



Ministry of  
Energy, Mines and  
Petroleum Resources

Ref: 108165

File: 19000-02/DMEC

October 28, 2019

Registered Mail

**DAVIS MINING & EXPLORATION CORP.**

P.O. BOX 190  
#320, 351 HUDSON AVENUE NE  
SALMON ARM BC V1E 4N3

Attention: Mine manager

**Re: Determination of Administrative Penalty**

Further to the Notice of Opportunity to be Heard issued to you on 2019-08-15 and your opportunity to be heard, via written submission dated 2019-09-10, respecting the alleged contraventions, I have now made a determination in this matter.

After reviewing the information available to me, I have concluded that Davis Mining and Exploration Corp. has contravened the *Mines Act* (Act) and Health, Safety and Reclamation Code for Mines in British Columbia (HSRC) as set out in the following pages, in respect of which an administrative penalty is being imposed pursuant to section (s) 36.2 of the Act and the Administrative Penalties (Mines) Regulation. The amount of the penalty, reasons for my decision, payment and appeal information are provided in the attached decision document.

In considering all the information before me as statutory decision maker I have decided not to apply a second and separate administrative penalty against you in your capacity mine manager at the time of the incident.

If you have any questions with regard to this determination, please contact me at [AMPSInquiries@gov.bc.ca](mailto:AMPSInquiries@gov.bc.ca)

Sincerely,

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Justyn Bell

A/Director – Emergency Management  
Health and Safety Branch

Attachment: Determination of Administrative Penalty

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Ministry of Energy, Mines  
and  
Petroleum Resources

Mines Health, Safety and  
Enforcement Division

Mailing Address:  
PO Box 9395 Stn Prov Govt  
Victoria, BC V8W 9M9  
Telephone: (778)698-7222

Location:  
3rd Floor  
1810 Blanshard Street  
Victoria

## DETERMINATION OF ADMINISTRATIVE PENALTY

File: 19000-02/DMEC

### NAME OF PARTY:

**Davis Mining & Exploration Corp**  
P.O. Box 190  
#320, 351 Hudson Ave NE  
Salmon Arm, BC V1E 4N3

### AMOUNT OF ADMINISTRATIVE PENALTY:

**\$2,075.00**

### CONTRAVENTION OR FAILURE:

#### Contravention 1:

1. Section (s).1.7.1(1) of the Health, Safety and Reclamation Code for Mines in British Columbia (HSRC):

In the event of:

“(b) any dangerous occurrence as specified in s.1.7.3, the manager shall inform an inspector, the Occupational Health and Safety Committee, and the local union or worker representative as soon as practicable, but no later than 4 hours after an event under paragraph (a) or 16 hours after an event under paragraph (b), and within 1 week send a written notification to an Inspector for an event under paragraph (a) or (b).”

2. Davis Mining and Exploration Corporation (Davis Mining) contravened s.1.7.1 (1) (b) of the HSRC by failing to report a dangerous occurrence within 16 hours after an event.

#### Contravention 2:

3. s.26 of the *Mines Act* (Act):

“Each manager must ensure that every person employed at a mine, if required by the regulations or the code, is under the daily supervision of a person who holds a valid and appropriate certificate as required by the regulations or the code.”

4. s.1.12.6 of the HSRC:

“(1) The manager of an exploration site shall ensure that every worker employed in exploration activities is under the supervision of the holder of a supervisor certificate.

(2) If the manager is a supervisor, the manager must also hold a supervisor certificate.  
[Effective 2018-06-01]”

5. Davis Mining contravened s.26 of the Act by failing to comply with s.1.12.6 (1) by the mine manager of an exploration site, failing to ensure that every worker employed in the exploration activities is under the supervision of the holder of a supervisor certificate and, (2) by the mine manager being the supervisor failing to hold the supervisor certificate.

Contravention 3:

6. s.1.11.1 of the HSRC:

The Manager shall ensure that:

“(2) ...all employees receive thorough orientation and basic instruction in safe work practices.”

7. s.1.11.2 of the HSRC:

“The manager shall maintain a record of all training workers and supervisors have received, and make this record available to an inspector upon request.”

8. Davis Mining contravened s.1.11.1 and 1.11.2 of the HSRC by failing to ensure the affected person received a thorough orientation and basic instruction in safe work practices, and the mine manager failed to maintain a record of all training workers received.

**DATE AND LOCATION OF CONTRAVENTION OR FAILURE:**

9. Contravention 2 and 3 occurred on or about 2018-07-07; contravention 1 occurred on 2018-07-08
10. The contraventions occurred near Trout Lake in the Province of British Columbia.

