

From: [Christie, Karen L EAO:EX](#)
To: [Warner, Jessica EAO:EX](#)
Subject: For file: section 6 request for Nicola Valley Aggregates proposed Gravel Pit
Date: April 2, 2019 2:28:03 PM
Attachments: [Scan_20190328.pdf](#)
[image001.png](#)

KAREN CHRISTIE

Executive Project Director
Environmental Assessment Office
Government of British Columbia
OFFICE: 778-698-9347
MOBILE: 250-213-7309



The EAO respectfully acknowledges that it carries out its work on the traditional territories of Indigenous nations throughout British Columbia.

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From: Matzanke, Elise EAO:EX
Sent: March 28, 2019 3:33 PM
To: Christie, Karen L EAO:EX <Karen.L.Christie@gov.bc.ca>
Subject: section 6 request for Nicola Valley Aggregates proposed Gravel Pit

Hi Karen – as discussed here is the S6 request. This went to MGH so I will let the CU know that the EAO will respond.

Elise

From: EMATZANK <Elise.Matzanke@gov.bc.ca>
Sent: March 28, 2019 3:29 PM
To: Matzanke, Elise EAO:EX <Elise.Matzanke@gov.bc.ca>
Subject: Scan From <Device Name>

Coutlee Residents Committee

780 Highway 8
Merritt, BC, V1K 1P1
By email: amacsmit@telus.net
By telephone: 250-378-5370

Hon. George Heyman, MLA
Minister of Environment and Climate Change Strategy
Room 112 Parliament Buildings
Victoria, BC V8V 1X4

March 19, 2019

Dear Minister Heyman:

In regard to:
Nicola Valley Aggregates Ltd Proposed Gravel Pit
At 701 Highway 97C (Merritt-Spences Bridge)
Lot No. DL1923 Kamloops Div. Yale District
Tracking Number 100268809 (assigned under the Ministry of Energy, Mines & Petroleum Resources application process)

We write to request that you designate the aggregate mine noted above, proposed for development in our community, as a reviewable project as under the provisions of BC's Environmental Assessment Act.

The mine will have significant adverse environmental, economic, social, heritage and health effects. The *designation* will be in the public interest; not only for our community, but also for those living on the adjacent Shulus Reserve (Lower Nicola Indian Band) and in the nearby City of Merritt.

The project has not been started at the time of this designation request, but an application by the proponent is now before the Ministry of Energy, Mines & Petroleum Resources (mines ministry). We have made a representation in writing to that ministry's permitting process.

While the application is just below the threshold for a reviewable project, the long term prospects and apparent plan for expansion would entail significant and unmitigable impacts on the landscape, valued ecosystem components, and the social and economic qualities and wellbeing of the community.

While we commend and acknowledge that your government has passed new environmental assessment (EA) legislation, and that this new approach could remedy some of the environmental and social issues that surround aggregate

development in BC, such improvements will not be applied to a review of this project.

We have met with our neighbours living on the adjacent Shulus Reserve and have had the opportunity to speak with Band staff and leadership, and we have met with our MLA, the Mayor of Merritt, and our Thompson Nicola Regional District (TNRD) representative. We have expressed our concerns and are appreciative that they have also made representations to the mines ministry.

An outline of our concerns & issues that are in the public interest

Cumulative impacts

The Nicola Valley has been subject to development pressure ranging from a biofuel energy project to efforts to dispose of lower mainland bio solids in the area, disposal of soil from the lower mainland at the former Craigmont Mine site (a copper mine) and the community uncertainty about what that waste stream is composed of, and now an aggregate mine which would be located close to an established and operational aggregate operation (within 5 kilometres of the proposed aggregate mine).

The cumulative environmental impacts of development and landscape change will not be considered in the mines ministry application process, and nor will that process consider the cumulative social and economic impacts of this project.

This application should be reviewed within the context of previous, existing and projected extractive activities, with attention paid to the cumulative effects of traffic, dust, noise, and other potential additive and synergistic environmental impacts. An EA can provide due attention to these issues.

We also note that your government has placed an emphasis on cumulative effects and regional assessment in its new EA Act. Our request for designation of this project is consistent with those objectives.

Transparency and accountability

Despite the potential for significant environmental and community impacts, the present review process for this project is restricted to an internal review by the mines ministry, and it is our understanding that approval or rejection is granted by one individual. The criteria for review and approval are unclear. While that ministry did publish *The Guide to Preparing Mine Permits for Aggregate Pits (the Guide)*, it predates the existing provisions and the present application process. It is uncertain how the rules for review, criteria, and expectations for public consultation and other indicators for best practices in the *Guide* are used by that ministry in its consideration of an application. However, here we do refer to the *Guide* in our review of the application and to outline issues of concern since, regardless of the date of issues, it is the only comprehensive document outlining expectations for this type of mine, provided by the mines ministry.

While the proponent's application was made available for public view at the public library in Merritt, library staff were confused about how access would be allowed, and would not initially allow it to be copied, and parts of the application were not in the file, notably the archaeological letter, and a letter of support from the landowner.

We believe that an EA could provide the needed clarity of due process, transparency with respect to what criteria are used in the review of the application and how it is applied, or how criteria are weighted by the mines ministry. Only an EA can require a meaningful opportunity for community members (regional and local) to properly understand the project and its implications, and propose effective options for impact mitigation.

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The *Guide* (4.5) states "Public consultation should take a variety of forms and can include public meetings and open houses, one-on-one meetings with interested parties, publication of articles on a particular project, and/or notices in community newspapers". Apart from the obligatory Mines Act notice in the Merritt Herald dated 17th January 2019, consultation has not occurred. If the mines ministry requires a public meeting, it is our understanding it will be informational. Our concern, and we do not believe this is unfounded, is that a public meeting will not directly shape the decision or constitute meaningful community engagement.

There is also a 'requirement' in the *Guide* (4.6) that a public notice be posted on the property advertising that the property is the subject of a *Mines Act* permit application. This has not happened.

Finally, if the mine were to be expanded after the 5 years covered by the present application the review process would be brief and internal to the mines ministry, and there would be no public notice or opportunity for consultation under the existing rules. An EA can help ensure that a longer term of operations and consideration of long term impacts could be reviewed and the proponent's plans for the site after 5 years would be properly assessed, and indeed known to those impacted.

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The proposed aggregate mine is on a sloping bench in full view of the communities of Shulus First Nation Reserve, adjacent to the site, and to the community of Coutlee, situated immediately below the proposed mine.

The proposed operation is incompatible with an existing rural residential and agricultural neighbourhood. If approved as it is proposed in the application it will impose demonstrable and significant, dust, noise, traffic, and visual impacts on the community, and may pose potential significant groundwater and land/slope stability risks to the highway and those who rely on ground water for domestic use.

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We cannot comment on what initiatives the applicant has undertaken to consult with First Nations and what the response has been. There are First Nations families living adjacent to the site of the proposed gravel pit, and within 300 meters of it. These are our neighbours. We have spoken with our neighbours and they were unaware of the proposal and have expressed their concern. We will continue discussion and information sharing of the implications of this proposed gravel pit with them, and we have shared our correspondence not only directly with our neighbours, but also with the staff and leadership of the Lower Nicola Indian Band.

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There has been no approach of any kind to the community of Coutlee by Nicola Valley Aggregates. The proposal states “Nicola Valley Aggregates Ltd. intends on using the sand and gravel for sales to the local community the maximum extraction would be 200,000 tonnes per year and 800,000 tonnes over 4 years”. This is just below the limit in the *Reviewable Projects Regulation*, regardless of this threshold; this application constitutes a major aggregate operation, especially when compared to existing operations in the Nicola Valley.

There are three other aggregate companies in the Nicola Valley. Two have indicated that the local market is already oversupplied, and the larger company has sales of just 30,000 tonnes per year, well below the proposed maximum output of the proposed gravel pit. Will the much larger tonnage proposed by Nicola Valley Aggregates be trucked to the Lower Mainland or elsewhere?

The process administered by the mines ministry does not consider local or regional need, viability of the business, or market conditions. Nor will that process consider if the project is being developed to export aggregate. An EA can provide an opportunity to examine the necessity and viability of the project, and the experience of the proponent.

Significant noise impacts

The Nicola Valley is steep-sided. Noise reverberates across the valley, and is also carried by the prevailing winds. Gravel pits are noisy, and unbearably so if rock crushing is done on site. There are houses within 300m of the proposed gravel pit, both in Shulus and in Coutlee, and numerous houses within 1km. For these residents the quality of life affected by the mine's noise would be intolerable.

The proposal does not indicate projected noise levels. The mitigation proposed is restricted hours of operation. The proposed hours in the application propose operating the gravel pit six days a week. Proper mitigation would see working hours limited to 8.30am to 4.30pm five days a week (a later start time and earlier end of work day time than is proposed in the application), and no weekend operations.

Proper mitigation would also require crushing and screening to be done offsite to mitigate negative impact on nearby properties. In addition excavation and processing on site, the considerable increase in truck traffic noise must be taken into account. There is no mitigation proposed for this.

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The impact of dust on human health and wildlife may be significant given the proximity of residences at 250m and wildlife in the surrounding area.

Respiration of a small fraction of silica in airborne dust is a health hazard, which can lead to respiratory and lung diseases, including silicosis. It is also considered to be a carcinogen, which is linked to kidney disease and autoimmune disorders.

Small particle silica, known as respirable crystalline silica (RCS) has a diameter of less than 10 μm . Some particles may be as small as 0.1 μm . These are invisible to the naked eye and can be easily transported indoors and are absorbed by the mucous membranes of the human body.

The proposal states, "For dust suppression the access road will be paved and screen plant will have water spray suppression when required". No mention is made of dust suppression in the pit or the source of water for the screen plant.

The Nicola Valley is a reliably windy region, but with few reliable wind patterns and varying wind speeds. Dust will be carried well beyond the immediate area and in multiple directions, and into the City of Merritt (east) and to the communities in the other direction (west). The impacts of dust for those living adjacent to the mine site would be significant and ongoing.

An EA would allow a proper environmental study of the impact of the dust on the health of the surrounding population, and ensure that mitigation is adequate. We do not believe that the process administered by the mines ministry is likely to require this.

