

**Schroeter, Tom EM:EX**889814  
Yanks PeakTGS → Yanks  
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**From:** Michael Renning [bcgold@shaw.ca]  
**Sent:** Saturday, January 03, 2004 2:45 PM  
**To:** MacDonald, Ken EM:EX  
**Cc:** Schroeter, Tom EM:EX; Scott Gifford; Conte, Rick EM:EX  
**Subject:** Yanks Peak

Hello Mr. MacDonald

As I had found several small errors in my reply to your email dated December 30, 2003, I decided to revise it a little to make it more easily understood. Please accept the attached letter 'Revised reply to Ken MacDonald; January 3, 2003.doc' as a replacement for my reply also dated December 30, 3003.

As mentioned, I look forward to working a large exploration project at Yanks Peak in 2005. There is a very good chance that we may carry out a project this year as well. I anticipate we will have the Notices of Work filed by mid March of 2004.

I look forward to your reply.

Sincerely,

Michael Renning  
604-619-4856

With respect to Midas, you should be aware that a comprehensive Mines Inspection tour was conducted on historic mine workings on Yanks Peak (about 13 sites) in 1998. Workings were identified from historic files, and disturbance attributed to former mining enterprises no longer in existence, apart from recent work on the Snowshoe Mine.

Several issues were identified at each site. No remediation (or exploration) has been done on any of these sites to-date, and many still pose a health and safety risk, particularly from open workings (inclined shafts, adits, etc). In addition, due to recent legislative changes under the Waste Management Act (Contaminated Sites Regulation), there may be the additional risk of environmental liability to former owners, current owners, and potentially new owners.

In the past, where unreclaimed mine workings present a significant public hazard, then section 17 of the Mines Act has been used to affect work to avoid danger to persons. If the crown has to intercede and use funds from consolidated revenue to affect works, then a lien would have to be put on the property and would form a debt owned the government. Far better if the crown grant owners (or mineral claim owners) would take the necessary steps to rectify and remediate any issues identified, which would protect the public from harm and reduce the risk of liability to the claim owner.

Specific to Midas, several issues were identified and were deemed to be a hazard:

- open adit presented a problem for unauthorized and casual public entry. This represents a danger to public

2004-01-05

and workers (explorationists) and a risk of liability to you, whether or not someone is trespassing on the property

- dilapidated wooden structures make for unsafe rubble, with many exposed nails, some debris, scrap metals, etc.

Remediation onsite is required, and should include:

- old buildings be pushed into a pile and burned,
- old equipment, scrap and debris should be recovered from bush and removed to authorized landfill
- foundations should be buried
- portal plugged, recontoured and seeded, or affixed with a seal to prevent inadvertent entry
- signs posted warning public of danger

I understand you have a exploration program planned for 2005, please advise whether you have plans to remediate the site, as outlined above.

Thanks

Ken MacDonald, P.Geo.  
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-----Original Message-----

**From:** Michael Renning [mailto:[bcgold@shaw.ca](mailto:bcgold@shaw.ca)]

**Sent:** December 29, 2003 6:52 PM

**To:** MacDonald, Ken EM:EX

**Cc:** Chan, Jan EM:EX; "mailto:[Jim.Britton@gems5.gov.bc.ca](mailto:Jim.Britton@gems5.gov.bc.ca)"; Hosking, Byron EM:EX

**Subject:** Re: Snow Mobile Trails Are No Longer Public Roads

Hello Mr. Ken MacDonald

Thank you for your reply. Please see the attachment showing the old mining roads which pass through the Yanks Peak Crown Granted Mineral Claims. It appears that, by definition, the road system leading to the Crown Grants are no longer public roads. With this additional information, perhaps you may be able to determine the status of these 'non public' roads. There are many recreational licenses throughout the province, granted for snowmobile clubs. As many of these roads stand a good chance of being old mining access roads, it would be useful to know the status as far as a Free Miner is concerned.