**SUMMARY:**

11. On 2018-06-01, s.1.12.6 of the HSRC - the requirement for supervisors and managers of exploration sites to obtain supervisor certificates – came into effect. The mine manager who was a supervisor, was not aware of the requirement and did not obtain certification.
12. On 2018-07-05, the affected person began employment as a geologist for Davis Mining. The mine manager provided an informal orientation to the affected person which included layout, geological features and some safety equipment. No documentation of the orientation was provided to the affected person, nor was he required to sign off on any orientation documents. The mine manager did not keep records of the training he provided during the orientation.
13. On 2018-07-07, the affected person was working alone at the site and decided to use an ATV that was parked near the drilling site. There had been no previous conversations between the mine manager and the affected person regarding use of the ATV. As a career geologist, the

affected person was used to having access to mine site equipment for the purposes of his work and assumed the ATV was available for his use.

14. At approximately 1500 hours, the affected person attempted to descend a hill by retracing his original route, however at some point lost his way and ended up descending a previously untraveled road. The affected person attempted to stop the ATV by applying the brake, but the ATV only slowed. The affected person's ATV entered a deactivated road ditch at speed resulting in him hitting his chest on the steering column T-bar and being ejected from the ATV.
15. The affected person sustained significant injuries and was unable to immediately contact employee one, who was working at the nearby drilling rig. It wasn't until employee one conducted a radio check on the affected person that it was discovered the incident had occurred and the affected person was injured. Due to the unknown location of the affected person it took a considerable amount of time to locate him. Employee one took the steps to summon a helicopter in the event it was needed for an extraction. Employee one eventually located the affected person and the helicopter arrived shortly thereafter. The affected person was transported to Nakusp Hospital then later transferred to Kelowna Hospital where he was admitted for 11 days.
16. No credible attempts were made by the mine manager or staff to notify the Ministry of Energy, Mines and Petroleum Resources (Ministry) of the incident until the evening of 2018-07-09. Davis Mining staff were unaware of the HSRC requirement to report dangerous occurrences within 16 hours after this type of event.

#### **REASONS FOR DECISION:**

17. In making my finding that Davis Mining has contravened the above noted provisions of the Act and HSRC, I have considered all of the relevant information submitted to me, including the written submission provided by the mine manager. In determining the penalty amount, I have considered the matters listed in s.2 of the Administrative Penalties (Mines) Regulation (the Regulation). Based on this assessment, I offer the following comments:
18. The matters before me as Statutory Decision Marker derived from an inspection initiated following the Dangerous Occurrence (ATV incident) that was reported to the Ministry. Inspectors attended the mine site and found multiple contraventions, several of which are prescribed in the Regulation and all of which are related to the ATV incident.
19. My determination considers each contravention in isolation from each other and also how the totality of the circumstances contributed to the ATV incident. I do recognize there are several mitigating factors regarding the actions Davis Mining took afterwards to make improvements to the workplace and have addressed those in the Penalty Calculation.
20. In the written submission and other evidence that I have reviewed, including his statement, the mine manager states his belief that the ATV incident could have been avoided if he had the ability to close off road access around the mine site. The issue of road access is not directly relevant to the contraventions and will not be considered in my determination.

21. In the written submission the mine manager indicates that he made several attempts to notify ministry officials of the Dangerous Occurrence; the evidence supports this assertion, however the first noted attempt to contact mines inspectors occurred approximately 54 hours after the incident - well beyond the 16 hours required. I note that during the actual emergency response the mine manager did not have the ability to contact the Ministry, nor do I believe that was expected of him during those crucial moments surrounding the incident. However, I do not see any evidence to suggest that the mine manager or his staff were unable to notify mines inspectors before the 16 hour limit expired.
22. In the written submission it is the mine manager's belief that it was a failing of the Ministry to notify him of the requirement obtain the supervisor certificate. The mine manager indicated that if he was aware he would have obtained his certification. The mine manager also indicated that he has been in the mining sector for 35 years. As part of the communication strategy and compliance plan to introduce the supervisor certification requirement the Ministry worked closely with industry, labour and Indigenous representatives on the changes. This included promoting the changes through mining associations, including the Association for Mineral Exploration, and publication in communications materials.
23. Furthermore, the Act places an onus on the regulated party to ensure compliance with the regulatory requirements, s.24 of the Act states:

**24(1)** "...manager must take all reasonable measures to ensure compliance with this Act, orders issue under it, the regulations and the code."
24. I have no evidence to suggest the mine manager took reasonable measures to inform himself of his legal obligations, conversely, he indicated his understanding of the mine manager role was to "make sure the Foreman had everything they needed to run the mine, do the drilling and the mining with all the proper safety equipment needed". That explanation falls short of the responsibility of the mine manager.
25. In the written submission and statement provided by the mine manager he asserts that he provided the affected person with an adequate orientation of the site, including personal protective equipment and safe work procedures. There is some discrepancy in how detailed these conversations were, however it is not disputed that the recording of these conversations and training records were not captured. I do not see evidence to suggest a 'thorough' orientation occurred during the affected person's employment.
26. I note that specific attention was given surrounding personal protective equipment, specifically the use of vests and hard hats, and there were discussions surrounding what roads may be utilized. I also recognize that the affected person admits he was shown the access roads and did in fact get lost and take a road he was not supposed to be on. However, Davis Mining failed to ensure all topics related to health and safety were discussed.
27. It is my belief that if Davis Mining had taken steps to mitigate risk by providing adequate orientations, the ATV incident could have been prevented. Expectations about training and numerous other mining related requirements are found in the Act and HSRC. The mine manager

has a responsibility to be familiar with these requirements; this is further re-enforced by the requirement for all supervisors to take the supervisor certification. The ATV incident and subsequent investigation has brought these and a suite of other regulatory requirements to the attention of the company.

28. Despite the circumstances that contributed to the ATV incident, there are several mitigating factors that contribute to a penalty reduction. In addition to the factors listed in the following penalty calculation I have also noted the letter the affect person submitted asking me to consider the mistakes he made that contributed to the ATV incident, and lastly I have considered the recommendation for a low penalty from investigators.

### **PENALTY CALCULATION:**

29. The penalty is assessed in consideration of the matters set out in s.2 of the Regulation. The assessment establishes a base penalty to reflect the seriousness of the contravention or failure based on the gravity and magnitude of the contravention or failure and the actual or potential adverse effect. Using the base penalty as a starting point, additional mitigating or aggravating factors are then considered.

#### Contravention 1:

30. On or about 2018-07-08, at or near Trout Lake, British Columbia, Davis Mining, did breach s.37(2) of the Act by contravening s.1.7.1(1)(b) of the HSRC to wit: Failure to report a Dangerous Occurrence within 16 hours after the event. Reporting occurred approximately 66 hours after the event.
31. The contravention of s.1.7.1(1) of the HSRC is prescribed in s.7(1) of the Regulation. A corporation making this contravention may be considered for an administrative penalty not exceeding \$500,000.

### **Base Penalty Calculation:**

#### **Gravity and Magnitude of the contravention or failure**

32. Gravity and magnitude consider the importance of the requirement with respect to the regulatory structure. Failure to undertake required reporting such as a Dangerous Occurrence within the prescribed time frame restricts the Ministry's capacity to ensure the health and safety of mine workers in relation to the occurrence, not only at the incident location but across the province. In cases where the cause of the incident may exist at other mine sites the Ministry will take steps to prevent the incident by notifying or directing industry to make requisite changes surrounding the issue.
33. Considering the nature of an occurrence, mines inspectors may be required to attend the incident location to determine if additional risks exist and make orders in the interest of health and safety. Failing to report within a timely manner could result in un-necessary exposure to potential risks after an incident has occurred and/or impact evidence relating to factors that contributed to the incident.

34. I consider the gravity and magnitude to be moderate.

**Actual or Potential for Adverse Effect**

35. The contravention has the potential effect of interfering with the Ministry's capacity to protect the health and safety of mine workers.

36. In the case of this incident no other employees were exposed to a risk after the event since all mining operations ceased. However once Mines Inspectors did attend the scene, they noted multiple health and safety contraventions, many of which contributed to the incident, resulting in a suspension of work order being issued until the incident investigation was concluded.

37. For these reasons, I consider the potential for adverse effect to be moderate.

38. In addition to the above two factors, the base penalty assessment also takes into consideration the deterrent aspect of this penalty in relation to the scale of the named party. Based on general information from the recommendation package about the scale of the exploration project, I consider the base penalty to provide an adequate deterrent for Davis Mining as the party subject to the penalty.

**BASE PENALTY ASSESSMENT:**

BOX A

**\$3,000.00**

**Application of Penalty Adjustment Factors**

39. The following factors reflect the unique circumstances of this file, including what happened before, during and after the contravention or failure.