Groundwater impacts and the need for studies

All the residents of Coutlee obtain their water from wells, many of them shallow wells 3-4m deep. This water comes from the lower bench land of Swakum Mountain (i.e. the site of the proposed gravel pit) as an alluvial fan source. There is an artesian spring 500m west of the proposed site on the same bench land.

In the application there is a lack of clarity regarding the buffer zone for the water table. It is indicated that the buffer will be 10 m; however the depths of high groundwater table is indicated at 15 m below excavation. The application states "years 1 to 3 the bottom of the pit will be at 612 m elevation. Years 4 and 5 the floor of the pit will be at 600 m elevation. Therefore the 10 m buffer is not feasible, and the potential for groundwater contamination and disruption is considerable. The pit may extend below the depth of neighbouring residential wells.

There is a stream at the foot of the sloping hayfield where the mine would be excavated, variously known as Berard Brook or Spring Creek, which flows year round and is a habitat for salmon and trout fry. It has also been a home for muskrats.

We believe that only an EA can require a hydrogeological survey to assess the potential impact on community wells and the local stream.

Although the Nicola Valley is essentially a semi-arid area, it does occasionally experience extreme rainfall events, particularly in the summer, and we would like to know how runoff and other impacts from severe weather events will be managed to prevent access road erosion and runoff onto on the public highway.

At the proposed mine site the status of groundwater seems uncertain. Without a ground water assessment it is unknown if the applicant would have sufficient supplies of water for washing and dust control, or if there is a risk of pit flooding which would require dewatering and a place to dispose of the water, or the potential risk of pit failure or slope failure (due to water impacts) at the highway side of the lot. Slope failure would impose considerable risk to the highway and homes below.

Significant traffic impacts

The access road to the proposed mine site is directly opposite Billwiller Road on the very busy traffic corridor Highway 97C, which is also a school bus route.

The Ministry of Transportation has informed us more than 3000 vehicles a day use this portion of Highway. The applicant does not provide an estimate of the truck traffic to and from the mine.

With the proponent's requested operating hours of 55 hours per week, and assuming the production of 200,000 tonnes of aggregate per year, this would entail more than 11,000 loads per year or at least 4 truckloads per hour. Even at 0.25 production level, this would mean one truck every hour (based on an equal number

of truck/trailer and truck only (based on truck-trailer load of 27.38t of aggregate per transit, and a truck without trailer at 12.11t of aggregate per transit).

Previously there has been no heavy industrial traffic coming down that access road, which is steeply inclined and rough. We are concerned that trucks carrying 12 to ~30 tonnes of rock will present a major hazard entering a fast moving (80 km/hr) traffic flow. Furthermore, these trucks will be crossing traffic lanes when entering and leaving the proposed mine site.

We understand from the Ministry of Transportation that a new permit for road access will need to be obtained. Considerable work will be needed to upgrade the access point where the proposed use can be accommodated. This work would likely entail significant digging and cutting into the slope, substantial landscape modification, and potential groundwater disturbance.

The *Guide* states, "Ensure industrial traffic does not degrade public roads or jeopardize public safety". The description in the proponent's application of what access upgrading will be done is cursory and requires more substantial assessment and discussion, especially since the impacts of a major road access, and the accompanying industrial traffic would have a significant impact on the community, and may pose substantial risks for highway safety.

According to *Agricultural Land Commission* maps, the land on which the upgraded access road would be located is inside the Agricultural Land Reserve. Consideration of the impacts of this project on adjacent agriculture should be studied.

Riparian areas

According to a TNRD site description the district lot on which the project is located (DL 1923) intersects with a riparian area. "Riparian areas are the areas bordering on streams, lakes, and wetlands that link water to land. The riparian areas regulation enacted under section 12 of the *Fish Protection Act*, then re-titled the *Riparian Areas Protection Act* calls for local governments to protect riparian areas during residential, commercial, and industrial development by ensuring that proposed activities are subject to a science-based assessment conducted by a qualified environmental professional (QEP)".

Wildlife impacts

The previous landowner has noted that mule deer, California bighorn, whitetail deer, black bear, cougar, owls, hawks, eagles, rabbit, squirrel and moose, are known to traverse the location or live in the adjacent forest. As such this constitutes part of the habitat or home range for these species. An aggregate mine will have a significant impact on wildlife, which cannot be mitigated. These impacts require study and a plan for mitigation.

Forest fire risk

The forest beside the proposed gravel pit has recently experienced a forest fire. With the development of a pit operation, the risk of fire would increase due to equipment use, onsite fuel storage, the denuding of the existing fields and the encroachment of dry grasses and weeds which will increase the risk of wildfire. This imposes a significant risk to nearby homes and residents. Forest fires could pose risks to the nearby electrical lines that serve the Nicola valley.

Impacts on recreation uses

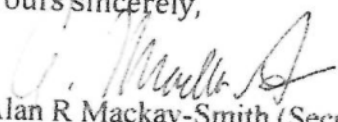
Directly to the east of the mine location is this Swakum Mountain Bike and Recreation area with hiking and biking trails directly north and east of the proposed development. The trails are maintained by the Merritt Mountain Bike Association. The impacts of the project on these uses is uncertain, but it warrants study and consultation with users.

Visual impacts

The tendered application states that the pit will not be visible to the neighbourhood. This is incorrect. A rapid visual assessment indicates that it will be visible to all the properties in the immediate area. In the present application there is no evident plan for mitigation of visual impact.

The concerns we have outlined indicate the potential for significant impacts from this project. The application does not adequately outline mitigation measures or anticipate a range of impacts. The review process is limited in scope and has minimal capacity for considering and including and addressing public concerns. The issues we have defined justify the designation of the project as requiring an environmental assessment under BC's Environmental Assessment Act.

Yours sincerely,


Alan R Mackay-Smith (Secretary)

Copies:

Kevin Jardine, Associate Deputy Minister and Executive Director, BC Environmental Assessment Office

Committee members: R. Hack, A & K Mackay Smith, D. Ross, C. Hanna, R & H Holmes

Lower Nicola Indian Band

Thompson Nicola Regional District (TNRD) Representatives

Jackie Taggart, MLA

City of Merritt, Mayor's Office

From: [Christie, Karen L EAO:EX](#)
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Subject: For File: Nicola Valley Aggregates Ltd Proposed Gravel Pit
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From: Christie, Karen L EAO:EX
Sent: March 28, 2019 4:15 PM
To: Adams, Rick EMPR:EX <Rick.Adams@gov.bc.ca>
Subject: Nicola Valley Aggregates Ltd Proposed Gravel Pit

Hi Rick,

The Coutlee Residents Committee has sent a letter (attached) to the Minister of Environment requesting that he designate Nicola Valley Aggregates Ltd's proposed gravel pit a designated project that requires an environmental assessment.

I am looking for information and context regarding the application.

Is this a file that you are familiar with?

Karen

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Coutlee Residents Committee

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We believe that only an EA can require a hydrogeological survey to assess the potential impact on community wells and the local stream.

Although the Nicola Valley is essentially a semi-arid area, it does occasionally experience extreme rainfall events, particularly in the summer, and we would like to know how runoff and other impacts from severe weather events will be managed to prevent access road erosion and runoff onto on the public highway.

At the proposed mine site the status of groundwater seems uncertain. Without a ground water assessment it is unknown if the applicant would have sufficient supplies of water for washing and dust control, or if there is a risk of pit flooding which would require dewatering and a place to dispose of the water, or the potential risk of pit failure or slope failure (due to water impacts) at the highway side of the lot. Slope failure would impose considerable risk to the highway and homes below.

Significant traffic impacts

The access road to the proposed mine site is directly opposite Billwiller Road on the very busy traffic corridor Highway 97C, which is also a school bus route.

The Ministry of Transportation has informed us more than 3000 vehicles a day use this portion of Highway. The applicant does not provide an estimate of the truck traffic to and from the mine.

With the proponent's requested operating hours of 55 hours per week, and assuming the production of 200,000 tonnes of aggregate per year, this would entail more than 11,000 loads per year or at least 4 truckloads per hour. Even at 0.25 production level, this would mean one truck every hour (based on an equal number

of truck/trailer and truck only (based on truck-trailer load of 27.38t of aggregate per transit, and a truck without trailer at 12.11t of aggregate per transit).

Previously there has been no heavy industrial traffic coming down that access road, which is steeply inclined and rough. We are concerned that trucks carrying 12 to ~30 tonnes of rock will present a major hazard entering a fast moving (80 km/hr) traffic flow. Furthermore, these trucks will be crossing traffic lanes when entering and leaving the proposed mine site.

We understand from the Ministry of Transportation that a new permit for road access will need to be obtained. Considerable work will be needed to upgrade the access point where the proposed use can be accommodated. This work would likely entail significant digging and cutting into the slope, substantial landscape modification, and potential groundwater disturbance.

The *Guide* states, "Ensure industrial traffic does not degrade public roads or jeopardize public safety". The description in the proponent's application of what access upgrading will be done is cursory and requires more substantial assessment and discussion, especially since the impacts of a major road access, and the accompanying industrial traffic would have a significant impact on the community, and may pose substantial risks for highway safety.

According to *Agricultural Land Commission* maps, the land on which the upgraded access road would be located is inside the Agricultural Land Reserve. Consideration of the impacts of this project on adjacent agriculture should be studied.

Riparian areas

According to a TNRD site description the district lot on which the project is located (DL 1923) intersects with a riparian area. "Riparian areas are the areas bordering on streams, lakes, and wetlands that link water to land. The riparian areas regulation enacted under section 12 of the *Fish Protection Act*, then re-titled the *Riparian Areas Protection Act* calls for local governments to protect riparian areas during residential, commercial, and industrial development by ensuring that proposed activities are subject to a science-based assessment conducted by a qualified environmental professional (QEP)".

Wildlife impacts

The previous landowner has noted that mule deer, California bighorn, whitetail deer, black bear, cougar, owls, hawks, eagles, rabbit, squirrel and moose, are known to traverse the location or live in the adjacent forest. As such this constitutes part of the habitat or home range for these species. An aggregate mine will have a significant impact on wildlife, which cannot be mitigated. These impacts require study and a plan for mitigation.

Forest fire risk

The forest beside the proposed gravel pit has recently experienced a forest fire. With the development of a pit operation, the risk of fire would increase due to equipment use, onsite fuel storage, the denuding of the existing fields and the encroachment of dry grasses and weeds which will increase the risk of wildfire. This imposes a significant risk to nearby homes and residents. Forest fires could pose risks to the nearby electrical lines that serve the Nicola valley.

