



October 25th, 2024

Doug Holmes, Mayor
District of Summerland

Email: dholmes@summerland.ca

Dear Mayor Holmes:

Thank you for your Oct. 8th letter, following up on our meeting regarding the Garnet Valley Road gravel pit which took place on Sept. 25th. It was good to meet you and your team and we felt that the conversation was productive and respectful. Since then, I have been reviewing and discussing your concerns with my team and I have provided some responses below.

Garnet Valley Road

I understand that use of Garnet Valley Road continues to be a concern for the community. Although the road itself is outside the *Mines Act* jurisdiction, the decision maker did take road use concerns into consideration. As a result, the permit limits the amount of area that can be mined at any one time to 6 hectares, with a requirement to progressively reclaim any area that has been mined before a new area can be opened up. This restriction limits the amount of material that can be extracted and hence transported down Garnet Valley Road.

As well, the hours of operation are limited to Monday to Friday 7AM to 5PM. Therefore, it is anticipated that industrial traffic generated from the work site will not be travelling on Garnet Valley Road in the evenings, weekends, or statutory holidays, which is intended to limit interactions with residents and recreational users.

Status of Permit Decision

I'm confirming that a permit decision cannot be overturned by the Ministry. Cancelling a permit through the Chief Inspector of Mines is an involved process that is related to health, safety, and enforcement of permit conditions for an operating mine.

While I acknowledge that we could have done a better job in our communications regarding this application, I don't have reason to believe that there were "significant errors or omissions" in the adjudication of the application, as suggested in your letter. All relevant factors that are within the scope of the *Mines Act*, were reviewed and considered.

Geotechnical and Hydrological Studies

A geotechnical report has been submitted by the proponent, which also discusses the hydrology of the site, and is currently being reviewed by the Ministry's geotechnical specialists. As such, I am unable to comment further at this time, but I will follow up with you once the review is complete.

Archaeological Assessment

An archaeological assessment is a requirement of the permit and I have included the related clause from the permit (D.1.b):

b. Prior to any mechanical ground disturbance, an archaeological assessment by an eligible professional must be completed.

i. Any recommendations provided by the eligible professional resulting from this evaluation must be implemented.

ii. The assessment must be submitted to MMD-Kamloops@gov.bc.ca.

iii. The assessment must include spatial files including attributes for the area assessed and any areas of note with a buffer.

Reasons for Decision document and Public Information Session

The Statutory Decision Maker is finalizing a "Reasons for Decision" document, which I hope to share next week. The document is intended to provide a more fulsome account of how the decision maker considered the different issues that were expressed and how the issues were accounted for in the permit document. If technical questions remain after reviewing this document, then we will discuss with the proponent to see what we may be able to arrange for an information session with interested parties.

Reclamation Liability

The Ministry has well established procedures for assessing and requesting reclamation security through a Bond Calculator, and the amount collected for security is restricted to reclamation costs. Although inspectors have some discretion when it comes to evaluating security, it is limited to factors such as contingency and project management costs. The issues that you have described are outside the scope of consideration for a permitting inspector under the *Mines Act* and I believe increasing security for those reasons would be deemed to be unfair under the principles of administrative law.

Sincerely,



Nini Long, P.Eng.
Executive Director, Regional Operations Branch
Ministry of Energy, Mines, and Low Carbon Innovation