

**From:** Ted Robbins  
**To:** [Messmer, Mark J EMPR:EX](#)  
**Cc:** [Annette Constabel](#)  
**Subject:** CRD meeting  
**Date:** Thursday, April 19, 2018 8:48:12 AM

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Mark,

Thank-you again for taking the time to meet with Annette and I yesterday to discuss the Leech Water Supply Area mineral and placer tenures. One of the documents you took with you included the 'notice of motion' that was presented to the Regional Water Supply Commission by Commissioner Isitt. Just to be clear, the motion that was passed by the Commission was slightly different than the motion first presented. The motion that was passed reads as follows:

*That the Regional Water Supply Commission direct staff to engage the Province of British Columbia, specifically the Ministry of Energy, Mines and Petroleum Resources and the Ministry of Environment, requesting that the existing legislative restriction on mining activities in the Sooke Lake watershed be extended to catchment lands in the Leech River watershed, to safeguard water quality in the long term.*

We look forward to further discussions on this matter.

Ted

**Ted Robbins** | General Manager  
Integrated Water Services, Capital Regional District  
479 Island Highway, Victoria, BC V9B 1H7  
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**From:** Annette Constabel  
**To:** [Messmer, Mark J EMPR:EX](#)  
**Subject:** RE: Leech watershed - NRR  
**Date:** Wednesday, January 18, 2017 9:47:54 AM

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Hi again,  
Just to let you know, Ted Robbins (General Manager for Integrated Water) is also hoping to join us.  
Thanks,  
Annette

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**From:** Messmer, Mark J MEM:EX [mailto:[Mark.Messmer@gov.bc.ca](mailto:Mark.Messmer@gov.bc.ca)]  
**Sent:** Tuesday, January 17, 2017 12:36 PM  
**To:** Annette Constabel <[aconstabel@crd.bc.ca](mailto:aconstabel@crd.bc.ca)>  
**Subject:** RE: Leech watershed - NRR

Sure that would be great. I am on the fourth floor. I will let the security folks know to expect you at 1100.

Cheers,  
Mark

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**From:** Annette Constabel [mailto:[aconstabel@crd.bc.ca](mailto:aconstabel@crd.bc.ca)]  
**Sent:** Tuesday, January 17, 2017 12:33 PM  
**To:** Messmer, Mark J MEM:EX  
**Subject:** RE: Leech watershed - NRR

Thanks for your responses and offer to meet.  
Would tomorrow at 11:00 for about 30 minutes work for you, at your Victoria office?

Thanks,  
Annette

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**From:** Messmer, Mark J MEM:EX [mailto:[Mark.Messmer@gov.bc.ca](mailto:Mark.Messmer@gov.bc.ca)]  
**Sent:** Tuesday, January 17, 2017 9:47 AM  
**To:** Annette Constabel <[aconstabel@crd.bc.ca](mailto:aconstabel@crd.bc.ca)>  
**Subject:** RE: Leech watershed - NRR

Hi Annette,

Chris forwarded your note below to me – I have provided brief responses to your questions in red below.

I am in Victoria today and tomorrow morning if you wanted to meet in person, I have some time available. Otherwise a phone call this week would be fine.

My office in Victoria is at 1810 Blanshard (the Jack Davis Building) and my cell is 778-874-9622.

Regards,  
Mark

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Mark Messmer  
Chief Gold Commissioner and Executive Director  
Mineral Titles Branch  
Ministry of Energy and Mines  
Suite 300 - 865 Hornby Street  
Vancouver, BC V6Z 2G3  
phone: 604-660-2814

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**From:** Kositsin, Chris MEM:EX  
**Sent:** Tuesday, January 17, 2017 9:21 AM  
**To:** Messmer, Mark J MEM:EX  
**Subject:** FW: Leech watershed – NRR

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**From:** Annette Constabel [<mailto:aconstabel@crd.bc.ca>]  
**Sent:** Monday, January 16, 2017 3:58 PM  
**To:** Kositsin, Chris MEM:EX  
**Subject:** Leech watershed - NRR

Hi Chris,

We have spoken on the phone a couple of times in the last two years, related to mining tenures in the Leech watershed.

You may know that this past summer we applied on a NRR for our Leech Water Supply Area and the reserve was established by OIC in October.

In presenting the information of the reserve establishment to our Regional Water Supply Commission, the Directors asked for information/clarification on some items, that I am to report back to them on. Could we have a phone meeting to discuss these items in the next couple of weeks?