I also hold Mineral Tenure, through Guardsmen Resources Inc., around the Yanks Peak Crown Grants. If there should be any conflict (and I have had absolutely no indication of one) between myself and the local snowmobile club, I suppose I can take some comfort in that the Crown Granted Mineral Claims are considered an interest in land (Supreme Court ruling).

With rights as a Crown Grant owner aside, and by examining this issue further, if you should discover that I have access to my (Guardsmen's) Mineral Tenures over Snow Mobile Trails at Yanks Peak, I would appreciate being notified at your earliest convenience.

Sincerely,

Michael Renning

----- Original Message -----

**From:** MacDonald, Ken EM:EX  
**To:** 'Michael Renning'  
**Cc:** Hosking, Byron EM:EX ; Chan, Jan EM:EX ; Britton, Jim SRM:EX  
**Sent:** Monday, December 29, 2003 11:40 AM  
**Subject:** RE: Snow Mobile Trails Are No Longer Public Roads

As i understand, the Ministry of Forests have enacted part 105 (?) of the Forest Practices Code to prevent off-road ATV access on the Yanks Peak trail (essentially closing the area to summer ATV use). However, their closure does not apply to winter snowmobile use. The fact that the area is heavily encumbered with mineral claims, placer claims, and crown grants doesn't seem to have made any difference in the determination of the recreational status of the area. The area also is identified as Cariboo High habitat and is considered important winter range.

Most of the roads and trails on Yanks Peak are (or were) non-status; i'm not sure what the public road changes mean in terms of change in status but i doubt it means non-status mining roads and trails are now exclusive snowmobile access. I would think free miners can still use the roaded access to access their claims. And if they apply for a permit to explore and/or develop, then any necessary trail modification/upgrade/construction **on** tenure could be authorized under the authority of the Mines Act. Any road or trail construction or modification **off** your tenure, would become another matter, and MoF would have to authorize any non-tenure access use, under a Road or Special Use permit. Please discuss with MoF staff in Quesnel (992-4400).

Subsurface tenures (claims/leases) normally grant the right to free miners to access their claims for the purpose of exploring for and producing minerals. A permitted exploration or development program would not, i believe, be restricted in either summer or winter, provided that the activity was compliant with the permit, and that all road/trail upgrade or construction was compliant with the MX Code. Essentially the activity is industrial in nature, consistent with the intent of the subsurface tenure, and authorized under the authority of the Mines Act. Of course, there is the expectation that the exploration or mining activity would not negatively impact (to the extent possible) on other resource values identified in the Cariboo Core 90 Day Implementation Plan, particularly cariboo winter range. And at the point that the exploration or development operation risks the safety of the public, then the Mines Act allows the miner to restrict public roaded access to the work site (note: not the entire claim, or grouping).

I am not familiar with the rights conferred with crown grants, they may supercede the normal tenure rights available to a free miner. Perhaps Byron or Jan Chan can speak to the issue of crown granted rights. I would think the argument for right to access would be the same.

Perhaps Jim can speak to the issue of snowmobile vs mining access, from a MSRM perspective.

Thanks

Ken MacDonald, P. Geo.  
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-----Original Message-----

**From:** Michael Renning [mailto:bcgold@shaw.ca]

**Sent:** December 28, 2003 10:01 PM

**To:** MacDonald, Ken EM:EX

**Subject:** Snow Mobile Trails Are No Longer Public Roads

Hello Mr. MacDonald

As a part owner of Guardsmen Resources Inc., I appreciated reading your response to 'Wayne' regarding an application for recreational use, the mining roads of the Toadoggone. For your review, I have included a copy of a letter I had e mailed the British Columbia Snowmobile Federation (BCSF), both earlier this year as well as just over a month ago. Up to this date, I have received no responses from Pat Whiteway, the president of the BCSF.

