

FORM F0001/01/02
PCB 004-0
REV. 01/01/02

**INFORMATION BY TELECOMMUNICATION THAT PRODUCES
A WRITING/DÉNONCIATION PAR TÉLÉCOMMUNICATION QUI
REND LA COMMUNICATION SOUS FORME ÉCRITE**

CANADA:
PROVINCE OF BRITISH COLUMBIA
PROVINCE DE LA COLOMBIE-BRITANNIQUE

Pursuant to section 508.1(2) of the *Criminal Code*/Sulvant le paragraphe 508.1(2) du *Code criminel*

Court Identifier: 5901 - P - R - A
Court File Number: 29244
Type Reference: C
Info. Seq. Number: 3
Agency File Number: COTE:15-4135
DNA: <input type="checkbox"/>
K File: <input type="checkbox"/>
SOR: <input type="checkbox"/>

In the Provincial Court of British Columbia/Dans le tribunal provincial de la Colombie-Britannique.

This is the information of / Les présentes constituent la dénonciation de Gareth Scrivner, a Conservation Officer (the "informant" / le "dénoncateur") of / de Terrace, British Columbia submitted before a justice by telecommunication that produces a writing / transmise à un juge de paix, par télécommunication qui rend la communication sous forme écrite.

The Informant says that he/she has reasonable and probable grounds to believe and does believe that: / Le(la) dénonciateur(trice) déclare qu'il(elle) a des motifs raisonnables et probables de croire et croit effectivement que:

Count 1

Banks Island Gold Ltd., Allegra CAIRNS, Dirk MECKERT and Benjamin MOSSMAN, on or about February 1, 2015, through to July 21, 2015, inclusive, at or near Prince Rupert in the Province of British Columbia did, having possession, charge or control of the substance or waste immediately before the escape, spill or introduction failed to report the escape, spill or introduction, contrary to section 79(5) of the Environmental Management Act, SBC 2003, c 53.

Count 2

Banks Island Gold Ltd., Allegra CAIRNS, Dirk MECKERT and Benjamin MOSSMAN, from the 9th day of September, 2014, to the 15th day of September, 2014, inclusive, at or near Banks Island, in the Province of British Columbia, being the holder of a permit issued under this Act to introduce wastes into the environment, failed to comply with the requirements of the permit, by exceeding the allowed rate of discharge for zinc, contrary to Section 120(7) of the Environmental Management Act.

Count 3

Banks Island Gold Ltd., Allegra CAIRNS, Dirk MECKERT and Benjamin MOSSMAN, on or about the 13th day of October, 2014, at or near Banks Island, in the Province of British Columbia, being the holder of a permit issued under this Act to introduce wastes into the environment, failed to comply with the requirements of the permit, by exceeding the allowed rate of discharge of zinc, contrary to Section 120(7) of the Environmental Management Act.

Count 4

Banks Island Gold Ltd., Allegra CAIRNS, Dirk MECKERT and Benjamin MOSSMAN, on or about the 8th day of November, 2014, at or near Banks Island, in the Province of British Columbia, being the holder of a permit issued under this Act to introduce wastes into the environment, failed to comply with the requirements of the permit, by exceeding the allowed rate of discharge of zinc, contrary to Section 120(7) of the Environmental Management Act.

Count 5

Banks Island Gold Ltd., Allegra CAIRNS, Dirk MECKERT and Benjamin MOSSMAN, on or about the 16th day of December, 2014, at or near Banks Island, in the Province of British Columbia, being the holder of a permit issued under this Act to introduce wastes into the environment, failed to comply with the requirements of the permit, by exceeding the allowed rate of discharge of zinc, contrary to Section 120(7) of the Environmental Management Act.

FORM/FORMULAIRE 1
FOR 504-G
REV. REV. 1998

**INFORMATION BY TELECOMMUNICATION THAT PRODUCES
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CANADA:
PROVINCE OF BRITISH COLUMBIA
PROVINCE DE LA COLOMBIE-BRITANNIQUE

Pursuant to section 508.1(2) of the *Criminal Code*/Suivant le paragraphe 508.1(2) du *Code criminel*

Count 6

Banks Island Gold Ltd., Allegra CAIRNS, Dirk MECKERT and Benjamin MOSSMAN, on or about the 20th day of August, 2014, at or near Banks Island, in the Province of British Columbia, being the holder of a permit issued under this Act to introduce wastes into the environment, failed to comply with the requirements of the permit, by exceeding the allowed rate of discharge of total suspended solids, contrary to Section 120(7) of the **Environmental Management Act**.