Info Requested:

1. If a mineral tenure is for the purpose of exploration for possible development of a mine, given the reserve, is development of a mine in the reserve area still possible, and if not, why should these tenures be allowed to continue? The short answer is yes. The no registration reserve only prohibits the registration of new mineral titles in the reserve area. The no registration reserve does not impact the rights of existing recorded holders of claims. They can still apply for a permit under section 10 of the Mines Act to conduct mechanized mining activity. They do not require a permit to conduct non mechanized mining activity, in accordance with the placer hand mining guidelines. See attached, and also see Seciton 14 of

the Mineral Tenure Act, with respect to the rights of recorded holders of claims.  
<http://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/mineral-exploration-mining/documents/mineral-titles/notices-mineral-placer-titles/information-updates/infoupdate38.pdf>

2. Could the CRD purchase tenures from miners and then let them forfeit as a way of reducing the total number of mining tenures in the reserve area? The short answer is yes. The CRD would have to apply for a free miner certificate, and the purchase of a claim must be registered in Mineral Titles Online in order for the CRD to become a recorded holder of a claim. If the CRD were to be the recorded holder of a claim, it could register an abandonment of the claim.
3. Exploration for minerals is understood to include excavation, drilling etc..., what types of activities are allowed on placer tenures beyond panning? Directors brought up using sluice boxes and water jetting as activities they understood were allowed. See guidelines in response to your question 1 above. In general terms, no mechanized mining activity may be conducted on a claim, unless the recorded holder has a valid permit issued under Section 10 of the Mines Act. In the absence of a permit, the right of a recorded holder to conduct mining activity is only "hand work" or hand prospecting. There is no right to occupy a claim for any other purpose than to explore for minerals or placer minerals.
4. s.16

How is your availability this Friday afternoon thru next week? If I should be directing these questions to another person in your branch, please forward. This Friday is good for me, I am pretty tied up all of next week, but could probably squeeze in a call somewhere.

Thanks for your help,  
Annette

**Annette Constabel** MSc RPF PMP  
Senior Manager, Watershed Protection  
Capital Regional District  
Office: 250.391.3556  
Cell: 250.881.4971

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**From:** Annette Constabel  
**To:** Messner, Mark J EMPR-EX  
**Subject:** RE: Sooke Water Supply Area - all reserved from mining?  
**Date:** Monday, October 16, 2017 4:31:28 PM  
**Attachments:** image001.png  
image002.png  
image003.png  
image007.png  
image008.png  
ChadBartlettPlacerClaims1053942\_1037248.pdf

Hi Mark,

Thanks for your note. When I received the out of office, I went ahead and forwarded my question to Chris Kositsin. Below is further detail he gave.

What I was really trying to get a handle on was whether the Sooke Water Supply Area (WSA), which doesn't show as a reserve in MTO, is reserved from mining in the area of these two claims. I'll attach the map that shows the Sooke WSA in relation to these claims. What I understand from Chris is that the entire Sooke WSA is reserved, and that the miner has no authority to enter and mine in the Sooke WSA portion of his claims. Chris' words were not that strong however, so let me know if I've misunderstood. Based on this, I will recommend to our Commission that they not approve access to the miner to these two claims through the Water Supply Area (there is TimberWest access on the west side).

Thanks,  
Annette

**From:** Kositsin, Chris MEM-EX [mailto:Chris.Kositsin@gov.bc.ca]  
**Sent:** Thursday, October 12, 2017 3:06 PM  
**To:** Annette Constabel <aconstabel@crd.bc.ca>  
**Subject:** FW: Sooke Water Supply Area - all reserved from mining?

Annette,

I just realized that I didn't answer all your questions.

The no registration reserve, site number 334063, pre-dates the two newly acquired claims and therefore takes priority. The claims get no placer rights over the reserved area.

As the WSA was created through an act of legislation, it does not have a shape or polygon to spatially represent the area in the mapping world. Even without a spatially representation of the WSA, valid parts of the legislation still in effect would still potentially have effect on the claims depending on its wording. My assumption is that the legislation is older than the newly acquired claims and that any area covered by the WSA would probably have priority over the claims.