Impacts on recreation uses

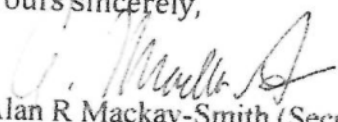
Directly to the east of the mine location is this Swakum Mountain Bike and Recreation area with hiking and biking trails directly north and east of the proposed development. The trails are maintained by the Merritt Mountain Bike Association. The impacts of the project on these uses is uncertain, but it warrants study and consultation with users.

Visual impacts

The tendered application states that the pit will not be visible to the neighbourhood. This is incorrect. A rapid visual assessment indicates that it will be visible to all the properties in the immediate area. In the present application there is no evident plan for mitigation of visual impact.

The concerns we have outlined indicate the potential for significant impacts from this project. The application does not adequately outline mitigation measures or anticipate a range of impacts. The review process is limited in scope and has minimal capacity for considering and including and addressing public concerns. The issues we have defined justify the designation of the project as requiring an environmental assessment under BC's Environmental Assessment Act.

Yours sincerely,


Alan R Mackay-Smith (Secretary)

Copies:

Kevin Jardine, Associate Deputy Minister and Executive Director, BC Environmental Assessment Office

Committee members: R. Hack, A & K Mackay Smith, D. Ross, C. Hanna, R & H Holmes

Lower Nicola Indian Band

Thompson Nicola Regional District (TNRD) Representatives

Jackie Taggart, MLA

City of Merritt, Mayor's Office

From: [Christie, Karen L EAO:EX](#)
To: [Warner, Jessica EAO:EX](#)
Subject: For File: Lower Nicola Indian Band - Response to Application for a Notice of Work from Nicola Valley Aggregates Ltd. for the purpose of Sand & Gravel Operations - File #14675-20/1621718201801
Date: April 2, 2019 2:29:14 PM
Attachments: [image80f41a.PNG](#)
[38451565_1_LT Province March 29, 2019 .PDF](#)

From: Adams, Rick EMPR:EX
Sent: April 1, 2019 10:05 AM
To: Christie, Karen L EAO:EX <Karen.L.Christie@gov.bc.ca>
Subject: FW: Lower Nicola Indian Band - Response to Application for a Notice of Work from Nicola Valley Aggregates Ltd. for the purpose of Sand & Gravel Operations - File #14675-20/1621718201801

Karen, FYI as well, LNIB's response to the initial consultation letter from MFLNRO First Nations Relations staff on this application.

Rick Adams

From: Scorrar, Brendan EMPR:EX
Sent: Friday, March 29, 2019 3:59 PM
To: Parsons, Kate EMPR:EX; Adams, Rick EMPR:EX; Dunae, Vanessa EMPR:EX
Subject: FW: Lower Nicola Indian Band - Response to Application for a Notice of Work from Nicola Valley Aggregates Ltd. for the purpose of Sand & Gravel Operations - File #14675-20/1621718201801

Another letter from LNIB's lawyer regarding NVA-1621718. This one is address to Bob Z and me.

Brendan

From: Zryd, Bob FLNR:EX
Sent: Friday, March 29, 2019 3:38 PM
To: Scorrar, Brendan EMPR:EX
Subject: FW: Lower Nicola Indian Band - Response to Application for a Notice of Work from Nicola Valley Aggregates Ltd. for the purpose of Sand & Gravel Operations - File #14675-20/1621718201801

fyi

From: Ranauta, Parveen [<mailto:pranauta@millerthomson.com>]
Sent: March 29, 2019 1:24 PM
To: Zryd, Bob FLNR:EX; Kamloops, REGOPS EMPR:EX
Cc: Lewis, Roark; Camley, Morgan; breaksbulldozing@telus.net
Subject: Lower Nicola Indian Band - Response to Application for a Notice of Work from Nicola Valley Aggregates Ltd. for the purpose of Sand & Gravel Operations - File #14675-20/1621718201801

Good afternoon,

Please see the attached correspondence from Ms. Morgan Camley dated March 29, 2019.

Thank you,

PARVEEN RANAUTA

Legal Assistant

Miller Thomson LLP

Services provided through Miltom Management LP

Pacific Centre, 400 – 725 Granville Street

Vancouver, British Columbia V7Y 1G5

Direct Line: +1 604.628.3678

Fax: +1 604.643.1200

Email: pranauta@millerthomson.com

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Page 022 of 121 to/à Page 025 of 121

Withheld pursuant to/removed as

s.16

From: [Christie, Karen L EAO:EX](#)
To: [Warner, Jessica EAO:EX](#)
Subject: For File: Nicola Valley Aggregates Ltd Proposed Gravel Pit
Date: April 2, 2019 2:30:11 PM
Attachments: [image001.png](#)
[NVA 1621718 distances and topographic profiles.pdf](#)
[1621718201801 Nicola Valley Aggregates LTD Location Map.pdf](#)
[1621718201801 Nicola Valley Aggregates Ltd supplemental information 11-12.pdf](#)
[1621718201801 Nicola Valley Sections and plan 2019 01 03.pdf](#)
[1621718201801 ApplicationForm.pdf](#)

From: Scorrar, Brendan EMPR:EX
Sent: April 1, 2019 12:57 PM
To: Christie, Karen L EAO:EX <Karen.L.Christie@gov.bc.ca>
Cc: Parsons, Kate EMPR:EX <Kate.Parsons@gov.bc.ca>; Kamloops, REGOPS EMPR:EX <MMD-Kamloops@gov.bc.ca>; Adams, Rick EMPR:EX <Rick.Adams@gov.bc.ca>
Subject: RE: Nicola Valley Aggregates Ltd Proposed Gravel Pit

Hello Karen,

I am the mines inspector who is working on this application and Rick forwarded me your email below.

The address the points Rick raised.

1. The NoW application is attached (files starting with 1621718201801_)
2. I created a PDF of the approximate mine location imposed on satellite images, from iMapBC and Google Earth. I measured the distances to the boundary with the LNIB reserve and the closest residence, both on the reserve and on private land. I also attached topographic profiles through the proposed mine and the two residence locations. Please note, I digitized the mine shapes myself as shape files are not routinely required for regional permit applications. I requested that the applicant send in shape files so that these measurements can be done more accurately.
3. Here is the timeline so far:
 - a. December 7, 2018 – Application submitted by applicant
 - b. January 7, 2019 - application accepted by the mines inspector, myself, following technical review. FN consultation and agency referrals requested.
 - c. January 17, 2019 – publication of permit application in the local newspaper and BC gazette by applicant
 - d. March 19, 2019 – Consultation and Referral letters sent out by FCBC
 - e. March 21, 2019 – requirement for public meeting set with notification 2 weeks and 1 week in advance of the meeting
 - f. The public meeting has been set for April 10, 2019, 7-9pm at the Merritt Civic Centre
4. I do not think there is anything of particular significance or uniqueness about this file that will not be considered during our review process. I read through the letter sent to the Minister of Environment and have the following comments:
 - a. The cumulative impacts will be considered. I routinely consider the cumulative impacts of the mine sites I permit and this has been a specific concern for other First Nations within the South Central region.

- b. A public meeting is being held to understand and address the communities concerns. Any of the concerns raised by the community, First Nations, or other referral agencies will be considered before I make a permitting decision.
- c. The potential impacts created by the proximity to the communities, visibility, noise, dust, and others will all be considered. Permit conditions and the existing legislation, BC Mines Act and Code and others, can be used to mitigate these types of impact.
- d. The First Nations consultation and engagement is ongoing. The delays in FCBC sending out the FN consultation letters caused some confusion over the status and timing of the Consultation.
- e. The potential impact to the ground water and wells, wildlife, riparian areas, and forest fire risk, and any others raised will all be considered. Permit conditions and the existing legislation, BC Mines Act and Code and others, can be used to mitigate these types of impacts.
- f. The various studies or plans that may be required, Hydrogeological, Environmental, etc. will all be considered and required as necessary. The regional offices have a history or requiring such studies at regional mines around the province.

Let me know if you have any other questions.

Regards,
Brendan

From: Adams, Rick EMPR:EX
Sent: Monday, April 1, 2019 9:00 AM
To: Scorrar, Brendan EMPR:EX
Cc: Parsons, Kate EMPR:EX; Kamloops, REGOPS EMPR:EX
Subject: FW: Nicola Valley Aggregates Ltd Proposed Gravel Pit

Brenda, I just spoke to Karen Christie to provide her with a little bit of the background on this file.

Can you please provide Karen:

- A copy of the NOW application and maps;
- A Google earth image with the gravel pit application outlined, LNIB's Reserve shown, and highlighting the nearest residences and distances;
- Status of the application: when the applicant advertised, when FCBC sent out FN consultation letters and agency referrals (if they have), and if a date for a public meeting has been set yet; and
- If there is anything of particular significance or uniqueness about this file that the EAO should be aware of, that wouldn't be addressed through our review process, that might warrant EAO giving consideration to designating it a reviewable project.

Rick

From: Christie, Karen L EAO:EX
Sent: Thursday, March 28, 2019 4:15 PM
To: Adams, Rick EMPR:EX
Subject: Nicola Valley Aggregates Ltd Proposed Gravel Pit

Hi Rick,

The Coutlee Residents Committee has sent a letter (attached) to the Minister of Environment requesting that he designate Nicola Valley Aggregates Ltd's proposed gravel pit a designated project that requires an environmental assessment.

I am looking for information and context regarding the application.

Is this a file that you are familiar with?

