaw@gov.bc.ca](mailto:Sean.Shaw@gov.bc.ca)>; Antill, Timothy EMLI:EX <[Timothy.Antill@gov.bc.ca](mailto:Timothy.Antill@gov.bc.ca)>

**Cc:** Norlund, Kelsey EMLI:EX <[Kelsey.Norlund@gov.bc.ca](mailto:Kelsey.Norlund@gov.bc.ca)>

**Subject:** RE: CLIFF 260755 - Failure of Teck Resource Ltd. to comply with s.13 of the Water Sustainability Act

Thanks Lowell, we will do at least a desktop inspection. Is this is high priority for a field inspection as well?

---

**From:** Constable, Lowell EMLI:EX <[Lowell.Constable@gov.bc.ca](mailto:Lowell.Constable@gov.bc.ca)>

**Sent:** May 11, 2021 8:57 AM

**To:** Marques, Victor EMLI:EX <[Victor.Marques@gov.bc.ca](mailto:Victor.Marques@gov.bc.ca)>; Shaw, Sean EMLI:EX <[Sean.Shaw@gov.bc.ca](mailto:Sean.Shaw@gov.bc.ca)>; Antill, Timothy EMLI:EX <[Timothy.Antill@gov.bc.ca](mailto:Timothy.Antill@gov.bc.ca)>

**Subject:** FW: CLIFF 260755 - Failure of Teck Resource Ltd. to comply with s.13 of the Water Sustainability Act

Hi Victor, Tim and Sean,

Please have a look at the exchange below. A month or two ago when this first made it's way to me I had requested Victor add Beavertell to the inspection list this year. This is why. I'm not sure it 100% needs to be a Geotech or Reclamation, but we should see if someone can go have a look at this work.

I've directed the info request through FOI, so no need to action that piece until it's official.

-Lowell

---

**From:** s.22

**Sent:** May 10, 2021 9:05 PM

**To:** Constable, Lowell EMLI:EX <[Lowell.Constable@gov.bc.ca](mailto:Lowell.Constable@gov.bc.ca)>

**Cc:** Wiggill, Garth W FLNR:EX <[Garth.Wiggill@gov.bc.ca](mailto:Garth.Wiggill@gov.bc.ca)>; Hills, Gerald FLNR:EX <[Gerald.Hills@gov.bc.ca](mailto:Gerald.Hills@gov.bc.ca)>

**Subject:** Re: CLIFF 260755 - Failure of Teck Resource Ltd. to comply with s.13 of the Water Sustainability Act

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

Thank you for your response.

Some of the actual works that were done appear to include work that was below the high water mark, and not on private land. In 2019, Teck did work on both sides of the river. The river bed was raised on the opposite side of their main works. Additionally, hydraulic devices were also installed in the river.

As such we request:

- 1) the applications submitted by Teck (including the proposed scope of work)
- 2) the complete approval/authorization file for Teck's works (2019 and 2020), and
- 3) reports from any on-site inspections.

Respectfully,

s.22

---

**From:** Constable, Lowell EMLI:EX <Lowell.Constable@gov.bc.ca>

**Sent:** May 10, 2021 11:28 AM

**To:** s.22

**Cc:** Wiggill, Garth W FLNR:EX <Garth.Wiggill@gov.bc.ca>; Hills, Gerald FLNR:EX <Gerald.Hills@gov.bc.ca>

**Subject:** RE: CLIFF 260755 - Failure of Teck Resource Ltd. to comply with s.13 of the Water Sustainability Act

Dear s.22

Thank you for your email of January 22, 2021, to Minister Conroy, regarding work conducted by Teck Resources Ltd. in the West Kettle River near Beaverdell, BC. I have been asked to respond.

The safety and stability of tailings storage dams is a top priority in BC. The site in question is closed and in long-term monitoring phase. In 2019 the Engineer of Record for the tailings facility recommended that erosion protection be placed avoid damage to the Tailings Storage Facility dam integrity and potential release of tailings material into the West Kettle River. As such, the works mentioned in your email were considered a high priority.

Because the tailings storage facility is authorized by the Ministry of Energy, Mines and Low Carbon Innovation (EMLI) under the *Mines Act*, and the proposed works were on private land above the high-water mark, approval was granted through a *Mines Act* permit amendment. Prior to issuing this authorization, the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) reviewed the proposed scope of work confirmed that a *Water Sustainability Act* (WSA) authorization under Section 13 of the WSA did not apply.

*Mines Act* permits are publicly available on this Major Mines website <https://mines.nrs.gov.bc.ca/projects>. Given the concerns you have expressed and your description of the works that were completed, an EMLI mines inspector will visit the Beaverdell site to ensure that works that have been completed are consistent with the design of the works approved in the permit amendment.

Section 41 (3) of the Water Sustainability Regulation (WSR) also indicates that work carried out under a *Mines Act* permit “must ensure that the authorized change is designed, constructed and maintained so that the change does not pose a significant risk of harm to public safety, the environment, land or other property.” If concerns are raised by our mines Inspectors, they may contact the Compliance and Enforcement team in the FLNRORD Kootenay Boundary Region. You are also able to report a suspected violation via the Report all Poachers and Polluters line <https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/natural-resource-law-enforcement/conservation-officer-service/cos-rapp>

Again, thank you for writing and sharing your concerns.