Count 7

Banks Island Gold Ltd., Allegra CAIRNS, Dirk MECKERT and Benjamin MOSSMAN, from the 9th day of September, 2014, to the 15th day of September, 2014, inclusive, at or near Banks Island, in the Province of British Columbia, being the holder of a permit issued under this Act to introduce wastes into the environment, failed to comply with the requirements of the permit, by exceeding the allowed rate of discharge of total suspended solids, contrary to Section 120(7) of the **Environmental Management Act**.

Count 8

Banks Island Gold Ltd., Allegra CAIRNS, Dirk MECKERT and Benjamin MOSSMAN, from the 4th day of October, 2014, to the 31st day of October, 2014, inclusive, at or near Banks Island, in the Province of British Columbia, being the holder of a permit issued under this Act to introduce wastes into the environment, failed to comply with the requirements of the permit, by exceeding the allowed rate of discharge of total suspended solids, contrary to Section 120(7) of the **Environmental Management Act**.

Count 9

Banks Island Gold Ltd., Allegra CAIRNS, Dirk MECKERT and Benjamin MOSSMAN, on or about the 8th day of November, 2014, at or near Banks Island, in the Province of British Columbia, being the holder of a permit issued under this Act to introduce wastes into the environment, failed to comply with the requirements of the permit, by exceeding the allowed rate of discharge of total suspended solids, contrary to Section 120(7) of the **Environmental Management Act**.

Count 10

Banks Island Gold Ltd., Allegra CAIRNS, Dirk MECKERT and Benjamin MOSSMAN, on or about the 16th day of December, 2014, at or near Banks Island, in the Province of British Columbia, being the holder of a permit issued under this Act to introduce wastes into the environment, failed to comply with the requirements of the permit, by exceeding the allowed rate of discharge of total suspended solids, contrary to Section 120(7) of the **Environmental Management Act**.

Count 11

Banks Island Gold Ltd., Allegra CAIRNS, Dirk MECKERT and Benjamin MOSSMAN, from the 15th day of June, 2015, to the 31st day of July, 2015, inclusive, at or near Banks Island, in the Province of British Columbia, being the holder of a permit issued under this Act to introduce wastes into the environment, failed to comply with the requirements of the permit, by failing to notify the Director of unauthorized discharge and/or remedial action at the sediment control pond of the "Discovery" site, contrary to Section 120(7) of the **Environmental Management Act**.

FORM 001 (REV. 2011)
FOR 001-0
REV. 01/11, 01/11

**INFORMATION BY TELECOMMUNICATION THAT PRODUCES
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CANADA:

PROVINCE OF BRITISH COLUMBIA

PROVINCE DE LA COLOMBIE-BRITANNIQUE

Pursuant to section 508.1(2) of the *Criminal Code*/Selvant le paragraphe 508.1(2) du *Code criminel*

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Count 12

Banks Island Gold Ltd., Allegra CAIRNS, Dirk MECKERT and Benjamin MOSSMAN, from the 15th day of June, 2015, to the 31st day of July, 2015, inclusive, at or near Banks Island, in the Province of British Columbia, being the holder of a permit issued under this Act to introduce wastes into the environment, failed to comply with the requirements of the permit, by failing to notify the Director of unauthorized discharge and/or remedial action at the "Bob" advanced exploration site, contrary to Section 120(7) of the **Environmental Management Act**.

Count 13

Banks Island Gold Ltd., Allegra CAIRNS, Dirk MECKERT and Benjamin MOSSMAN, from the 1st day of February, 2015, to the 30th day of June, 2015, inclusive, at or near Banks Island, in the Province of British Columbia, being the holder of a permit issued under this Act to introduce wastes into the environment, failed to comply with the requirements of the permit, by failing to notify the Director of unauthorized discharge and/or remedial action at the "Discovery" advanced exploration site, contrary to Section 120(7) of the **Environmental Management Act**.

Count 14

Banks Island Gold Ltd., Allegra CAIRNS, Dirk MECKERT and Benjamin MOSSMAN, from the 1st day of February, 2015, to the 9th day of July, 2015, inclusive, at or near Banks Island, in the Province of British Columbia, being the holder of a permit issued under this Act to introduce wastes into the environment, failed to comply with the requirements of the permit, by using an unauthorized bypass of "Discovery" site waste water works, contrary to Section 120(7) of the **Environmental Management Act**.