Karen

KAREN CHRISTIE

Executive Project Director
Environmental Assessment Office
Government of British Columbia

OFFICE: 778-698-9347

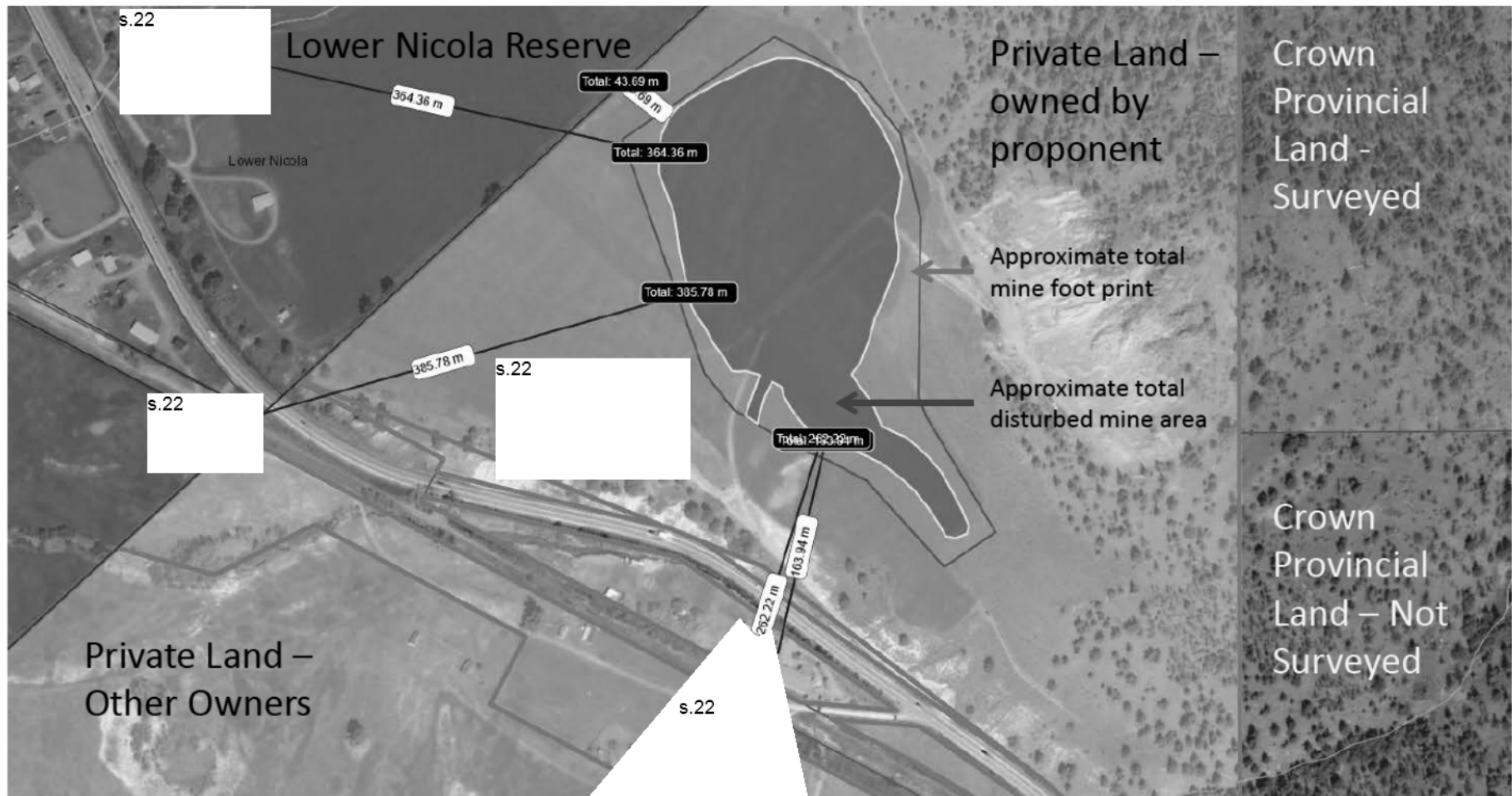
MOBILE: 250-213-7309



The EAO respectfully acknowledges that it carries out its work on the traditional territories of Indigenous nations throughout British Columbia.

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Location of Proposed Gravel Pit – Nicola Valley Aggregates - 1621718



Approximate Distances from Disturbed Mine Area to Selected Features

Lower Nicola Reserve – 43m

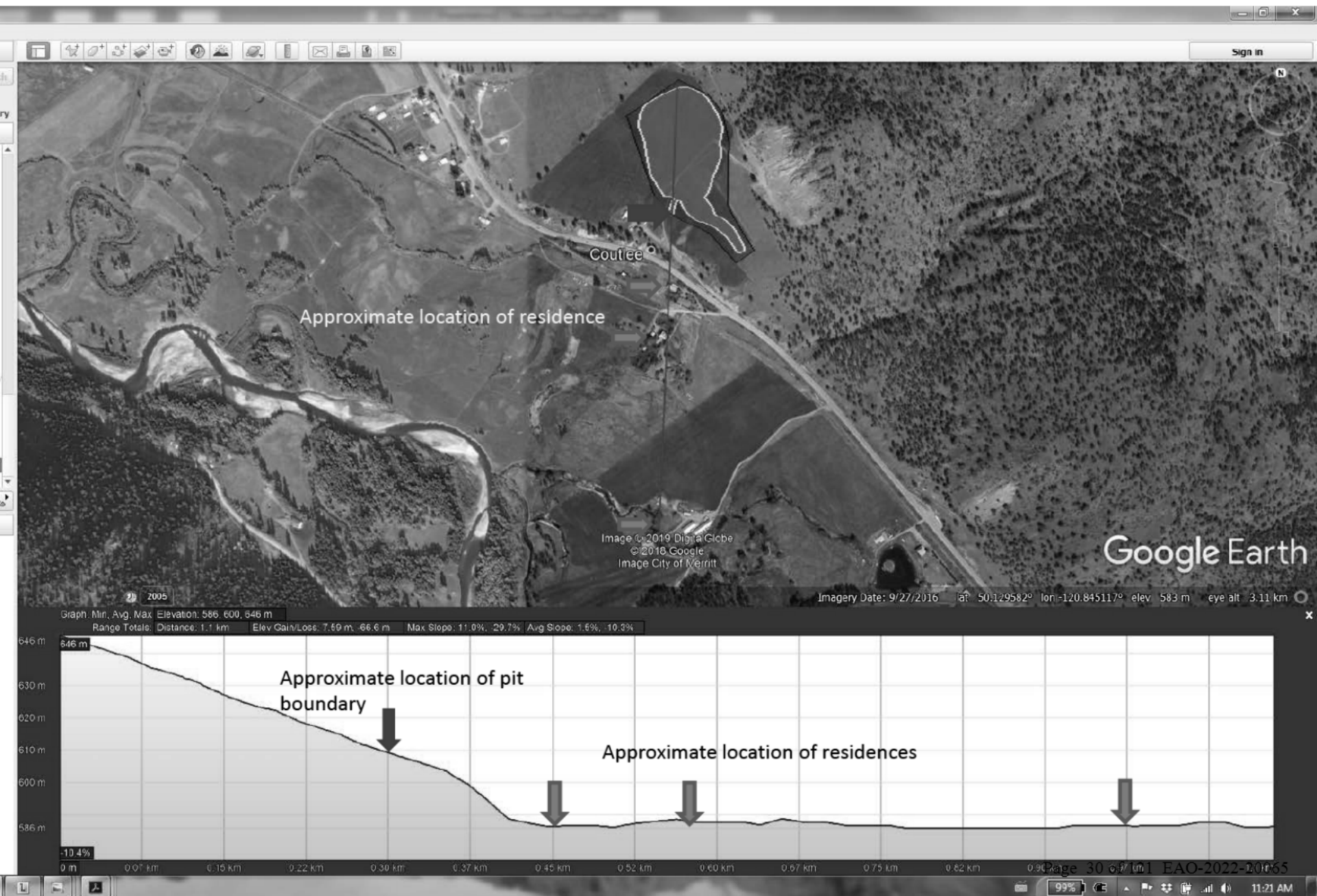
Closest residence on reserve – 364m

Closest residence on private land – 163m

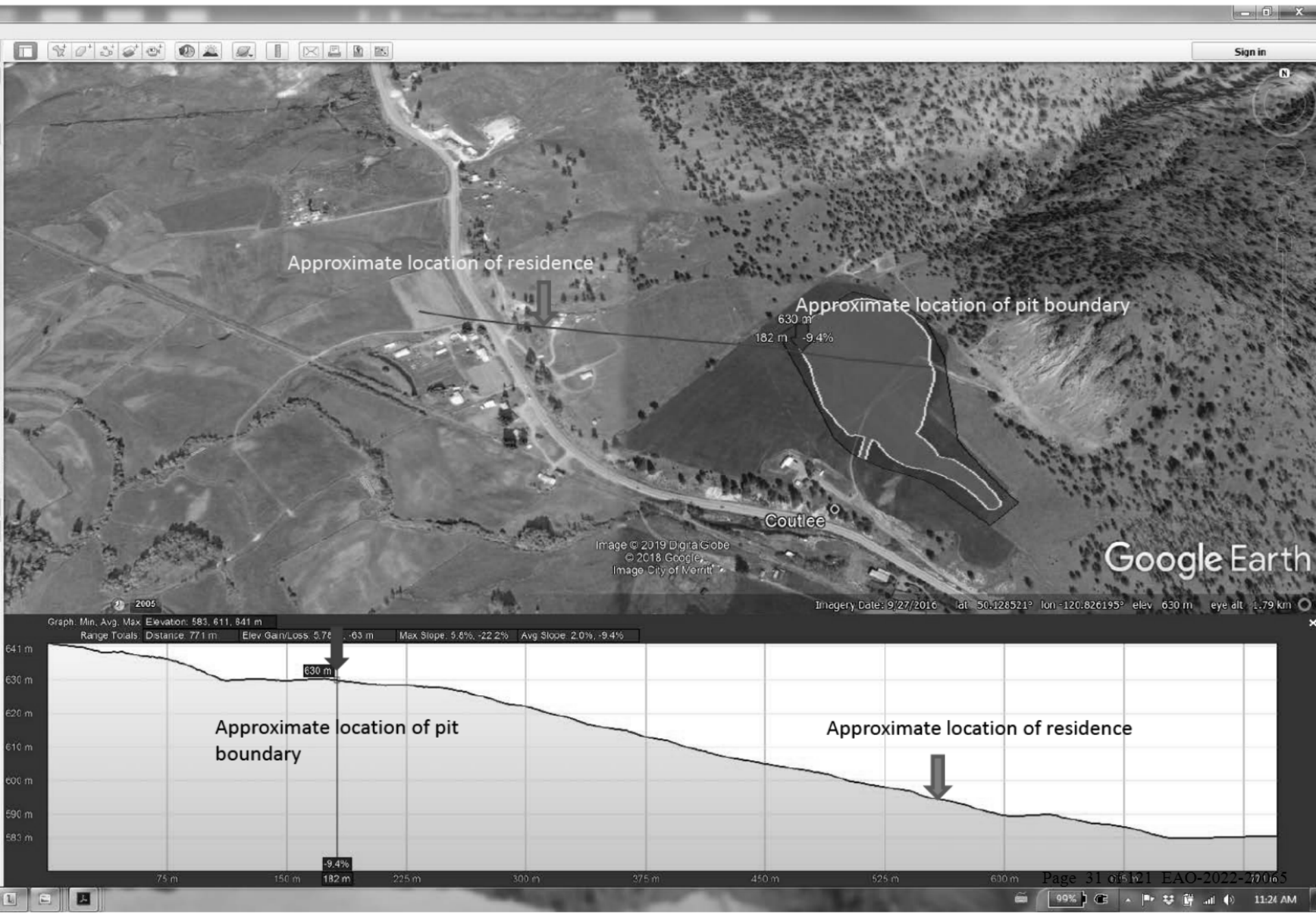
Notes:

Mine footprint and disturbed area were digitized by the mines inspector from the maps submitted to the inspector. Shape files have been requested to create a more accurate map.