Thanks,

*Chris Kositsin*

Manager, Mineral Titles Registry

Mineral Titles Branch

300-865 Hornby Street

Vancouver BC V6Z 2G3

Phone: (604) 660-6723

Fax: (604) 660-2653

**From:** Kositsin, Chris MEM-EX

**Sent:** Thursday, October 12, 2017 2:18 PM

**To:** 'Annette Constabel'

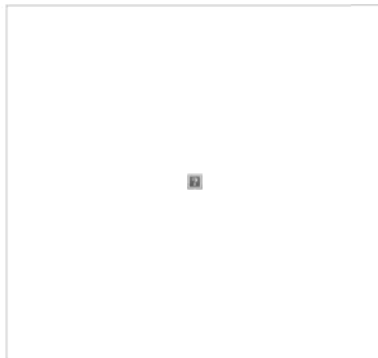
**Subject:** RE: Sooke Water Supply Area - all reserved from mining?

Annette,

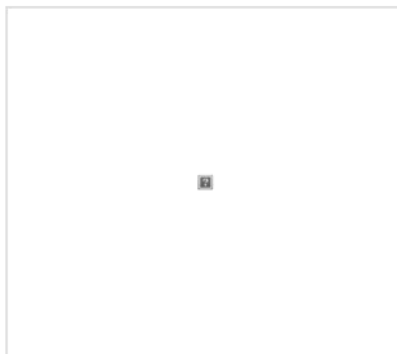
Our policy is that as long as our Mineral Titles Online (MTO) application can calculate more than 1 hectare of available area within a cell then the cell is made available for a free miner to be able to acquire.

It is the free miner's responsibility to research the area to determine when mineral rights they may or may not be acquiring. It is also up to the free miner to determine if the available area for acquisition is valuable enough for them to acquire the claim. The free miner is required to pay for the whole cell and to maintain the full cell even though they are currently only acquiring rights to a reduced area.

Title 1053942 – Only the green/blue shaded area in the south west corner of the title is where the claim acquired placer rights. The remainder of the claim is covered by a no registration reserve or is not open for placer acquisition at all.



Title 1037248 – Only the green/blue shaded area in the north west corner of the title is where the claim acquired placer rights. The remainder of the claim is covered by a no registration reserve and an existing legacy placer claim 338475.



Once you have had a chance review, please do not hesitate to phone me if you wish to discuss.

Thanks,

*Chris Kositsin*

Manager, Mineral Titles Registry

**Mineral Titles Branch**

300-865 Hornby Street

Vancouver BC V6Z 2G3

Phone: (604) 660-6723

Fax: (604) 660-2653

Mineral Titles: [www.MineralTitles.gov.bc.ca](http://www.MineralTitles.gov.bc.ca)

Mineral Titles Email: [MineralTitles@gov.bc.ca](mailto:MineralTitles@gov.bc.ca)

Mineral Titles - Toll Free: 1-866-616-4999

MTO Information: [www.MineralTitles.gov.bc.ca/mto/Pages/default.aspx](http://www.MineralTitles.gov.bc.ca/mto/Pages/default.aspx)

MTO E-Service: [www.mtoonline.gov.bc.ca/](http://www.mtoonline.gov.bc.ca/)

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**From:** Messmer, Mark J MEM.LX [mailto:Mark.Messmer@gov.bc.ca]

**Sent:** Friday, October 13, 2017 9:55 AM

**To:** Annette Constabel <aconstabel@crd.bc.ca>

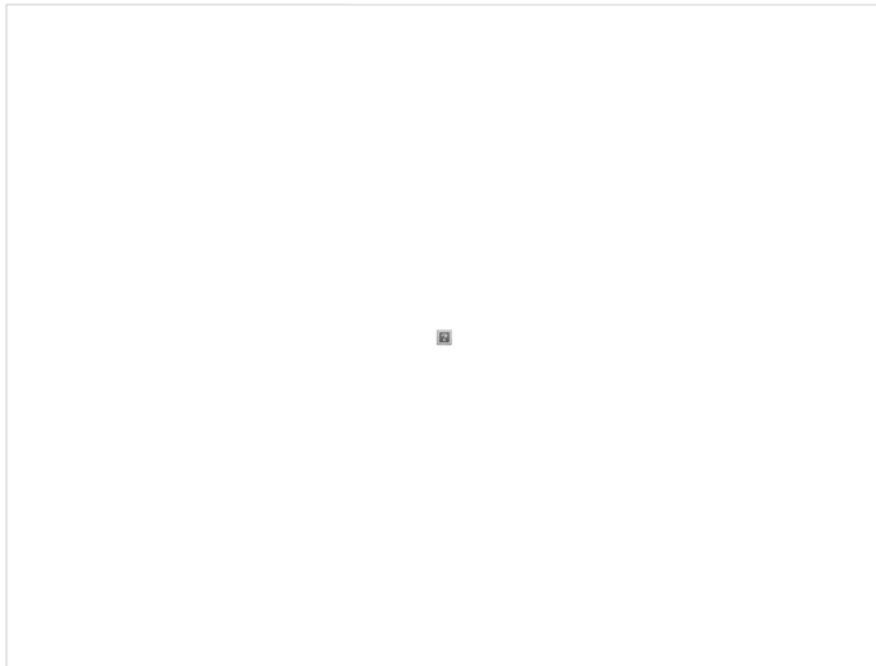
**Subject:** RE: Sooke Water Supply Area - all reserved from mining?