Count 15

Banks Island Gold Ltd., Allegra CAIRNS, Dirk MECKERT and Benjamin MOSSMAN, from the 1st day of June, 2015, to the 30th day of June, 2015, inclusive, at or near Banks Island, in the Province of British Columbia, being the holder of a permit issued under this Act to introduce wastes into the environment, failed to comply with the requirements of the permit, by failing to notify the Director of changes to processes that may affect the quality or quantity of discharge, to wit: use of a sediment control pond at the "Discovery" site, contrary to Section 120(7) of the **Environmental Management Act**.

Count 16

Banks Island Gold Ltd., Allegra CAIRNS, Dirk MECKERT and Benjamin MOSSMAN, from the 1st day of June, 2015, to the 30th day of June, 2015, inclusive, at or near Banks Island, in the Province of British Columbia, being the holder of a permit issued under this Act to introduce wastes into the environment, failed to comply with the requirements of the permit, by failing to notify the Director of changes to processes that may affect the quality or quantity of discharge, to wit: use of a tailings impoundment at the "Bob" site, contrary to Section 120(7) of the **Environmental Management Act**.

FORM/FORMULAIRE 1
PCB 02-0
REV./REV. 0001

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PROVINCE OF BRITISH COLUMBIA
PROVINCE DE LA COLOMBIE-BRITANNIQUE

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Count 17

Banks Island Gold Ltd., Allegra CAIRNS, Dirk MECKERT and Benjamin MOSSMAN, from the 1st day of February, 2015, to the 30th day of June, 2015, inclusive, at or near Banks Island, in the Province of British Columbia, being the holder of a permit issued under this Act to introduce wastes into the environment, failed to comply with the requirements of the permit, by failing to update Water Management and Sediment Control Plans and forwarding said plans to the Director within 30 days of any significant change, contrary to Section 120(7) of the Environmental Management Act.

Count 18

Banks Island Gold Ltd., Allegra CAIRNS, Dirk MECKERT and Benjamin MOSSMAN, from the 1st day of July, 2014, to the 30th day of November, 2014, inclusive, at or near Banks Island, in the Province of British Columbia, being the holder of a permit issued under this Act to introduce wastes into the environment, failed to comply with the requirements of the permit, by failing to collect and/or record samples from the Wreck Bay reference site, contrary to Section 120(7) of the Environmental Management Act.

Count 19

Banks Island Gold Ltd., Allegra CAIRNS, Dirk MECKERT and Benjamin MOSSMAN, on or about the 1st day of June, 2015, to the 21st day of July, 2015, inclusive, at or near Prince Rupert, in the Province of British Columbia, did deposit or permit the deposit of a deleterious substance, to wit: mine water effluent laden with, among other deleterious substance, sediment, in water frequented by fish, to wit: Banks Creek, Banks Lake, Englishman Slough and/or the waters of the Pacific Ocean, contrary to Section 36(3) of the Fisheries Act, R.S.C. (1985) Chapter F-14 (as amended).

Count 20

Banks Island Gold Ltd., Allegra CAIRNS, Dirk MECKERT and Benjamin MOSSMAN, on or about the 1st day of June, 2015, to the 21st day of July, 2015, inclusive, at or near Banks Island, in the Province of British Columbia, did not, report the occurrence of a deposit of a deleterious substance out of the normal course of events or the serious and imminent danger of such a deposit without delay notify an inspector or a person referred to in paragraph 1(a), contrary to subsection 1(2) of the Deposit Out of the Normal Course of Events Notification Regulations, SOR/2011-91, contrary to section 38(4) of the Fisheries Act, R.S.C. (1985) Chapter F-14 (as amended).

Count 21

Banks Island Gold Ltd., Allegra CAIRNS, Dirk MECKERT and Benjamin MOSSMAN, on or about the 24th day of June, 2015, to the 21st day of July, 2015, inclusive, at or near Banks Island, in the Province of British Columbia, being persons identified in section 29 of the Metal Mine Effluent Regulations, did unlawfully fail to submit the occurrence of a deposit of a deleterious substance out of the normal course of events that a deposit had occurred and failed to submit a written report as soon as possible in the circumstances, contrary to section 78(a) of the Fisheries Act, R.S.C. (1985) Chapter F-14 (as amended).