Sincerely,

J. Lowell Constable, P.Eng.

Executive Director and Deputy Chief Permitting Officer, Major Mines Office

Ministry of Energy, Mines and Low Carbon Innovation

1810 Blanshard Street 6<sup>th</sup> Floor | Victoria BC | V8W 9N3 |

Office: 778-698-7274



Lowell Constable

Executive Director/Deputy Chief Inspector

Major Mines Office

---

**From:** s.22 [mailto:s.22]

**Sent:** Friday, January 22, 2021 2:34 PM

**To:** Conroy.MLA, Katrine <Katrine.Conroy.MLA@leg.bc.ca>

**Cc:** Popham.MLA, Lana <Lana.Popham.MLA@leg.bc.ca>; Paton.MLA, Ian <Ian.Paton.MLA@leg.bc.ca>; White, Ted T FLNR:EX <Ted.White@gov.bc.ca>

**Subject:** Failure of Teck Resource Ltd. to comply with s.13 of the Water Sustainability Act flooded s.22 s.22

The following is written without prejudice:

To: Minister of Forests, Lands, Natural Resource Operations and Rural Development, the Honourable Katrine Conroy (via email)

c/c: Minister of Agriculture, the Honourable Lana Popham (via email)

Official Opposition Critic for Agriculture and Food Security, Ian Paton (via email)

Director and Comptroller of Water Rights, Ted White (via email)

Dear Madam,

In 2018, the West Kettle River experienced a major flooding event (the largest recorded on this river). The 2018 flood resulted in Teck's property eroding in a very sensitive area. Teck's property is no longer an active mine mill site (they abandoned their water rights/licence around 1996), but it contains multiple tailing storage facilities (seven). The erosion occurred precariously close to one of the tailings ponds; in fact, this almost caused a Mount Polley-type disaster in freshet 2018.

s.22

from Teck

Resources Limited ("Teck") mining property (PID: 015 104 630). s.22

s.22

s.22

You can't make changes to one property, especially in or about a stream, without it impacting the other. This should be quite obvious and Teck is keenly aware of this. In fact, s.22 after the flood, project manager

Gerry Murdoch, immediately stated Teck was interested in buyings.22

s.22

That is the only occasion we heard they had such an interest.

Teck began doing work in the West Kettle river in November 2019 making alterations to the stream. Their new works appear to be well beyond "repair or replacement" of the original works lost in the 2018 flood. s.22

In November 2020, Teck was in the river again further making changes to the stream that will impact s.22 because of creating further increased flooding risk. Again, without providing us with a Notice of the Application.

So, why weren't we informed about Teck's Application or Applications (see section 13 of the WSA below - underline and highlighting added)? Did the decision maker simply fail to direct the applicant to give us Notice? We would have strongly opposed the application or worked with them to mitigate the risk they were creating for us. This right to oppose an application is an important aspect in the *Water Sustainability Act*. We were never informed about the application and only learned they must have had permission in November 2019 when we heard and witnessed Teck building a large coffer dam in the West Kettle River. Teck had s.22

#### Objections to applications and decision maker initiatives

13 (1) A decision maker must direct that an applicant for a licence, use approval or change approval, or for an amendment to any of them involving a change of works, give notice of the application in accordance with section 117 [delivery and publication of documents and information] or the regulations to

(a) any of the following whose rights the decision maker considers are likely to be detrimentally affected if the application is granted:

- (i) an authorization holder;
- (ii) a change approval holder;
- (iii) an applicant for an authorization or change approval;
- (iv) a riparian owner, and

(b) a land owner whose land is likely to be physically affected if the application is granted.

Freshet 2020 caused significantly more damage and flooding to our property than the 2018 flood with: erosion of land, destroyed fence, loss of topsoil (measured in tons), logs and river debris all over our property. This damage would have been mostly avoidable had the decision maker and/or applicant followed section 13 of the *Water Sustainability Act*. s.22

s.22

So, I would like to know:

- (1) How Teck was possibly able to circumvent this section of the *Water Sustainability Act*?
- (2) Who was the decision maker involved in approving this application?
- (3) I would like a copy of the application *and* decision, along with the extent of the "works" Teck is proposing.

s.22

Teck provide us with copy of their permits related to their works (presumably from the Ministry of Forest, Lands, Natural Resource Operations and Rural Development, from the DFO and any other relevant parties) - and our requests have either been ignored or not properly followed through by their employees.

Additionally, the decision to allow Teck to build a new "super" berm in the West Kettle will also not likely adequately safe guard the West Kettle River from a tailings storage facility breach in the case of another large flood event. We almost had this event in freshet 2020, when it was forecast to greatly surpass the 2018 flood. (Please see attachment with a forecast of the river's discharge rate late May 2020.) Fortunately, the precipitation during this time hit differently and the forecast proved incorrect. The only safe way to protect the West Kettle River is for Teck to remove at least 2 of the 7 tailings storage facilities further inland. Had the decision maker (and/or Teck) followed s. 13 of the WSA- we would have been able to bring that evidence forward. This situation causes a risk to everyone in Agriculture who relies on water from the West Kettle to produce.

The Ministry of Forest, Lands, Natural Resource Operations and Rural Development has made farming our land excessively difficult if not impossible in 2020. Please correct me if I am mistaken, but doesn't the WSA apply in this situation?

Respectfully,

s.22

s.22