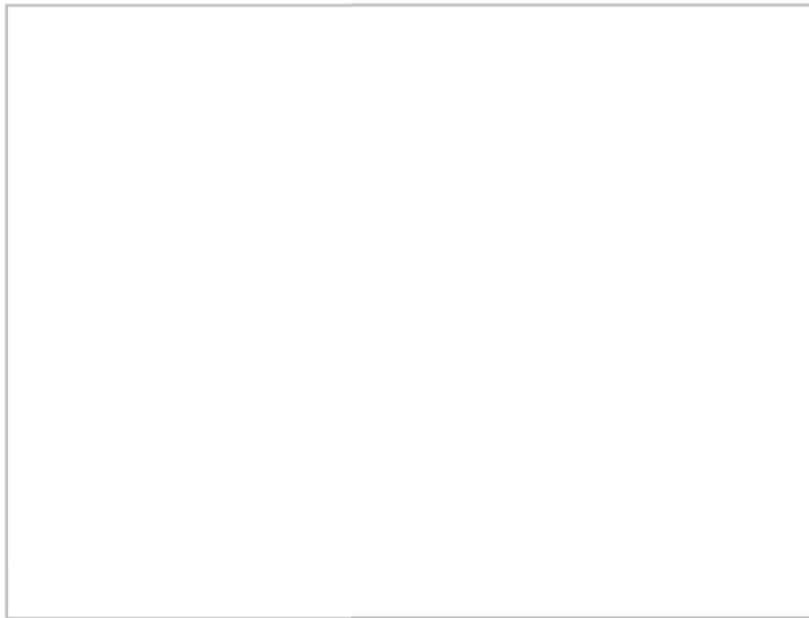
Hi Annette,

The placer exploration rights for claims 1037248 and 1053942 exist in the area of the grid cells not overlapping site 334063, which is the NRR for the water district lease land that was created in 1995 as BC Reg 198/95.

No registration reserves are shown as either shaded green or yellow in the MTO map viewer.

See attached screenshots below:





I am in the office today so give me a call if that is not clear.

Cheers,  
Mark

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Mark Messmer  
Chief Gold Commissioner and Executive Director  
Mineral Titles Branch  
Ministry of Energy, Mines and Petroleum Resources  
Suite 300 - 865 Hornby Street  
Vancouver, BC V6Z 2G3  
phone: 604-660-2814

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**From:** Annette Constabel [mailto:[aconstabel@crd.bc.ca](mailto:aconstabel@crd.bc.ca)]  
**Sent:** Wednesday, October 11, 2017 11:55 AM  
**To:** Messmer, Mark J MEM:EX  
**Subject:** Sooke Water Supply Area - all reserved from mining?

Hi Mark,

A recent claim acquisition overlapping our Sooke Water Supply Area (WSA) has raised the question of whether this implies rights to mine in the water supply area.

Our staff person, Nathan Boyne, raised this with Bev Quist, and we now understand that claims can overlap reserve areas without giving rights to mine in the reserve.

The question remaining for me, is how and exactly what are the boundaries of the reserve on Sooke WSA, since it does not show as reserved in the MTO mapping database. Specifically, is the sliver of the Sooke WSA within the new placer claim #1053942 reserved from mining?