This is clearly a concern as I do not know exactly what my rights are on the roads leading to my Crown Grants. If you have any suggestions, or know of someone who can pick up the issue from this point on, I would really appreciate your help. This couldn't be the only situation like this in B.C.

All the best,

Michael Renning

**Michael Renning, #70 - 920 Lytton Street, North Vancouver, B.C., V7H 2A5**

**British Columbia Snowmobile Federation**

**200 - 1909 Bredin Road**

**Kelowna BC V1Y 7S9**

**ph 250-860-8020**

**fax 250-860-0108**

**Toll Free 1-877-537-8716**

**May 17, 2003**

Attn: Pat Whiteway

My name is Michael Renning and I am a Crown Granted Mineral Claim owner at Yanks Peak. I am aware of the very popular useage of the old mining roads in the area for snowmobiling and I have been just made aware of an amendment to the Highway Act that now exempts maintained snowmobile trails from the definition of 'public road'. I can see that the main purpose of the change is to provide for unencumbered growth of the snowmobile tourism industry. However, on argueably one of the most prized trails for snowmobiles, are my Crown Granted Mineral Claims. I thought I would attach a copy of one of the Crown Grants to show that the existing roads on the claims were previously "...dedicated to public use by a plan deposited in the land title office for the district in which the road is located,..." by the Crown (please refer to attachment 'Lot 4670'). Therefore by the Highway Act, the old mining roads on the Crown Grants *remain*

*public roads.*

In 2005, I plan to undertake a significant mining exploration program on the property. The old mining road access, leading to the Yanks Peak from the north and south, is the only way to the Crown Grants. It appears that, by recent changes to the Highway Act, those old mining roads are now snowmobile trails? Are these roads now exclusive to snowmobiles?

Obviously, everyone knows that gold mining opened up the Cariboo. It has, however, proven to be a very cyclical industry and it is great to see things like snowmobile tourism attracting economic benefit to the region. Now that the gold exploration cycle is returning with some strength, I see no good reason for there to be any conflict.

I would like to open up discussion well in advance of the exploration I plan on undertaking; perhaps even as early as next year.

I look forward to a reply from your organization in the near future.

Sincerely,

Michael Renning  
604-929-4856

## Highway Act (*before changes*)

### Certain roads are public highways

4 (1) If public money has been spent on a travelled road that has not before then been established by notice in the Gazette or otherwise dedicated to public use by a plan deposited in the land title office for the district in which the road is located, that travelled road is deemed to be and is declared to be a public highway.

(2) Subsection (1) does not apply if

(a) the expenditure of public money is confined to expenditure for snowploughing or ice control,

(b) a travelled road forms part of an existing railway right of way and was, at the time public money was spent on it, owned by the government, a Crown corporation or agency, or formed part of a railway right of way, or

(c) money has been authorized to be lent, guaranteed, invested, granted or spent under section 13 of the *Ministry of Energy, Mines and Petroleum Resources Act*.

(3) Section 2 and subsection (1) of this section do not apply to the Trans Canada Trail, whether or not public money is spent on that trail before or after the coming into force of this subsection.

**Highway Act (*changes May 2003*)**

*2 Section 4 (3) of the Highway Act, R.S.B.C. 1996, c. 188, is repealed and the following substituted:*

(3) Section 2 and subsection (1) of this section do not apply to

(a) the Trans Canada Trail, or

(b) a snowmobile trail established and maintained by a recreational organization,

whether or not public money is spent on the trail before or after the coming into force of this subsection.

Michael Renning, 70 – 920 Lytton Street, North Vancouver, B.C. V7H 2A5

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January 3, 2004

RE: Remediation Work On The Midas

Dear Mr. Ken MacDonald

I appreciate your reply. As I have walked the main trails, on some of the Yanks Peak Crown Grants, I feel very comfortable with the idea of site remediation. I would like to use Bruce Graff as a reference for the remediation work that I had carried out with Guardsmen Resources at Whitesail Lake. Most of the garbage removed, at that time, was collected off of our claims.