Topographic profile through pit and private residences



Topographic profile through pit and residences of the Lover Nicola Reserve





Nicola Valley Aggregates Ltd-Location Map

Legend

- BC Health Care Facilities (H)
- Groundwater Points of Well (Applications)

APPLICATION_STATUS

- Active Application
- Refused

Groundwater Points of Well

PWD_STATUS

- Active
- Inactive

Elevation - Points (1:20,000)

FCODE

- Spot Height
- Mountain Peak

- Municipality Locations - ABM

- Water Wells - All

- Landmark - Beacon, Tower, (1:20,000)

- Landmark Kilometre Invento MoT

Road Features Inventory (R

RFI_HIGHWAY_TYPE

- Highway (O)
- Easement (E)
- Notional (N)
- Pedestrian Notional (P)

- UTM Major Gridlines (1:10,0

0 0.41 0.8 km

1: 20,000

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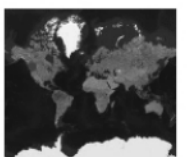
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Datum: NAD83

Projection: WGS_1984_Web_Mercator_Auxiliary_Sp here

Key Map of British Columbia



Nicola Valley Aggregates Ltd. – Gravel Pit Application

Supplemental Information

The proposed gravel pit is located west of Merritt B.C. at UTM Nad 83 Zone 10 655445E, 5555130N.

The proposed pit is located on the property at 701 Highway 8

Description of the property: Hayfield on an elevated plateau in the Nicola Valley outside of the ALR the property is fenced.

Resources

The sand and gravel resources exceed 3,800,000 tonnes. The intermediate 5 year plan 1 to 5 are designed at a slope of 1.5:1 for the gravel. The 5 year plan extracts 1,000,000 tonnes of sand and gravel from the pit area. There has been no drilling to determine the contact between rock and gravel.

Operations

Nicola Valley Aggregates Ltd. Intends on using the sand and gravel for sales to the local community the maximum extraction would be 200,000 tonnes per year and 800,000 tonnes over 4 years.

Nicola Valley
Aggregates Ltd.

Year	Tonnes
1	200,000
2	200,000
3	200,000
4	200,000
5	200,000
Total	1,000,000

However, the extraction rate depends on the economic environment in the local community. The actual sales may be less than the schedule shows. At 200,000 tonnes per year the pit will operate for 19 years based on an estimated resource of 3,800,000 tonnes of gravel available for extraction at the site.

Description of access and works to be performed

Access: Currently the property is accessed via the driveway to the house on the property. For hauling material out of the property the access will be upgraded to create a safe entry onto highway 8 and comply with BC mines regulation width requirements. The current access is a single lane driveway that has served the property for over 50 years. The driveway will be upgraded to an 8m running surface with a 1 m wide ditch against the bank and a 1m wide berm on the downhill side of the driveway. The upgrade work is entirely cut on the bank side, inside the property boundary.

Production: In years 1 to 3 the bottom of the pit will be at 612m elevation. Years 4 and 5 the floor of the pit will be situated at 600m elevation. The internal side walls of the pit will be at a slope of 1.5:1.

There is intent to screen the gravel, dust control will be implemented on the crusher/screener. A crusher/screener will not be used all the time and will be brought in on a custom contract agreement basis. There will not be any washing performed and the crushing and screening will be performed in batches. The crushing /screening will be stopped when sufficient quantiles are stored and restarted when the product inventory is depleted.

Hours of operation

The gravel pit will generally be operated between 7:00am to 5:00Pm Monday through Friday and 7:00am to 12:00pm on Saturday. Do change from previous operations.

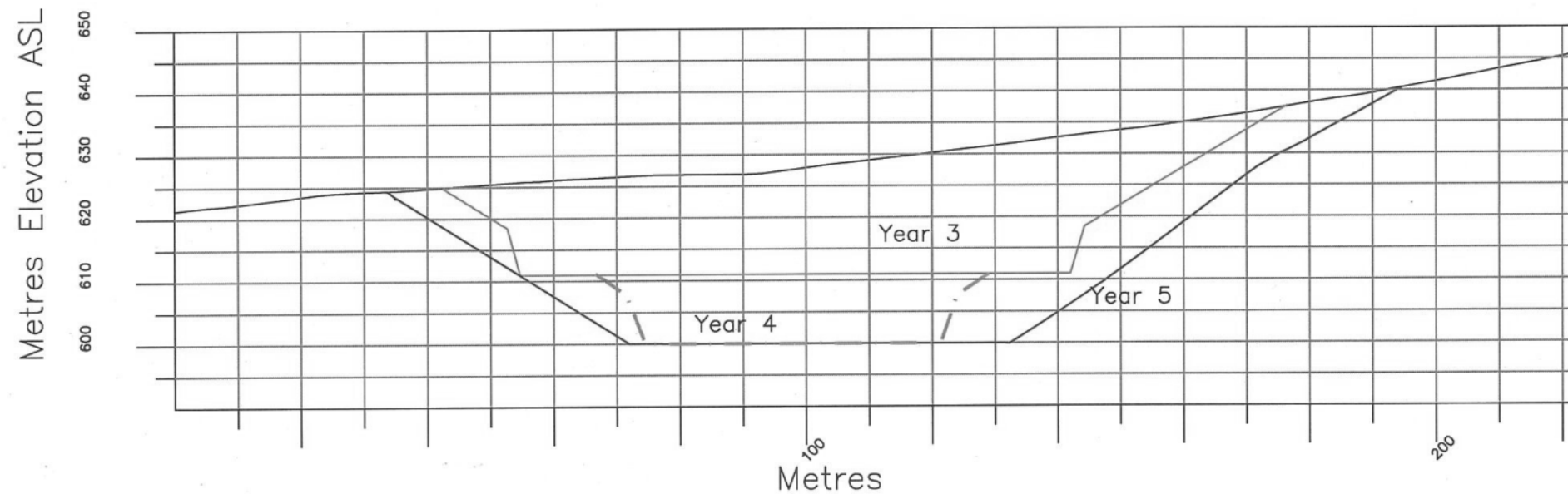
Reclamation

The disturbance area for the 5yr plan is 3.2ha for the pit and 0.45 ha for the road upgrade and 0.41 Ha for the topsoil stockpile and product laydown and portable crushing plant when on site for a total of 4.06Ha.

There is little topsoil overlaying the area. As the operation progresses there will be slopes that will no longer be modified. These slopes will be covered with soil from the current operating area and seeded with grass. At the end of the operation any remaining topsoil will be distributed over the remaining unreclaimed slopes. The intent is to perform progressive reclamation. The Access road will not be part of the reclamation and will remain operational to support access onto the property.



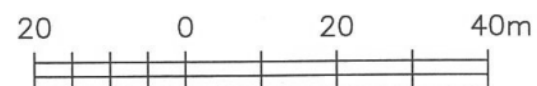
The image shows a handwritten signature in black ink over a circular professional engineer seal. The seal contains the text "PROFESSIONAL ENGINEER", "L. A. Morgenthaler", "BRITISH COLUMBIA", and "ENGINEER". Below the seal, the date "DEC 11 2018" is handwritten.



