



October 29, 2024

Reasons For Decision

Mines Act Permit: G-100000442

Permittee: 1440254 B.C. Ltd.

Project: Garnet Valley Road Pit

Notice of Work #: 2000391-2023-01

INTRODUCTION

This is a record of my considerations and decision regarding the application for *Mines Act* Permit G-100000442. In the application, 1440254 B.C. Ltd. was seeking a permit to produce 29,999 tonnes/year. A permit was issued with conditions.

This document provides a summary of what I considered in reaching my decision, including the information provided in the application and inputs from the technical review, the public review and comment process and consultation with Indigenous Nations. As a summary, it does not capture all the information I have reviewed, but it addresses the most heavily weighted and consequential considerations.

REGULATORY AUTHORITY:

Legislative Authority:

The Province regulates mining operations under the *Mines Act* RSBC 1996 c.293 (as amended up to August 14, 2020), and the associated *Health, Safety and Reclamation Code for Mining in British Columbia* (the "Code"). The Act and the Code seek to protect the health and safety of the public and mine workers, and encourage responsible mining which minimizes impacts to the environment and cultural values. Section 10 of the *Mines Act* requires a mine owner or operator to submit an application and allows the Chief Permitting Officer to issue a permit for mining activities if the application is considered satisfactory and with conditions that the Chief Permitting Officer considers to be suitable in achieving the objectives noted above.

Delegation:

I am an Inspector of Mines appointed pursuant to Section 5 of the *Mines Act* by the Chief Inspector of Mines. I also have the delegated authority of the Chief Permitting Officer to issue a *Mines Act* permit for this application. As the designated statutory decision maker, I have a duty to use my judgement and discretion and to make an independent decision that is consistent with the statutory powers being exercised.

APPLICATION REVIEW PROCESS

The Application was subject to a comprehensive review, administered through the Southcentral Regional Office of the Ministry of Energy Mines and Low Carbon Innovation (EMLI).

To inform my decision, I have reviewed all relevant background information on the project, the application package (including the supporting plans and figures), agency referral comments, public review comments, and a summary of Indigenous consultation undertaken by the Province. I have also reviewed how key issues are addressed in the application and how recommended permit conditions could mitigate issues of concern.

I am aware of the many concerns that have been expressed in relation to this application. These concerns and my consideration of them are described below.

WATER MANAGEMENT, EROSION AND SEDIMENT CONTROL

Potential impacts to Eneas Creek were common concerns raised through public comments.

I consider effective erosion and sediment control measures to be of utmost importance in managing potential impacts from the operations. I acknowledge the robust plans for erosion and sediment control that have been submitted by the Proponent. An Erosion and Sediment Control Plan was developed by qualified persons, as defined in the *Mines Act*. These plans include the provision for the installation of erosion and sediment control devices, and frequent inspections and maintenance of the drainage ditches and settlement ponds.

Based on my review of this material, it is reasonable to conclude that the proposed operations present a lower risk of negative impacts to water quality as long as the recommended practices in the management plans and additional permit conditions are adhered to. Also, there are no watercourses within the permitted mine area boundary.

It is expected that water management practices will be continually monitored and improved upon as needed throughout the life of the mine.

I am satisfied that these conditions, including the buffers along Eneas Creek and lack of year-round watercourses on the property, provide adequate protection from erosion and sediment resulting from the proposed operations.

TERRAIN STABILITY

Consideration of slope stability is normal practice in the planning and review of mining applications, particularly where benches are being proposed. Concerns about landslides and their potential impact on the environment and safety were also raised through public comments.

I am aware that a debris flow occurred on the boundary of the proposed development property and that an analysis identified the source of the failure to be "*water flowing down the historic access road*". The submitted water management plan, which was accepted and incorporated into the permit, includes mitigation measures for the management of surface and groundwater and the movement of sedimentation.

The EMLI geotechnical reviewers recommended permit conditions that would attempt to mitigate the risk of further geotechnical incidents, including a monitoring plan to be developed by a qualified professional which I have accepted. In addition, permit conditions around mine design and storage of overburden can also address stability issues and concerns raised. The Code also includes regulations for designing roads, and the permit requires regular mine plan updates. Any new information from the monitoring plan or other sources can be evaluated to determine if changes to the permit are required.