FORMS FOR JUDICIAL
FOR 02-4
REV. 05/11/08

**INFORMATION BY TELECOMMUNICATION THAT PRODUCES
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CANADA:
PROVINCE OF BRITISH COLUMBIA
PROVINCE DE LA COLOMBIE-BRITANNIQUE

Pursuant to section 508.1(2) of the *Criminal Code*/Selvent le paragraphe 508.1(2) du *Code criminel*

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SOR: <input type="checkbox"/>

Count 22

Banks Island Gold Ltd., Allegra CAIRNS, Dirk MECKERT and Benjamin MOSSMAN, on or about the 15th day of October, 2014, at or near Banks Island, in the Province of British Columbia, deposited effluent into the environment that contained a concentration of deleterious substance in excess of the authorized limits set out in Schedule 4 of the Metal Mine Effluent Regulations, contrary to section 78(a) of the *Fisheries Act*, R.S.C. (1985) Chapter F-14 (as amended).

Count 23

Banks Island Gold Ltd., Allegra CAIRNS, Dirk MECKERT and Benjamin MOSSMAN, on or about the on or about the 8th day of November, 2014, at or near Banks Island, in the Province of British Columbia, deposited effluent into the environment that contained a concentration of deleterious substance, namely Zinc, in excess of the authorized limits set out in Schedule 4 of the Metal Mine Effluent Regulations, contrary to section 78(a) of the *Fisheries Act*, R.S.C. (1985) Chapter F-14 (as amended).

Count 24

Banks Island Gold Ltd., Allegra CAIRNS, Dirk MECKERT and Benjamin MOSSMAN, on or about the 16th day of December, 2014, at or near Banks Island, in the Province of British Columbia, deposited effluent into the environment that contained a concentration of deleterious substance, namely Zinc, in excess of the authorized limits set out in Schedule 4 of the Metal Mine Effluent Regulations, contrary to section 78(a) of the *Fisheries Act*, R.S.C. (1985) Chapter F-14 (as amended).

Count 25

Banks Island Gold Ltd., Allegra CAIRNS, Dirk MECKERT and Benjamin MOSSMAN, on or about the on or about the 20th day of August, 2014, at or near Banks Island, in the Province of British Columbia, deposited effluent into the environment that contained a concentration of deleterious substance, namely Total Suspended Solids, in excess of the authorized limits set out in Schedule 4 of the Metal Mine Effluent Regulations, contrary to section 78(a) of the *Fisheries Act*, R.S.C. (1985) Chapter F-14 (as amended).

Count 26

Banks Island Gold Ltd., Allegra CAIRNS, Dirk MECKERT and Benjamin MOSSMAN, on or about the from the 4th day of October, 2014 to the 31st day of October, 2014, inclusive, at or near Banks Island, in the Province of British Columbia, deposited effluent into the environment that contained a concentration of deleterious substance, namely Total Suspended Solids, in excess of the authorized limits set out in Schedule 4 of the Metal Mine Effluent Regulations, contrary to section 78(a) of the *Fisheries Act*, R.S.C. (1985) Chapter F-14 (as amended).

Count 27

Banks Island Gold Ltd., Allegra CAIRNS, Dirk MECKERT and Benjamin MOSSMAN, on or about the from the 8th day of November, 2014, at or near Banks Island, in the Province of British Columbia, deposited effluent into the environment that contained a concentration of deleterious substance, namely Total Suspended Solids, in excess of the authorized limits set out in Schedule 4 of the Metal Mine Effluent Regulations, contrary to section 78(a) of the *Fisheries Act*, R.S.C. (1985) Chapter F-14 (as amended).

FORMAPOSTOLARE 2
FOR 09-0
REV. 05/01/08

**INFORMATION BY TELECOMMUNICATION THAT PRODUCES
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CANADA:
PROVINCE OF BRITISH COLUMBIA
PROVINCE DE LA COLOMBIE-BRITANNIQUE

Pursuant to section 508.1(2) of the *Criminal Code*/Sulvant le paragraphe 508.1(2) du *Code criminel*

Count 28

Banks Island Gold Ltd., Allegra CAIRNS, Dirk MECKERT and Benjamin MOSSMAN, on or about the on or about the 16th day of December, 2014, at or near Banks Island, in the Province of British Columbia, deposited effluent into the environment that contained a concentration of deleterious substance, namely Total Suspended Solids, in excess of the authorized limits set out in Schedule 4 of the Metal Mine Effluent Regulations, contrary to section 78(a) of the Fisheries Act, R.S.C. (1985) Chapter F-14 (as amended).

Count 29

Banks Island Gold Ltd., Allegra CAIRNS, Dirk MECKERT and Benjamin MOSSMAN, on or about the 1st day of June, 2015, to the 31st day of July, 2015, inclusive, at or near Banks Island, in the Province of British Columbia, failed to notify an inspector of an unauthorized deposit of a deleterious substance out of the normal course of events at the sediment control pond of the "Discovery" site, contrary to section 38(4) of the Fisheries Act, R.S.C. (1985) Chapter F-14 (as amended).