Section 1+00N Looking North

- Year 1
- Year 2
- Year 3
- Year 4
- Year 5

SCALE 1:1000

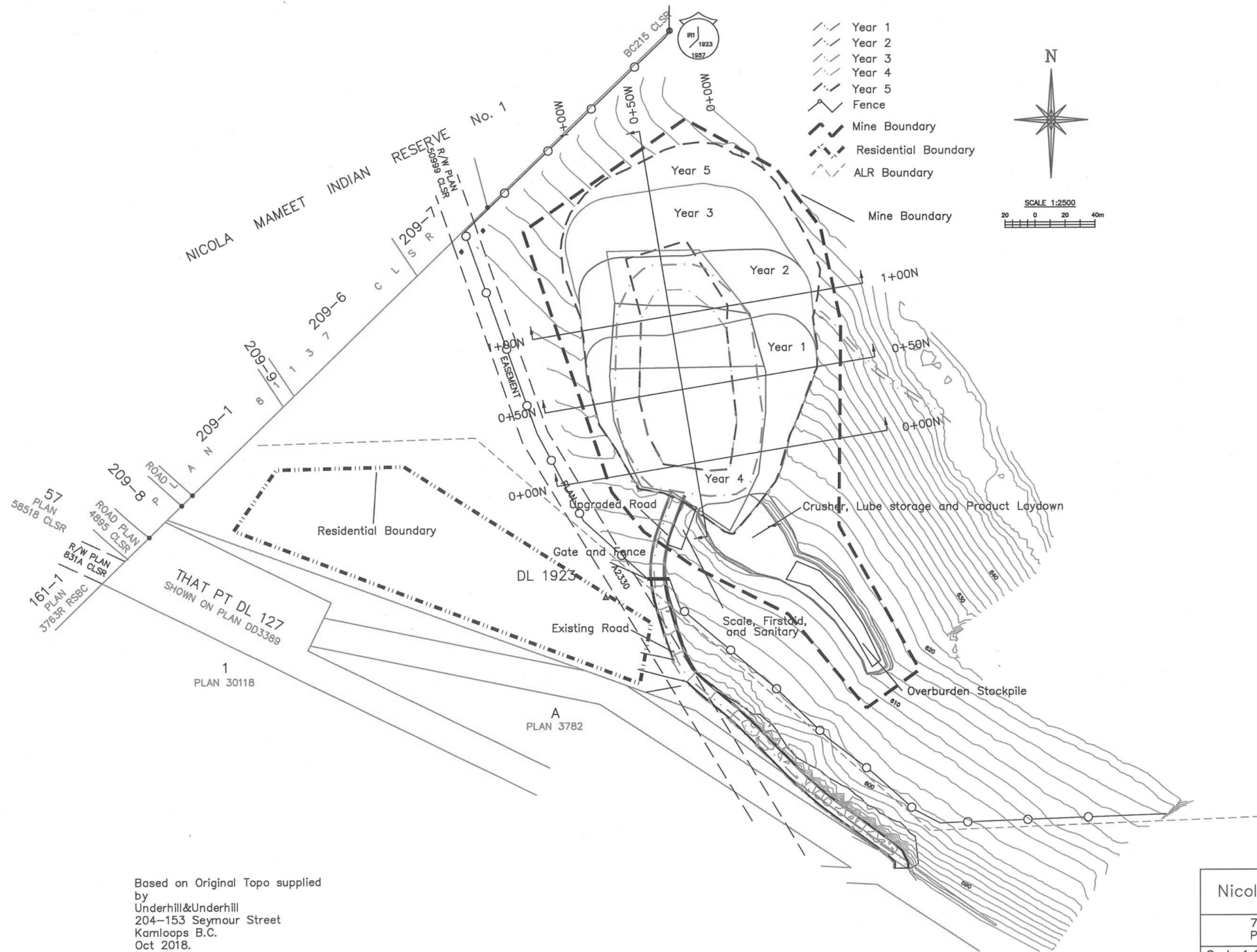


PROFESSIONAL
L. A. Morgenthaler
BRITISH COLUMBIA
ENGINEER
JAN 3 2019

Nicola Valley Aggregates Ltd

701 Highway #8
Section 1+00N

Scale 1:1000 Date Jan 3 2019
Dwg by : LAM Drawing 582-1801 R4
Page 35 of 121 EAO-2022-20065



Based on Original Topo supplied
by
Underhill&Underhill
204-153 Seymour Street
Kamloops B.C.
Oct 2018.

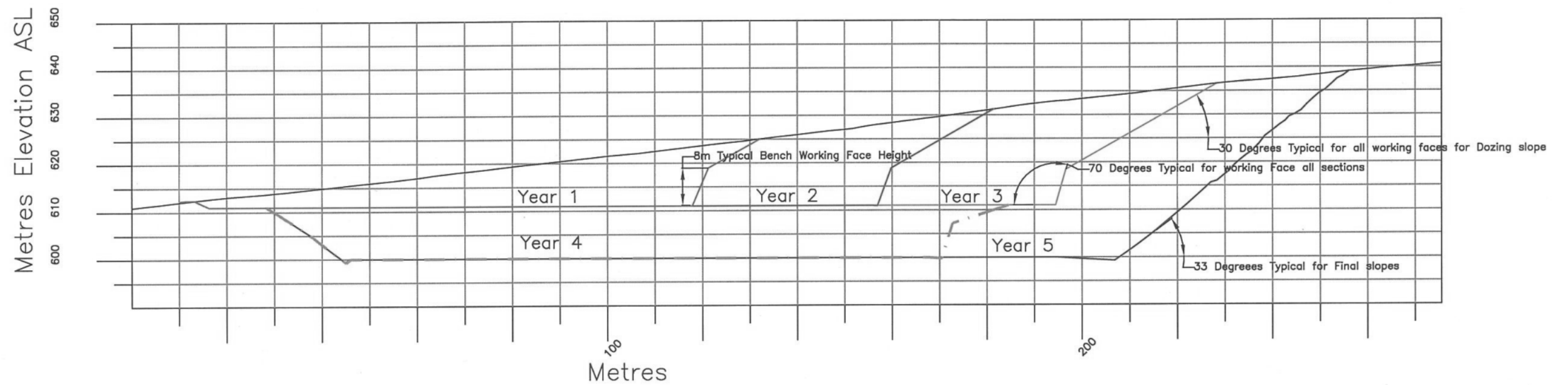
Nicola Valley Aggregates Ltd

701 Highway #8
Plan View - Yrs 1 to 5

Scale 1:2500 Date Jan 3 2019
Dwg by : LAM Drawing 582-1801 R4
Page 36 of 121 EAO-2022-20065

L. A. Morgenthaler
L. A. Morgenthaler
BRITISH COLUMBIA
ENGINEER
JAN 3 2019

- Year 1
- Year 2
- Year 3
- Year 4
- Year 5



Section 0+50W Looking West

SCALE 1:1000

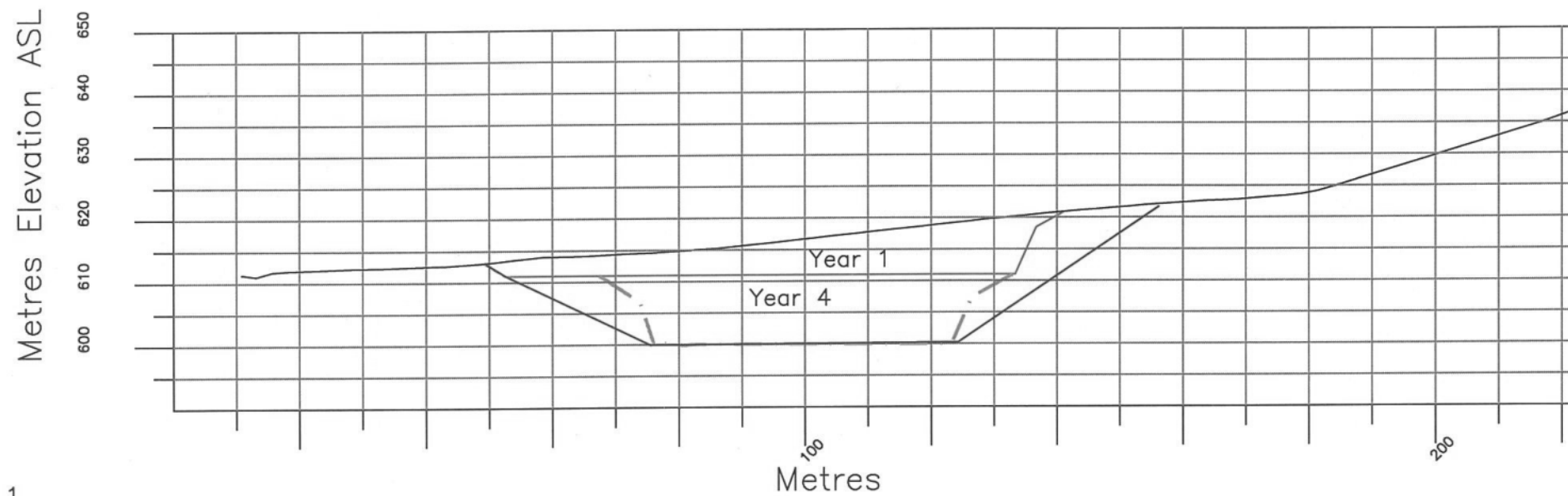


PROFESSIONAL
OF
L. A. Morgenthaler
BRITISH
COLUMBIA
ENGINEER
L. A. Morgenthaler
JAN 3 2019

Nicola Valley Aggregates Ltd

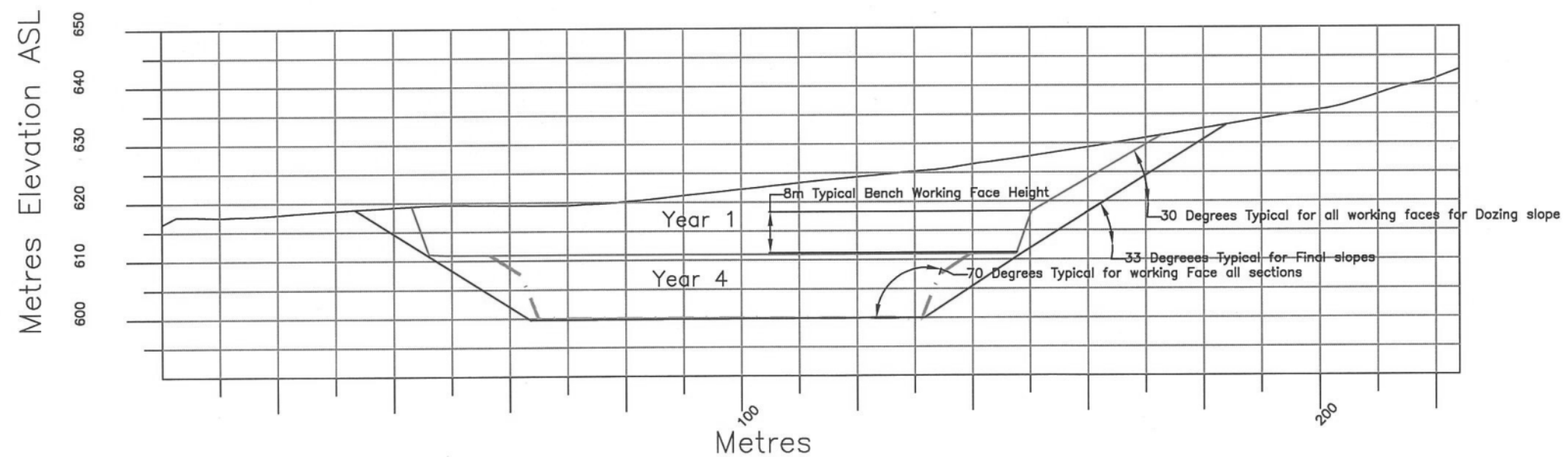
701 Highway #8
Section 0+50W

Scale 1:1000 Date Jan 3 2019
Dwg by : LAM Drawing 582-1801 R4
Page 37 of 121 EAO-2022-20065



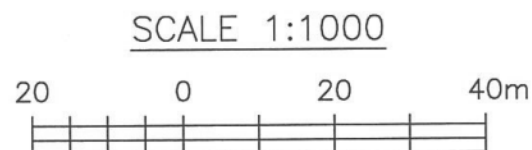
Section 0+00N Looking North

- Year 1
- Year 2
- Year 3
- Year 4
- Year 5



Section 0+50N Looking North

L. A. Morgenthaler
 BRITISH COLUMBIA
 ENGINEER
 JAN 3 2019



Nicola Valley Aggregates Ltd

701 Highway #8
 Sections 0+00N and 0+50N

Scale 1:1000 Date Jan 3 2019
 Dwg by : LAM Drawing 582-1801 R4
 Page 38 of 121 EAO-2022-20065



Notice of Work

Nicola Valley Aggregates Ltd

Tracking Number: 100268809

Applicant Information

If approved, will the authorization be issued to
an Individual or Company/Organization? Company/Organization

What is your relationship to the
company/organization? Board Member

APPLICANT COMPANY / ORGANIZATION CONTACT INFORMATION

Please enter the contact information of the Individual/Organization who is acting on behalf of the applicant.