**Previous contraventions or failures, AMP's imposed or orders issued**

40. There is no evidence to suggest previous contraventions.

**Whether contravention or failure was repeated or continuous**

41. The mine manager submitted evidence that his first attempt to notify Ministry officials occurred on 2018-07-09 at 2105 hrs, approximately 54 hours after the event, however he was ultimately successful in contacting an Inspector approximately 66 hours after the event. The contravention was continuous for over two days and this is an aggravating factor.

**Whether contravention or failure was deliberate**

42. There is no evidence to suggest the contravention was deliberate.

**Economic benefit derived by the party from the contravention or failure**

43. There is no evidence to suggest an economic benefit derived from the contravention.

**Exercise of due diligence to prevent the contravention or failure**

44. There is no evidence to suggest that Davis Mining took reasonable steps to prevent the contravention or failure from occurring. I acknowledge the letter submitted by the affected person on behalf of the mine manager, dated 2019-08-29, indicating that the mine manager was busy assisting the needs of the affected person after the incident, however the requirement to notify the ministry is not time consuming and, in the absence of a centralized reporting line, can be fulfilled by leaving detailed messages or emails with Ministry officials within the 16 hour reporting window.

**Efforts to correct the contravention or failure**

45. Not applicable as corrective action was not undertaken; Ministry staff were ultimately notified of the Dangerous Occurrence approximately 66 hours after the incident occurred.

**Efforts to prevent reoccurrence of the contravention or failure**

46. Both the mine manager and employee one indicated they are aware of the requirement to report within 16 hours and have indicated they would update their MERP's to notify first responder dispatch lines in addition to calling individual inspectors. This is a mitigating factor.

**Any additional factors that are relevant**

47. In reviewing all documentation provided to me, I have observed evidence that the mine manager and staff have been truthful and cooperative with inspectors and investigators.
48. Davis Mining have complied with all orders issued and recommendations made by a health and safety consultant.
49. The mine manager resigned as mine manager shortly after the incident. Employee one has taken over and obtained both his mine supervisor certificate and his first aid certificate.
50. The mine manager has demonstrated remorse by providing assistance to the affected person after the incident, including multiple trips to Kelowna to check on his well-being and deliver belongings.
51. I have considered that these are mitigating factors to the overall penalty assessment for this contravention.

**TOTAL PENALTY  
ADJUSTMENTS:**

BOX B

**-\$2,025.00**

*Add Box A and Box B*

**PENALTY AFTER  
CONSIDERING ALL FACTORS:**

**\$975.00**



**IS A DAILY MULTIPLIER BEING  
APPLIED TO THIS PENALTY**

No

TOTAL PENALTY ASSESSMENT

**\$975.00**Contravention 2:

52. On or about 2018-07-07, at or near Trout Lake, British Columbia, Davis Mining did breach s.26 of the Act by contravening s.1.12.6 (1) and (2) of the HSRC to wit: The manager who was the supervisor did not hold a supervisor certificate. Nobody from Davis Mining held a supervisor certificate at the time of the accident.
53. The contravention of s.26 of the Act is prescribed in s.4(2) of the Regulation. A corporation making this contravention may be considered for an administrative penalty not exceeding \$100,000.

**Base Penalty Calculation****Gravity and Magnitude of the contravention or failure**

54. Failing to obtain a supervisors certificate does not meet operational requirements and interferes with the Ministry's capacity to regulate. The purpose of the certification is to ensure that any supervisor on a mine site has a common understanding of the HSRC, to encourage worker safety and to ensure supervisors on a mine site are aware of their regulatory responsibilities.
55. I consider the gravity and magnitude to be moderate.

**Actual or Potential for Adverse Effect**

56. The actual or potential adverse effect from failing to obtain a supervisor certificate is serious. Failure for a supervisor to understand regulatory requirements causes an adverse effect on worker health and safety as demonstrated by the ATV incident.
57. I consider the actual adverse effect to be high.
58. In addition to the above two factors, the base penalty assessment also takes into consideration the deterrent aspect of this penalty in relation to the scale of the named party. Based on general information from the recommendation package about the scale of the exploration project, I consider the base penalty to provide an adequate deterrent for Davis Mining as the party subject to the penalty.