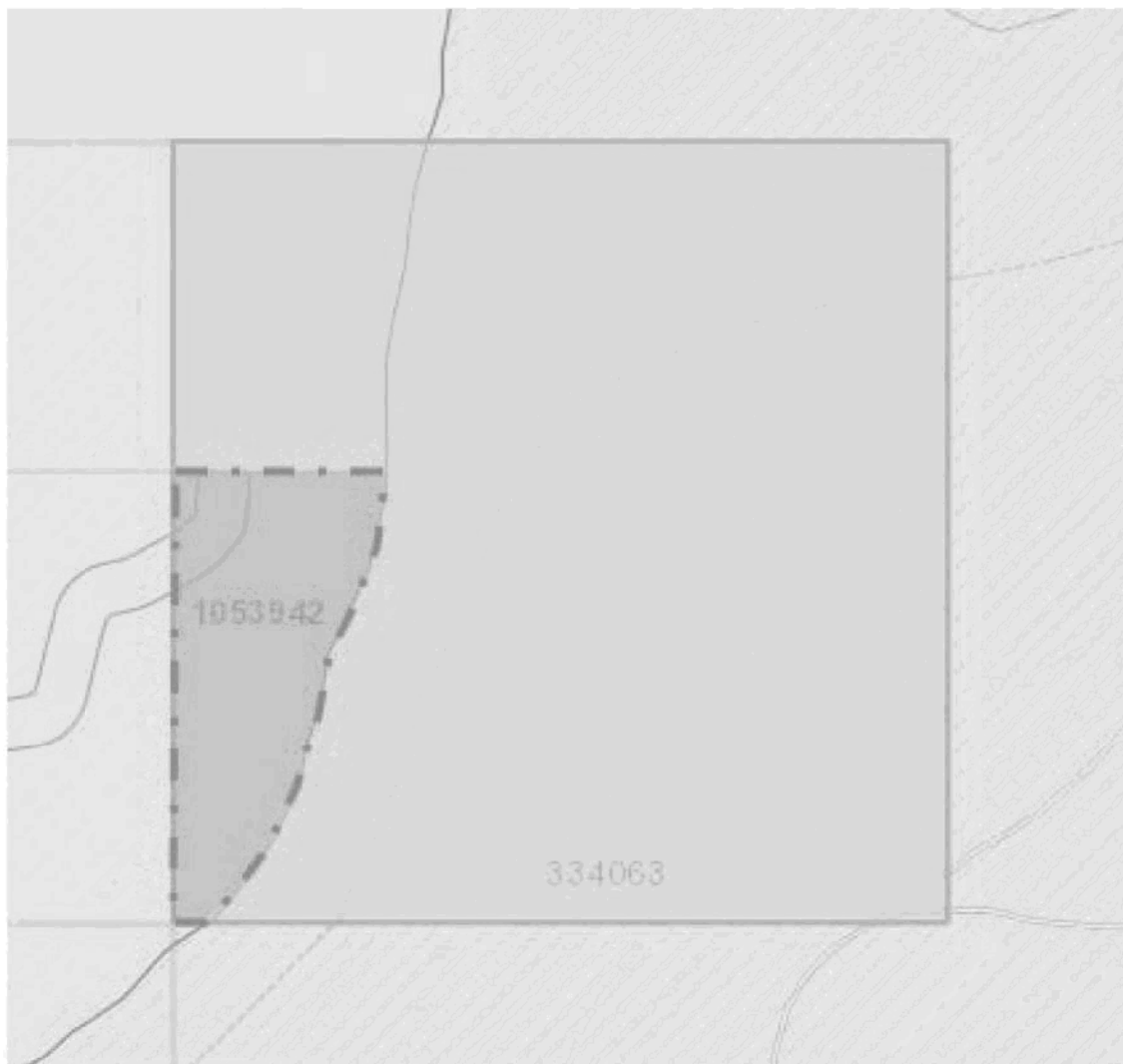
Below is a screen shot from MTO showing the Sooke WSA with the claim in question #1053942 highlighted yellow. Attached is also a map we made showing a close up of the properties related to this and another similar claim.

I'm reporting to our commission on these recent claim acquisitions on Friday, would appreciate a response prior if possible. A phone call is likely easiest to help my understanding. I'm at 250-391-3556.