The 'Midas adit', I believe actually located on the Midas Extension No.1 (Lot 4673), was caved in at the portal so nothing is required there as far as I could see. From there, the Midas workings extend under the Midas (Lot 4671); however I do not recall any buildings or hazardous surface disturbances on this Lot. Would it be possible to determine where the open portal may be located from the 1998 report you refer to? Is this report available for my viewing? If possible, I would appreciate a copy at your convenience.

When I had made the deal for the Crown Grants, neither Don or Bruce Codville mentioned anything about a 1998 government report on the Yanks Peak Crown Grants. Did the government make the report available to them when they were the owners? Does the 1998 report provide an estimated cost for the clean up required? The Codville family had owned the Crown Grants since the 1950's. Does the government have record of any communications with Codville family? I trust the open mine workings you speak of on the Midas (Lot 4671) are there, it's just that I have not spent more than 6-8 hours on the property and obviously haven't seen everything. On the approach to the property from either Barkerville, or Likely, I observed that only ATV access would be possible. I had to hike for several hours, from either direction, just to get to the property. Although the approach from Likely will reach closer to the claims, there is a narrow, overgrown section that is extremely dangerous to pass by four wheel drive. Someone could easily lose their life trying to 'drive' to Yanks Peak from the south.

Based on my observations on site, no ore was processed on the Midas Extension No.1 (Lot 4673) as it was only an exploratory adit, by Britannia Mines, dating back to the 1930's. There is no waste ore, or settling pond - just a pile of broken rock sloping gently down the hill. Much of the gravel surfaces around the site were green with mosses, small trees and plant life. All of the old log cabins, located below this rocky slope, were collapsed with mature timber growing all around. Much of the wood/logs were in a highly decomposed state and would not burn easily. The old timber would have to be moved, using heavy machinery, to a safe burn site. In my opinion, this activity would effectively destroy 70 years of 'natural' reclamation. However I did notice some sheet metal and small diameter water pipes that could easily be removed.

I did not visit the West Midas Extension No. 1 (Lot 4677). Could the site remediation, referred to in your email, actually be required on this property?

I did come across substantial mine workings, located within our staked Mineral Tenures, to the west of the Crown Grants. I believe this location is advertised in a Quesnel Chamber of Commerce website that recommends a visit to the old workings, as part of a scenic tour of Yanks Peak. The site consists of several partially collapsed log cabins, hand made furniture, metal mining artifacts and an impressive hand made rock wall leading to what would have been Bill Luce's cabin. The site looks to be on the old Barkerville road. Although this location describes most of the same hazards outlined in your email specific to the Midas, I do not believe it is the same site referred to in your email below. However, as mentioned above, please also accept my concern is that someone will attempt to travel the road to Yanks Peak, from Likely by four wheel drive, and put themselves at great risk.

Several years ago, on the approach to the property from the Barkerville side, some fellow was decapitated by the handle of a tire jack, while trying to get his camper out of the mud and back onto what I would not call a road. It's the worst access road I have ever attempted to travel in my 24 years in the business. His family was inside the camper at the time.

*"For the hardy souls with four-wheel-drive vehicles, a jaunt over the top of Yank's Peak is well worth the time and trouble. Breathtaking scenery, old mines, wildlife and rolling alpine are encountered on the route to Likely. Yank's Peak was named after Bill Luce, a well-known American miner. Enjoy the winter wonderland snowmobiling Yank's Peak between November and May."*

As part of a possible option, or purchase agreement with a potential buyer, myself and Guardsmen Resources look forward to working together with you in securing both the Mineral Tenures and Midas Crown Grants, to your satisfaction, and complete the remediation work required and necessary at Yanks Peak. At the same time, we would also require permits to utilize, and improve road access to both the Crown Grants and Mineral Tenures.

Sincerely,

Michael Renning