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October 8, 2024

[Via email to: Nini.Long@gov.bc.ca]

Nini Long, Executive Director
Mining and Competitiveness Division, Regional Operations Branch
Ministry of Energy, Mines, and Low Carbon Innovation
PO Box Stn Prov Govt
Victoria, BC V8W9N3

Dear Ms. Long,

RE: Garnet Valley Road Pit Permit Number G-10000442

Thank you to you and your staff for taking the time to meet with representatives of the District of Summerland on October 25, 2024 regarding the Garnet Valley Road gravel pit. Your presence in Summerland and openness to dialogue is appreciated.

During our meeting we outlined several concerns with the authorization of the pit and spoke of the anger in the community. The location of the mine site is of primary concern and, by association, the impacts to the underbuilt road infrastructure and public use and safety of adjacent roads. Other concerns have been documented in greater detail in our referral response dated January 24, 2024, so I will not detail them again here.

We were surprised to learn of the limited ability of the Ministry to pull the permit once it has been issued by the statutory decision maker, even when significant errors and omissions have been demonstrated. Based on your comments, it is our understanding that:

1. Only the Chief Inspector under the Act has the authority to close the mine or cancel the permit, specifically (and narrowly) if there is non-compliance with the permit conditions.
2. Our only possible recourse is through a judicial review of the decision.

If we have misunderstood your comments or if there are other means by which we can challenge or appeal the decision, please let us know as soon as possible.

Also, since our meeting it has come to our attention that it is the practice of permitting officers under the Mines Act to provide reasons for the issuance of permits. If there are stated reasons for this decision relating to the Garnet Valley pit permit, we would request that a copy be provided to us. If there aren't reasons, it would be greatly appreciated if you could confirm that in writing.

While we recognize that the mine has received provincial authorization, in our meeting you indicated certain further conditions could be added to the permit prior to work being performed. For clarity, we formally request that the following conditions be added:

1. **Complete geotechnical study** – Geologic instability is well-known in the area and there is an active slip face that is very unstable. While the current permit envisions opaque monitoring requirements as the mine is developed, we request that a full study be completed prior to any mine works occurring.
2. **Detailed hydrological study** – Local knowledge and on-the-ground experience has revealed a complex surface water and ground water interaction with the stratigraphy of the area. It is our request that a complete study be done before any mine works occurring.
3. **Archaeological investigation** – A chance find procedure is inadequate given the area's rich and ancient history. Trails in the vicinity have been dated beyond 8,000 years old and sylix elders have advised the area was an important place for food, social and ceremonial activities. A full archaeological impact assessment and traditional ecological knowledge assessment must be completed before any mine works occurring.
4. **Public information session** – The lack of consultation and inadequate response to public concerns have created public mistrust in the process. Making project information available at the local library during the Christmas holiday period was seriously deficient. A great deal of confusion and misinformation has circulated as a result. It is our request that the proponent be directed to host a public information session before any mine works occurring.
5. **Reclamation liability increase** – As noted in our referral letter and in our meeting, the landowners have previously proceeded with unauthorized works in an environmentally sensitive area and were subject to a stop work order. They have also begun 10 applications with the District without completing any of them. Further, it is our understanding that Ecora Engineering and Environmental Ltd, on their own volition, abruptly ended their professional relationship with the landowners. For these reasons and given that mine security is a discretionary consideration of your department, we recommend that the reclamation liability be increased to \$100,000, with that amount being received before any mine works occurring.

I hope this letter is helpful to clarify where we stand on the project, and the conditions that we believe must be in place before any activities take place. Regardless, we remain completely opposed to the project and reserve the right to challenge it using any legal means necessary.

Sincerely,



Mayor Doug Holmes

cc: Chief Greg Gabriel, Penticton Indian Band
District of Summerland Council
Graham Statt, Chief Administrative Officer
Mike Cloet, Regional Director Southcentral Region
Lowell Constable, Chief Permitting Officer