Based on all of the required professional plans, and combined with the regulatory requirements of the Code, I am satisfied that the highly qualified technical experts from EMLI's review team have conducted a comprehensive review of the application, and that the permit conditions provide enough requirements to ensure that the stability of the site is carefully managed and the risk is reduced.

NOISE, DUST, AND HOURS OF WORK

Numerous public submissions expressed concerns related to the adverse impacts of noise that the operations may generate. Nearby residents expressed concerns about the prospect of noise impacts affecting their enjoyment of their homes and property and impacting tourism and other businesses.

I have considered that successful coexistence requires a certain amount of accommodation and respect between parties and have attempted to find a balance between the needs of a commercial enterprise that requires a certain level of efficiency with operating hours and the needs of nearby residents for peaceful enjoyment of their homes and properties.

I therefore have included the following permit conditions regarding approved hours of work:

- Excavations, crushing and screening, and maintenance may only occur between 7:00 a.m. and 5:00 p.m. Monday to Friday.
- No operations are allowed on a Saturday, Sunday, or a Statutory Holiday.

The permit also requires the mitigation and monitoring plans for noise and dust, that are outlined in the Noise and Dust Plan, to be implemented on site as part of the permit.

USE OF LAND

I am aware of the concerns raised in relation to visual impacts, property values, and general land use.

I am not aware of any provincially established Visual Quality Objectives at this location. However, I have also noted and considered that the Proponent has taken steps to mitigate the visual impacts by reducing the amount of disturbance open at any point in time.

The issue of property values is outside the scope of the decision under the Mines Act.

I am aware of the concerns raised regarding the density of gravel pits in the local area. However, my authority as a mines inspector is restricted to reviewing each application on its own technical merits and without bias. As such, I did not consider the issue of overall gravel supply in the area, in my decision.

TRAFFIC AND ROAD SAFETY

I considered the many concerns that were raised regarding traffic and safety on Garnet Valley Road. To address these concerns, I limited the area that can be mined at any one time to 6 hectares, which limits the volume of truck traffic that will be generated from the operation. As well, I restricted the operating hours to Monday to Friday, from 7AM to 5PM. No work will be permitted outside of these hours, including on statutory holidays. This restriction further limits the amount of traffic that will be generated on Garnet Valley Road, in consideration of the residents and recreational users.

IMPACTS TO VEGETATION AND WILDLIFE

I acknowledge the concerns expressed regarding the removal of vegetation and the impact on wildlife and wildlife habitat. To address these concerns, permit conditions have been incorporated which require wildlife and vegetation surveys to be conducted by a Qualified Professional and mitigation measures to minimize impacts

As well, the permitted mine area boundary includes a buffer from Eneas Creek. Also, the permit restricts the amount of disturbance to 6 hectares at a time, with a requirement for progressive reclamation to be completed prior to further disturbance.

RECLAMATION AND RECLAMATION SECURITY

Based on the reclamation plan submitted by the proponent, I used the provincial Bond Calculator to determine a reclamation security value of \$20,000. I also considered that the property is privately owned and this security rate is consistent with the other gravel pits in the surrounding Summerland area.

CONSULTATION WITH INDIGENOUS NATIONS

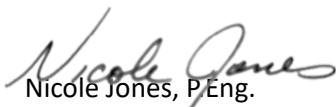
I am aware of the consultation process that has occurred with each of the potentially impacted Indigenous Nations and consider that the process has been reasonable and appropriate. I believe that the Province has consulted sincerely and I have made efforts to mitigate any concerns that can be addressed under the *Mines Act*, through permit conditions

THE DECISION

After careful consideration and review of all of the information and feedback associated with this application, and based on my rationale discussed above, I have made the decision to approve the application and to issue a *Mines Act* permit.

I am satisfied that the application has been prepared and submitted in accordance with Section 10 of the *Mines Act* and with adherence to the *Health, Safety and Reclamation Code for Mines in British Columbia*. I am satisfied that the legislated process described in the *Mines Act* and in the *Health, Safety and Reclamation Code for Mines in British Columbia* was followed. I have exercised my delegated authority granted to me by the Chief Permitting Officer to issue the permit and to establish permit conditions that I deem necessary.

Sincerely,



Nicole Jones, P.Eng.

A/ Senior Permitting Inspector, Southcentral Region