Name: Breaks, Gary
Doing Business As: Nicola Valley Aggregates Ltd
Phone: 250-819-9496
Fax:
Email: breaksbulldozing@telus.net
BC Incorporation Number: BC1182148
Extra Provincial Inc. No:
Society Number:
GST Registration Number:
Contact Name: Gary Wayne Breaks
Mailing Address: PO BOX 796
Merritt BC V1K1B8

CORRESPONDENCE E-MAIL ADDRESS

If you would like to receive correspondence at a different email address than shown above, please provide the correspondence email address here. If left blank, all correspondence will be sent to the above given email address.

Email: s.22
Contact Name:

TECHNICAL INFORMATION

APPLICATION INFORMATION

Type of Notice of Work: Sand & Gravel
Is this a New Permit or an Amendment to an
existing permit for this property? New Permit

MINE INFORMATION

Do you have an existing mine number? No
Name of the property: Nicola Valley Aggregates Ltd
Tenure Numbers:
Crown Grant / District Lot Numbers: DL 1923 Kamloops Division Yale District
Directions to site from nearest
municipality: drive approx. 2.2km from the 5a junction in downtown Merritt to the property
the drive way is on the right heading up the bank
Geographic Coordinates of Mine: Latitude: 50.1278000 Longitude: -120.8264000
Maximum Annual Tonnage Extracted: 200000 tonnes

INFORMATION ABOUT PROPOSED ACTIVITIES

Activities to be undertaken: Access roads, trails, heli pads, air strips and boat ramps

FIRST AID

Proposed First Aid equipment on site: level 1 first aid kit. less than 20min to hospital
Level of First Aid Certificate held by attendant: Occupational First Aid Level 2

DESCRIPTION OF WORK PROGRAM

If you prefer to upload a document, please enter "see attached document" and attach the document in the "Document Upload" step later in the application under "Other".

Sufficient details of your work program to enable a good understanding of the types and scope of the activities that will be conducted:
 please see attached supplement

TIME OF PROPOSED ACTIVITIES

Proposed start and end date: Feb 1, 2019 to Feb 1, 2024

Please remember that you need to give 10 days notice to the Inspector of Mines of your intention to start work, and 7 days notice of your intention to stop work.

ACCESS

Access presently gated: No

PRESENT STATE OF LAND

Please identify what the present state of the land is where you would like to undertake your activities. If some of the questions do not apply to you please enter n/a in the space provided.

Present condition of the land: the property is hayfield out side of ALR slightly sloped
Type of vegetation: alfalfa
Physiography: the property is situated between 580m elev to 650m elevation. the topography is slightly sloping on a high bench above the valley bottom
Current means of access: access is a driveway to an existing house on the property
Old equipment: there is a mobile home that is occupied and a couple of storage sheds
Recreational trails / use: none

ACCESS TO TENURE

Do you need to build a road, create stream crossings or other surface disturbance that will not be on your tenure? No

LAND OWNERSHIP

Application area in a community watershed: No
Proposed activities on private land: Yes

Please note that under Section 19 of the Mineral Tenure Act and Section 2.1 of the Mineral Tenure Act Regulation you must not begin any mining activities until 8 days after giving notice to every owner of the surface area on which the recorded holder intends to carry out that activity.

Please attach a copy of the letter of authorization signed by the landowner The document can be uploaded at the "Document Upload" step later in the application process.

Legal description of land: DL1923 Kamloops Division Yale District Parcel identifier 011-222-824

Proposed activities on Crown land: No

Activities in a park: No

CULTURAL HERITAGE RESOURCES

Cultural Heritage applies to a large spectrum of heritage resources that is defined as "an object, a site or the location of a traditional societal practice that is of historical, cultural or archaeological significance to British Columbia, a community or an aboriginal people."

The Archaeology Branch of the Ministry of Forests, Land and Natural Resource Operations is responsible for the administration of the Heritage Conservation Act as it applies to archaeological sites. The Archaeology Branch has developed guidelines for companies engaged in natural resource extraction to aid in planning for and avoiding or managing impacts to protected archaeological sites.

Are you aware of any protected archaeological sites that may be affected by the proposed project? No

FIRST NATIONS ENGAGEMENT

In making decisions on authorizations, the government will be fulfilling its responsibility to consult, and where appropriate, accommodate First Nations. The government takes this responsibility seriously and encourages the applicant to engage First Nations early and often as part of any planned development.

Establishing good relations with First Nations who might be affected by a proposed development is a key part of any successful mining operation. The Ministry of Energy and Mines encourages applicants to engage and information share with First Nations that might be affected by a proposed development prior to submitting an application. The earlier in the life of a proposed activity that the avenues of communication are established the greater the likelihood that the relationships formed will be constructive and beneficial to all parties. A lack of information sharing and engagement by the applicant may result in extended timeframes for decision.

Applicants should keep a detailed record of information sharing and engagement with First Nations on their project in the event the government needs to review it. Information on First Nations information sharing and engagement should include the following: a list of First Nations contacted, whether the activity was modified based on feedback from First Nations, and whether the applicant has entered into any informal or formal agreements with First Nations in connection with the project.

The Consultative Areas Database Public Map Service is an online, interactive mapping tool that allows you to identify First Nations who have treaty rights or asserted or proven rights or title on the land base. More information can be found at <http://maps.gov.bc.ca/ess/sv/cadb/>.

Have you shared information and engaged with First Nations in the area of the proposed activity? Yes

Please tell us about your engagements in the field below or attach a your record of engagement by uploading it at the "Document Upload" step later in the application process. If you are attaching your record later, please enter in the text box "See record attached". Please ensure your record does not contain an individual's personal information such as contact information.

Describe your First Nations engagement activities: On November 1 2018 at 10:30 am Gary Breaks met with Chief Aaron Sumexheltza and Kevin Ainsworth, General Manager, LNIB Development Corp at the Lower Nicola Indian Band office. The proposed Sand and Gravel operation was discussed with them, also was the potential for First Nations employment. They seemed to be very receptive of this proposal

As a result of the engagement, are you aware of any cultural heritage resources in the area where the work is proposed? No

ACCESS ROADS, TRAILS, HELI PADS, AIR STRIPS AND BOAT RAMPS

MAPS

Mark the locations of the proposed access roads and trails on the map. The maps will be uploaded at the document upload step later in the application.

ACTIVITIES

Click on the "Add Activity" button to add one or more activities. Select your activity out of the list and enter the length in km, the total disturbed area and total merchantable timber volume.

Activity	Length (km)	Disturbed Area (ha)	Merchantable timber volume (m ³)
Existing Access Modification	0.33	0.46	0.00
Total:	0.33	0.46	0.00

BRIDGES, CULVERTS AND CROSSINGS

Are you proposing any bridges, culverts and/or other river / stream crossings? No

RECLAMATION PROGRAM

Describe the proposed reclamation and timing for this specific activity: access will be left for future use of the property owner
Estimated cost of reclamation activities described above: s.21

ADDITIONAL INFORMATION

Please note that you may require a Special Use Permit under the Forest Practices Code of British Columbia Act or a Land Act tenure or other authorization under the legislation to use roads to access your tenure.

For further information please contact FrontCounter BC.

SAND & GRAVEL / QUARRY OPERATIONS

MAPS

All plans and sections must indicate the scale and orientation of the drawing and must include:

1) Plan View of Proposed Development illustrating:

- Property boundaries and set back of excavation from property boundary
- Watercourses and drainage (wet, dry or intermittent) on the property and within 150 metres of its boundaries
- All previous surface workings, the final boundaries of proposed excavation, and boundaries of excavation at the end of development described in the Notice of Work
- Access roads, including development roads within the pit and access to the public roads
- All proposed and existing stockpiles (topsoil, overburden, product etc.)
- All settling ponds (for both surface run off and process water) and source of process water
- Buildings and other facilities (fuel/lubricant storage, sanitary facilities, weigh scale, etc.)
- Sediment control structures and the location of any point discharges from the property
- Fencing, berms and/or vegetative buffers.

2) Cross and longitudinal sections of Proposed Development illustrating:

- The original land surface and, if applicable, the groundwater table elevation
- Typical configuration during mining, indicating angle of slope and, where applicable, bench locations
- Proposed configuration on completion of reclamation

3) A copy of the land title/crown land tenure map must be provided.

SOIL CONSERVATION

Average depth of overburden:	0.10 m
Average depth of topsoil:	0.10 m
Measures to stabilize soil overburden stockpiles and control noxious weeds:	place stockpile at angle repose and cover seed the stockpile

LAND USE

Is the site within the Agricultural Land Reserve?	No
Does the local government have a Soil Removal Bylaw?	No
Official Community Plan for the site:	N/A
Current land use zoning for the site:	RL1
Proposed end land use is:	RL1
Estimate total minable reserves over the life of the mine:	3,800,000 tonnes
Estimate annual extraction from site:	200,000 tonnes/year

Application must be made to the Environmental Assessment Office if estimated extraction for sand/gravel production is 500,000 tonnes/year or 1,000,000 tonnes over 4 years; or if estimated extraction is 250,000 tonnes/year for quarried product.

ACTIVITIES

Click on the "Add Activity" button to add one or more activities. Select your activity out of the list and enter the tonnes, the total disturbed area and the total merchantable timber volume.

Please note that you must notify the Inspector at least two weeks before if you are planning to bring a crusher on site.