Thanks,  
Annette

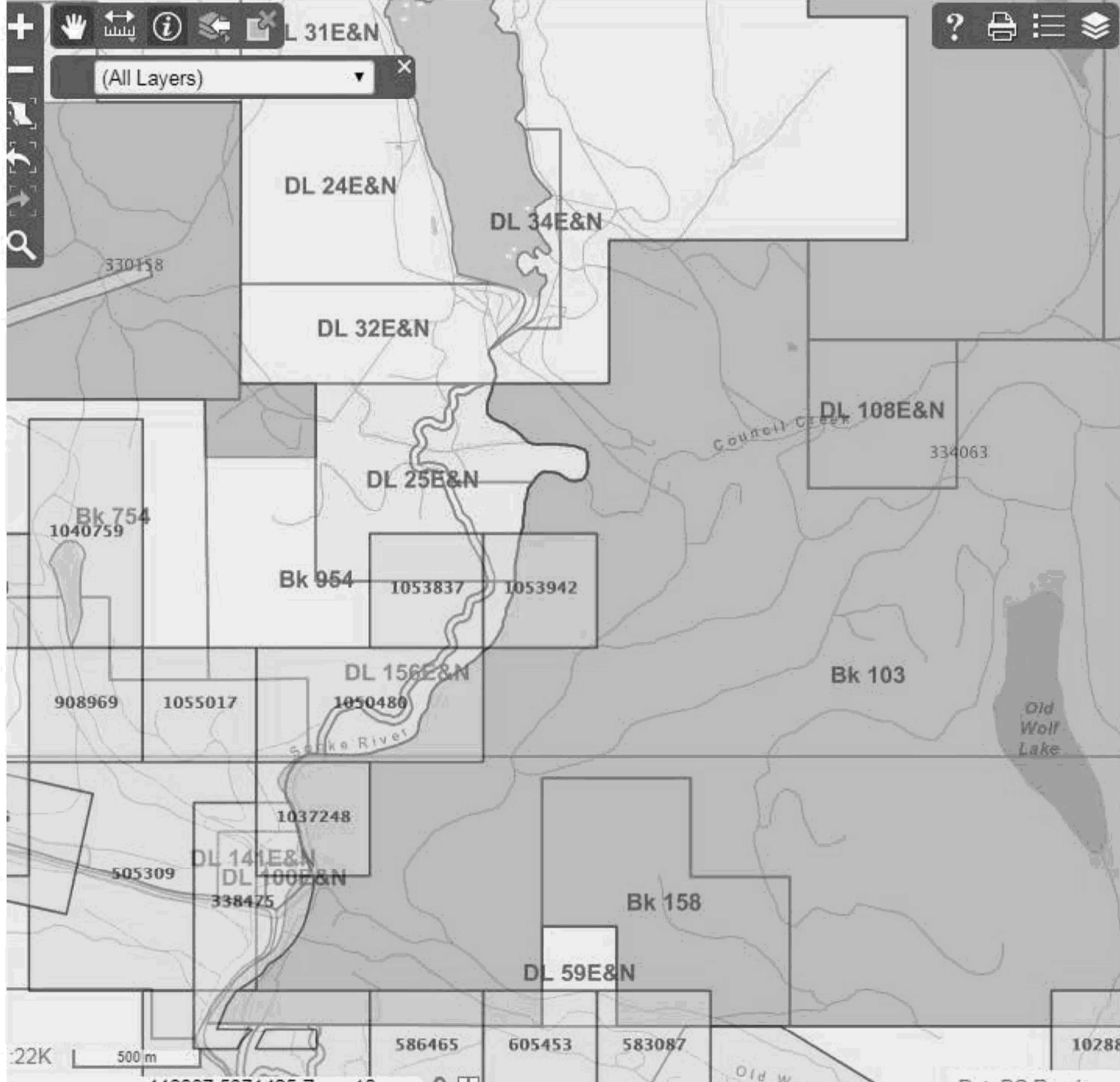


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Identify

**Mapsheet Grid (1:20,000)**

▼ 92B.042

**Mapsheet Grid (1:250,000)**

▼ 92B

**Title (current)**

▲ 1037248

Tenure Number ID 1037248 Click on the link to Show Details

Claim Name SOUTHERN MAN

Tenure Type Code P

Tenure Type Description Placer

Tenure Subtype Code C

Tenure Subtype Description CLAIM

Title Type Code PCX

Title Type Description Placer Cell Title

**Submission**

Issue Date 2015-07-10

Good to Date 2018-07-10