Count 30

Banks Island Gold Ltd., Allegra CAIRNS, Dirk MECKERT and Benjamin MOSSMAN, on or about the 1st day of June, 2015, to the 31st day of July, 2015, inclusive, at or near Banks Island, in the Province of British Columbia, failed to notify an inspector of an unauthorized deposit of a deleterious substance out of the normal course of events at the "Bob" site, contrary to section 38(4) of the Fisheries Act, R.S.C. (1985) Chapter F-14 (as amended).

Count 31

On or about the 1st December of 2015 through 31st of December 2015, Allegra CAIRNS, Dirk MECKERT and Benjamin MOSSMAN, who were officers, directors or agents of Banks Island Gold Ltd., did not provide written notice to the federal authorization officer of the intention to close the mine located at or near Banks Island, in the Province of British Columbia, pursuant to subsection 32(1) of the Metal Mine Effluent Regulations, contrary to section 78(a) of the Fisheries Act, R.S.C. (1985) Chapter F-14 (as amended).

Count 32

Banks Island Gold Ltd., Allegra CAIRNS, Dirk MECKERT and Benjamin MOSSMAN, from the 1st of February, 2015, to the 9th of July, 2015, at or near Banks Island, in the Province of British Columbia, did construct, maintain, operate or use works without authority, to wit works near the "Discovery" site, contrary to section 93(2)(i) of the Water Act, RSBC 1996, c 483.

Count 33

Banks Island Gold Ltd., Allegra CAIRNS, Dirk MECKERT and Benjamin MOSSMAN, from the 1st day of February, 2015 to the 21st day of July, 2015, inclusive, at or near Banks Island, in the Province of British Columbia, did unlawfully make changes in and about a stream or streams near the "Discovery" site contrary to Section 93(2)(q) of the Water Act.

FORM/FORMULAIRE 3
FOR/POUR
REV. 05/09

**INFORMATION BY TELECOMMUNICATION THAT PRODUCES
A WRITING/DÉNONCIATION PAR TÉLÉCOMMUNICATION QUI
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CANADA:
PROVINCE OF BRITISH COLUMBIA
PROVINCE DE LA COLOMBIE-BRITANNIQUE

Pursuant to section 508.1(2) of the *Criminal Code*/Suivant le paragraphe 508.1(2) du *Code criminel*

Count 34

Banks Island Gold Ltd., Allegra CAIRNS, Dirk MECKERT and Benjamin MOSSMAN, from the 1st of February, 2015, to the 9th of July, 2015, at or near Banks Island, in the Province of British Columbia, did construct, maintain, operate or use works without authority, to wit works near the "Bob" site, contrary to section 93(2)(i) of the **Water Act**, RSBC 1996, c 483.

Count 35

Banks Island Gold Ltd., Allegra CAIRNS, Dirk MECKERT and Benjamin MOSSMAN, from the 1st day of February, 2015 to the 21st day of July, 2015, inclusive, at or near Banks Island, in the Province of British Columbia, did unlawfully make changes in and about a stream or streams near the "Bob" site contrary to Section 93(2)(q) of the **Water Act**.

Pursuant to Section 508.1(2) of the *Criminal Code* the Informant states that all matters contained in this information are true to my knowledge and belief.

Suivant le paragraphe 508.1(2) du *Code criminel*, le dénonciateur(trice) déclare qu'il/elle croit vrais, au meilleur de sa connaissance, les renseignements contenus dans la dénonciation.

Dated/Fait le 14 March 2017
at/a Terrace
British Columbia / Colombie-Britannique


Signature of Informant / Signature du(de la) dénonciateur (trice)

I certify this information was received by me by means of telecommunication that produces a writing at / Je certifie que j'ai reçu la présente dénonciation par un moyen de télécommunication qui rend la communication sous forme écrite à

3:11 P. m, on/le 14 MAR 2017 at/à Prince Rupert, British Columbia / Colombie-Britannique
time/heure date city/municipality ville/municipalité

Name/Nom: Colleen Howden
Process/Acte de procédure: Previous Process confirmed

Colleen Howden

APPLIES all Counts all accused

A Justice of the Peace in and for the Province of British Columbia / Un juge de paix dans et pour la province de la Colombie-Britannique.
Assigné au tribunal Provincial Court at / du Prince Rupert

Colleen Howden
A Justice of the Peace in and for the Province of British Columbia / Un juge de paix dans et pour la province de la Colombie-Britannique.