**BASE PENALTY ASSESSMENT:**

BOX C

**\$2,500.00**

**Application of Penalty Adjustment Factors**

**Previous contraventions or failures, AMP's imposed or orders issued**

59. There is no evidence to suggest previous contraventions.

**Whether contravention or failure was repeated or continuous**

60. The contravention continued from its commencement on 2018-06-01 until employee one obtained his supervisor certificate on 2018-07-17, this was after the incident occurred and Davis Mining was made aware of the requirement from Mines Inspectors. In this case I do not believe this warrants a penalty increase due to the fact the requirement was new and the Ministry's internal Supervisor Certification Compliance Plan allowed for a grace period until 2018-07-01 for industry to come into compliance.

**Whether contravention or failure was deliberate**

61. There is no evidence to suggest the contravention was deliberate.

**Economic benefit derived by the party from the contravention or failure**

62. There is no evidence to suggest an economic benefit was derived from the contravention.

**Exercise of due diligence to prevent the contravention or failure**

63. There is no evidence to suggest that Davis Mining took reasonable steps to ensure they were aware of the obligation for staff to obtain supervisor certificates. The mine manager has provided evidence to suggest that he relied on Ministry Officials to notify him of the changes to the HSRC and had that occurred he would have undergone the examination. Operators cannot place sole reliance on the regulator to specifically outline the details of all regulatory requirements.

**Efforts to correct the contravention or failure**

64. The mine manager resigned as mine manager. Employee one took over as mine manager and obtained his supervisor certificate on 2018-07-17. This is a mitigating factor.

**Efforts to prevent reoccurrence of the contravention or failure**

65. Davis Mining has addressed the contravention by having employee one obtain his supervisor certificate. Employee one has indicated in his statement that he has made numerous changes since taking over as manager to ensure he is fulfilling the responsibilities of a supervisor. This is a mitigating factor.

**Any additional factors that are relevant**

66. The Ministry's Supervisor Certification Compliance Plan provided for a one month grace period (2018-06-01 to 2018-07-01) to allow proponents to meet the new regulatory requirement. The ATV incident occurred seven day's after the grace period ended and prior to any inspections where this requirement may have been specifically discussed.

67. In reviewing all documentation provided to me, I have observed evidence that the mine manager and staff have been truthful and cooperative with Inspectors and Investigators.
68. Davis Mining have complied with all orders issued and recommendations made by the health and safety consultant.
69. The mine manager has demonstrated remorse by providing assistance to the affected person after the incident, including multiple trips to Kelowna to check on his well-being and deliver belongings.
70. These are mitigating factors to the overall penalty assessment.

**TOTAL PENALTY  
ADJUSTMENTS:**

**-\$2,000.00**

*Add Box C and Box D*

**PENALTY AFTER  
CONSIDERING ALL FACTORS:**

BOX D

**\$500.00**

**IS A DAILY MULTIPLIER BEING  
APPLIED TO THIS PENALTY**

No

**TOTAL PENALTY ASSESSMENT**

**\$500.00**

Contravention 3:

71. On or about 2018-07-07, at or near Trout Lake, British Columbia, Davis Mining did breach s.37(2) of the Act by contravening s.1.11.1(2) and 1.11.2 of the HSRC to wit: the affected person did not receive a thorough orientation and basic instruction in safe work practices and there was no record of the orientation or training that may have been received by the affected person.
72. The contravention of s.1.11.1(2) and 1.11.2 of the HSRC is prescribed in s.7(1) of the Regulation. A corporation making this contravention may be considered for an administrative penalty not exceeding \$500,000.

## Base Penalty Calculation

### Gravity and Magnitude of the contravention or failure

73. Failure to perform the required task of providing staff with a thorough orientation and basic instruction in work safe practices puts employees at an increased risk of exposure to unsafe work or work practices. I consider this factor to have a high gravity in relation to this contravention.
74. The failure to maintain training records limits the ability for regulators to ensure compliance with all regulatory requirements related to worker safety. This factor has a lower gravity.

### Actual or Potential for Adverse Effect

75. The actual adverse effect that resulted from the inadequate orientation was serious and resulted in a failure to communicate all safety related expectations and requirements. I believe this contributed to the affected person assuming he was permitted to operate the ATV and travelling on a road that was not intended for access. I consider this adverse effect to be high.
76. The inability to produce orientation training records during the incident investigation affected the Ministries ability to determine whether the affected person received adequate training that related to the circumstances surrounding the ATV incident. This factor has a lower adverse effect.
77. In addition to the above two factors, the base penalty assessment also takes into consideration the deterrent aspect of this penalty in relation to the scale of the named party. Based on general information from the recommendation package about the scale of the exploration project, I consider the base penalty to provide an adequate deterrent for Davis Mining as the party subject to the penalty.