Area in Hectares 21.40

Protected Indicator N

Client Number ID 269228

Owner Name BARTLETT, CHAD DANIEL

Percent Ownership 100.0

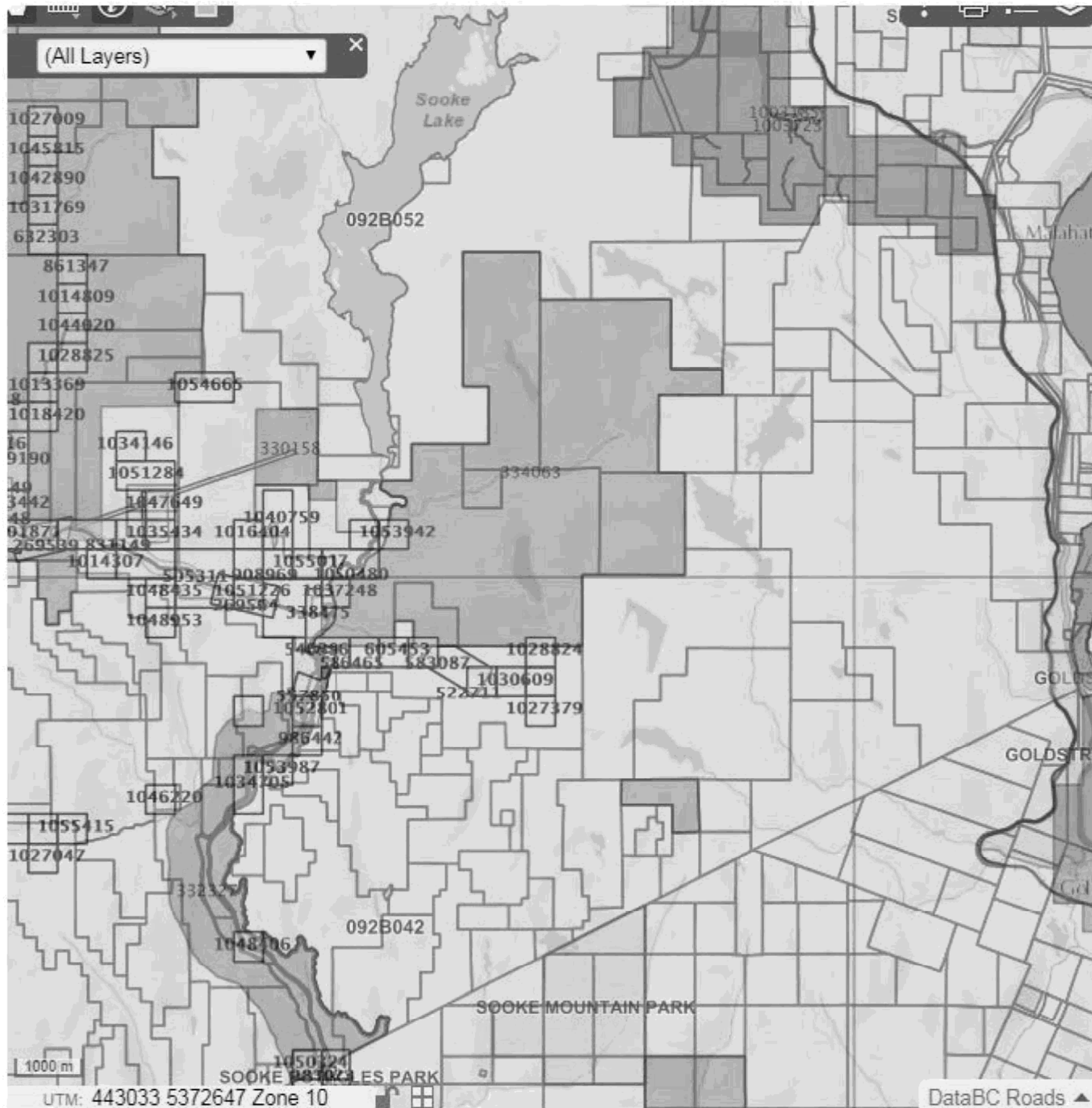
Number of Owners 1.0

**Land Act Survey Parcels - Tantalus - Outlined**

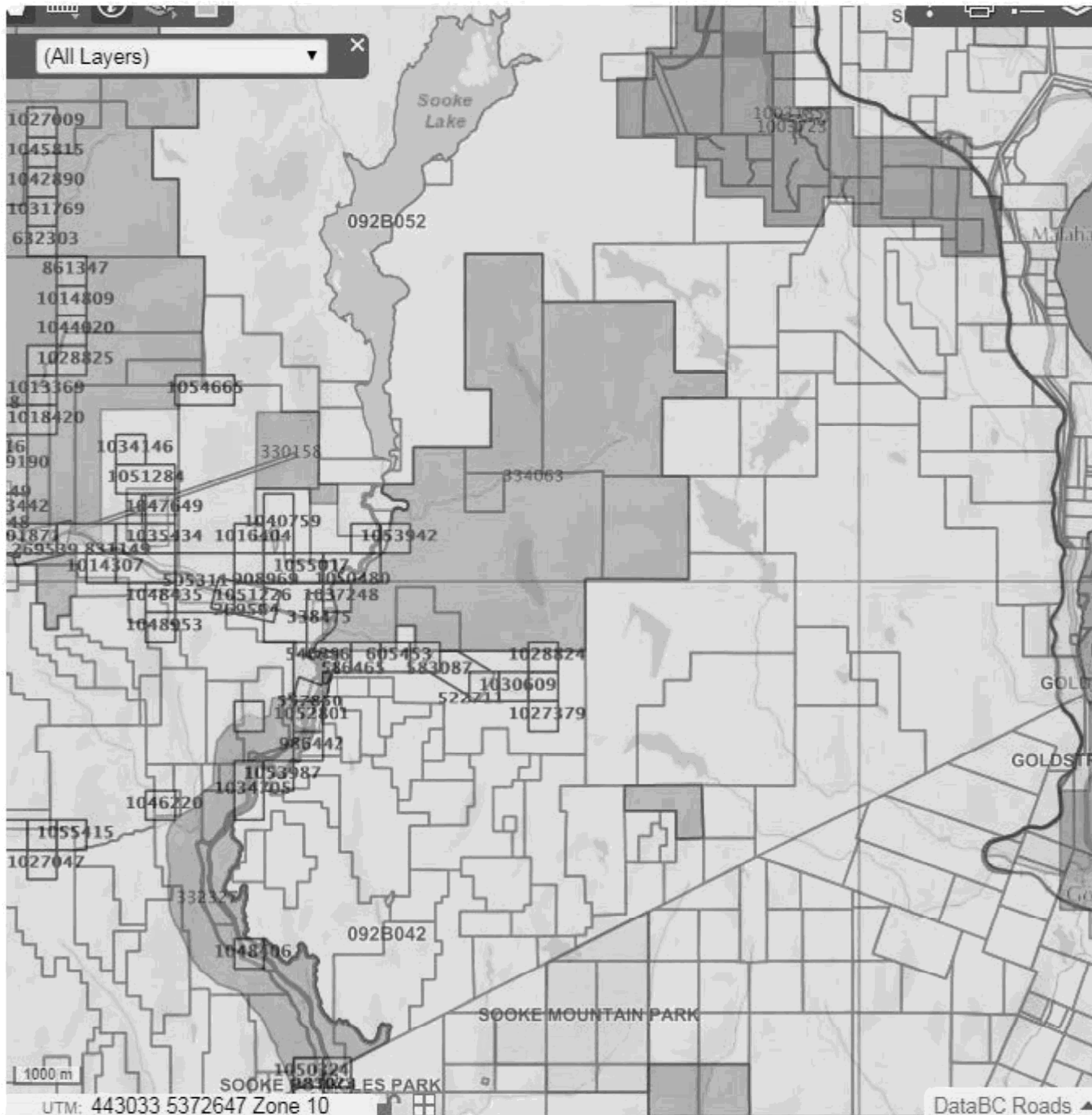
▼ 707390

**Reserves**

▼ 334063



Mapsheet Grid (1:20,000)



Mapsheet Grid (1:20,000)

▼ 92B.052

Mapsheet Grid (1:250,000)

▼ 92B

Land Act Survey Parcels - Tantalus - Outlined

▼ 707390

Reserves

▲ 334063

Site Number Id 334063 Click on the link

to Show Details

Site Name WATER DISTRICT

LEASE LAND

Mta Site Order Restr Code N

Mta Site Order Restr Desc No Registration

Reserve

Mta Site Reason Code WATE

Mta Site Reason Description Water

Reserve Type Mineral and Placer

Site Coal Ind N

Site Mineral Ind Y

Site Placer Ind Y

Mta Site Status Description PASSED

Total Area 2256.25

Project Name WATER DISTRICT

LEASE LAND

Requestor KAPOOR LUMBER

CO. LTD.

Client Number Id 136694

Effective Date 1995-05-02

Deposited Date 1995-05-02

Bc Regulation Number 019895

Ministerial Order Number 022495

File Id 14280030079