**BASE PENALTY ASSESSMENT:**

BOX E

**\$7,000.00**

## Application of Penalty Adjustment Factors

### Previous contraventions or failures, AMP's imposed or orders issued

78. There is no evidence to suggest previous contraventions.

### Whether contravention or failure was repeated or continuous

79. The affected person had only been an employee of Davis Mining for three days when the ATV incident occurred. The mine manager spent time on both days with the affected person providing an informal orientation to the site and on a narrow range of safety issues. This factor does not warrant an addition to the base penalty.

### Whether contravention or failure was deliberate

80. There is no evidence to suggest the contravention was deliberate.

**Economic benefit derived by the party from the contravention or failure**

81. There is no evidence to suggest an economic benefit was derived from the contravention.

**Exercise of due diligence to prevent the contravention or failure**

82. The mine manager and the affected person did have several brief safety related conversations, regarding wearing personal protective equipment. The mine manager drove the affected person around the mine site and pointed out access roads. There is no evidence to suggest the mine manager met the basic requirements for providing a thorough orientation, to ensure the affected person was provided adequate training.

**Efforts to correct the contravention or failure**

83. Davis Mining hired a Health and Safety Consultant to conduct the accident investigation. In the investigation numerous training and safety recommendations were made and ultimately implemented. The costs associated to the Health and Safety Consultant are considered to be a mitigating factor.

**Efforts to prevent reoccurrence of the contravention or failure**

84. As the new mine manager, employee one has implemented a thorough safety and orientation program. Safety briefings are conducted regularly, and all training activities are recorded. This is considered to be a mitigating factor.

**Any additional factors that are relevant**

85. In reviewing all documentation provided to me, I have observed evidence that the mine manager and staff have been truthful and cooperative with inspectors and investigators.
86. Davis Mining have complied with all orders issued by mines inspectors in relation to this incident and recommendations made by the health and safety consultant.
87. The mine manager resigned as mine manager shortly after the incident. Employee one has taken over and obtained both his supervisor certificate and his First Aid Certificate.
88. The mine manager has demonstrated remorse and provided assistance to the affected person after the incident, including multiple trips to Kelowna to check on his well-being and deliver belongings.
89. These are all considered to be mitigating factors.

*Add factors (c) to (j)*

**TOTAL PENALTY  
ADJUSTMENTS:**

BOX F

**-\$6,400.00**

*Add Box E and Box F*

**PENALTY AFTER  
CONSIDERING ALL FACTORS:**

**\$600.00**

**IS A DAILY MULTIPLIER BEING  
APPLIED TO THIS PENALTY**

No

**TOTAL PENALTY ASSESSMENT**

**\$600.00**

**DUE DATE AND PAYMENT:**

90. If you do not appeal this Determination, payment of this administrative penalty is due within 40 days of the date you were given this Determination. Payment via cheque or money order, made payable to the Minister of Finance, can be mailed to Attn: Eva Armstrong, Sr. Reclamation Security Coordinator, Ministry of Energy, Mines and Petroleum Resources, PO Box 9320 Stn Prov Govt, Victoria BC, V8W 9N3. Please do not mail cash. A \$30 service fee will be charged for dishonoured payments.
91. If payment has not been received within 40 days and no appeal was filed during that time, interest will be charged on overdue payments at a rate of 3% + the prime lending rate of the principal banker to the Province per month and the amount payable is recoverable as a debt due to the government. In the event the penalty is not paid as required, the Chief Inspector of Mines may refuse to consider applications made by you for a permit, or for the amendment of a permit, until the penalty is paid in full.

**RIGHT TO APPEAL:**

92. If you disagree with this determination, s.36.7 of the Act provides for appeal of my decision to the Environmental Appeal Board (EAB). In accordance with s.36.7 of the Act, if you wish to appeal this determination, you must commence your appeal within 30 days of being given this determination.
93. For information on how to commence an appeal, please consult the EAB:  
Address: 4th Floor, 747 Fort Street, Victoria, BC, V8W 3E9  
Telephone: (250) 387-3464  
Website: <http://www.eab.gov.bc.ca>
94. If the EAB upholds an administrative monetary penalty, payment is due within 40 days after the notice of the EAB's decision is given to you.

**PUBLICATION:**

95. Upon the conclusion of an appeal period, or appeal process, this determination will be published on the BC Mine Information Website at: <https://mines.nrs.gov.bc.ca/enforcement-actions>

Dated this \_\_28\_\_ day of \_\_October\_\_, 2019.