Activity	Total Disturbed Area (ha)	Merchantable timber volume (m ³)
Crushing	0.00	0.00
Excavation of Pit Run	3.60	0.00
Mechanical Screening	0.00	0.00
Total:	3.60	0.00

Is the work year round or only seasonal?	Year round
Brief description of operation, including proposed work schedule:	SEE ATTACHED SUPPLEMENT INFORMATION

RECLAMATION PROGRAM

Describe the proposed reclamation and timing for this specific activity:	As the operation progress there will be slopes that will no longer be modified. These slopes will be covered with soil from the current operating area and seeded with grass, at the end of the operation the soil in storage will be distributed over the remaining un-reclaimed slopes. The intent is to perform progressive reclamation.
If backfilling of pits or pit slopes is proposed in the final configuration for reclamation, details of materials to be used and placement procedures:	At the end of the operation the soil storage will be distributed over the remaining un-reclaimed slopes. Additional top soil will be imported as it becomes available.
Estimated cost of reclamation activities described above:	s.21
Will progressive reclamation be carried out?	Yes
Maximum unreclaimed disturbance at any given time:	3.60 ha

GROUNDWATER PROTECTION

Average depth to the high groundwater table at the	15.0 m
--	--------

proposed excavation:

Elevation of the groundwater table was determined from: ☒ Existing area wells
☐ Test pits
☐ Test wells drilled for this purpose
☐ Other:

Measures proposed to protect groundwater from potential impacts of the proposed mining activity:

Fuel management - Enviro double wall tank will be used. The tank fuel station will have lined berm area and spill trays will be used during fueling operations. Spill kits will be available for spills outside of fuel station. The design for the operations will maintain a 10m buffer above water table. Contamination soils will be excavated and sent to a remediation site.

IMPACT MINIMIZATION

Shortest distance between proposed excavation to nearest residence: 250 m

Shortest distance between proposed excavation to nearest residential water source: 100 m

Measures proposed to prevent inadvertent access of unauthorized persons to the mine site: Fencing and gate will be used to limit access

Measures proposed to minimize noise impacts of the operation: Restricted hours of operation and design of the Pit is a bowl to deflect sound upwards.

Measures proposed to minimize the dust impacts of the operation: For dust suppression the access road will be paved and screen plant will have water spray suppression when required.

Measures proposed to minimize visual impacts of the operation: The property is on a high bench where local houses and traffic cannot see the pit

TIMBER CUTTING

Total merchantable timber volume: 0.00 m3

No TimberYou have indicated that there is no merchantable timber that will be cut. Therefore a Free Use Permit or a Licence to Cut is not required. If this is not accurate, please correct your entries.

EQUIPMENT

Click on the "Add Equipment" button to add one type of equipment at a time. All equipment must comply with the requirements of the Health, Safety and Reclamation Code.

Quantity	Type	Size / Capacity
1	Bulldozer/Crawler Tractors	d6 18tonne
1	Excavator	2cu-m bucket
1	Loader	5.4cu-m
1	Other: Screening plan	150tonnes per hour
1	Other: crushing plant	250 tonnes per hour as required

SUMMARY OF RECLAMATION

Based on the information you have provided on the previous screens the Summary of Reclamation is:

Activity	Total Affected area (ha)	Estimated cost of reclamation (\$)
Access roads, trails, etc.	0.46	s.21
Sand & Gravel / Quarry	3.60	
Subtotal:	4.06	
Unreclaimed disturbance from previous year:	0.00	
Disturbance planned for reclamation this year:	0.00	

Total:

4.06

s.21

OTHER CONTACTS

Please enter the contacts that are applicable to your application.

Contact Info**Type of Contact**

Name: Gary Breaks
Phone: 250-819-9496
Daytime Phone:
Fax:
Email: breaksbulldozing@telus.net
Mailing Address: PO BOX 796
Merritt BC V1K1B8

Site operator

Name: PAUL Mathew Breaks
Phone: 604-308-7126
Daytime Phone:
Fax:
Email: s.22
Mailing Address: PO BOX 796
Merritt BC V1K1B8

Mine manager

Contact Info**Type of Contact**

Name: Nicola Valley Aggregates Ltd
Doing Business As: Nicola Valley Aggregates LTD
Phone: 250-819-9496
Fax:
Email: breaksbulldozing@telus.net
BC Inc. Number: BC1182148
Extra Provincial Number:
Society Number:
GST Registration Number:
Contact Name:
Mailing Address: PO BOX 796
Merritt BC V1K1B8

Permittee

LOCATION INFORMATION**LAND DETAILS**

Do you have the legal description of the land or the civic address then click on 'Add Land Information'.

Description

Private Land
Parcel ID: 011-222-824
Legal Description: DL 1923 Kamloops Division Yale District
Civic Address: 701 highway 8 , merritt BC V1K1P1

DRAWINGS

All applications must include the appropriate maps and applications received without maps will be returned. All maps must be in colour, computer generated, with a scale, north arrow and a detailed legend.

For Mineral, Coal and Placer applications you must provide a minimum of 3 maps:

- A Location Map which must show the location of the property in relation to the nearest community with the access route from the community to the work site clearly marked;
- A Tenure Map which must show the boundaries of the tenure(s) and tenure numbers, at a scale of 1:20,000 or less;
- A Map of Proposed Work which must show topography, water courses, existing access, existing disturbance, contour lines, known cultural heritage resources and/or protected heritage property, at a scale of 1:10,000 or 1:5,000. For site specific applications the location of all proposed exploration activities must be shown; for area-based applications the work area must be shown as a polygon, with the location of all proposed exploration activities for year 1 shown, and shape files provided of the area.

For Sand & Gravel/Quarry applications you must provide a Plan View, Cross and Longitudinal Sections and a Land Title/Crown Land Tenure Map. Details of these requirements are listed in the Sand & Gravel/Quarry Operations Activity sheet.

☒ I have one or more files (PDF, JPG, PNG etc.) with my maps

MAP FILES

Do you have a PDF or image file of a drawn map? You can upload it here.

Description	Filename
Pit plan for 5 years	Nicola Valley Aggregates Pi...
archeologist letter	Archaeological letter.pdf
letter of suport	Letter of support from Prop...
location	Nicola Valley Aggregates LT...
mineral titles	Nicola Valley Aggregates LT...

ATTACHED DOCUMENTS

Document Type	Description	Filename
Mine Emergency Response Plan	Mine emergency plan for pit 1 NVA	Mine Emergency Response fo...
Other	Shape Files	Nicola Valley Aggregates Sh...
Other	Supplemental information	Nicola Valley Aggregates Lt...
Other	land title map	Nicola Valley Aggregates La...
Other	operational section	Nicola Valley Aggregates Ty...
Other	section	Nicola Valley Aggregates se...
Other	section	Nicola Valley Aggregates se...
Other	section	Nicola Valley Aggregates se...
Other	sections	Nicola Valley Aggregates se...

PRIVACY DECLARATION**PRIVACY NOTE FOR THE COLLECTION, USE AND DISCLOSURE OF PERSONAL INFORMATION**

Personal information is collected by FrontCounter BC under the legal authority of section 26 (c) and 27 (1)(a)(i) of the Freedom of Information and Protection of Privacy Act (the Act).

The collection, use, and disclosure of personal information is subject to the provisions of the Act. The personal information collected by FrontCounter BC will be used to process your inquiry or application(s). It may also be shared when strictly necessary with partner agencies that are also subject to the provisions of the Act. The personal information supplied in the application package may be used for referrals or notifications as required. Personal information may be used by FrontCounter BC for survey purposes. For more information regarding the collection, use, and/or disclosure of your personal information by FrontCounter BC, please contact FrontCounter BC at 1-877-855-3222 or at:

FrontCounter BC Program Director
FrontCounter BC, Provincial Operation
441 Columbia Street
Kamloops, BC V2C 2T3

☒ Check here to indicate that you have read and agree to the privacy declaration stated above.

REFERRAL INFORMATION

Some applications may also be passed on to other agencies, ministries or other affected parties for referral or consultation purposes. A referral or notification is necessary when the approval of your application might affect someone else's rights or resources or those of the citizens of BC. An example of someone who could receive your application for referral purposes is a habitat officer who looks after the fish and wildlife in the area of your application. This does not apply to all applications and is done only when required.

Please enter contact information below for the person who would best answer questions about your application that may arise from anyone who received a referral or notification.

Company / Organization:	Nicola Valley Aggregates Ltd
Contact Name:	Gary Breaks
Contact Address:	P.O. Box 796 Merritt B .C
Contact Phone:	250-819-9496
Contact Email:	breaksbulldozing@telus.net

☒ I hereby consent to the disclosure of the information contained in this application to other agencies, government ministries or other affected parties for referral or First Nation consultation purposes.

IMPORTANT NOTICES

- Once you click 'Next' the application will be locked down and you will NOT be able to edit it any more.

DECLARATION

☒ By submitting this application form, I, declare that the information contained on this form is complete and accurate.

APPLICATION AND ASSOCIATED FEES

Item	Amount	Taxes	Total	Outstanding Balance
Mines Notice of Work Application Fee	s.21			\$0.00

OFFICE

Office to submit application to: Kamloops

PROJECT INFORMATION

Is this application for an activity or project which requires more than one natural resource authorization from the Province of BC? No

OFFICE USE ONLY		
Office Kamloops	File Number	Project Number
	Disposition ID	Client Number

From: [Pratt, Terry EAO:EX](#)
To: [Threlfall, Anita EAO:EX](#); [Warner, Jessica EAO:EX](#)
Subject: FW: Draft response to EAO S6 request- Nicola Valley Aggregates
Date: May 8, 2019 9:05:53 AM
Attachments: [Copy of Nicola Valley Gravel Pit -Issues BS DRAFT.xlsx](#)

For info and filing -thanks

From: Adams, Rick EMPR:EX
Sent: May 7, 2019 5:14 PM
To: Pratt, Terry EAO:EX <Terry.Pratt@gov.bc.ca>
Cc: Christie, Karen L EAO:EX <Karen.L.Christie@gov.bc.ca>; Scorrar, Brendan EMPR:EX <Brendan.Scorrar@gov.bc.ca>
Subject: FW: Draft response to EAO S6 request

I have reviewed Brendan's work in the attached table and agree that these are permit conditions that the SDM could reasonably consider imposing to mitigate those concerns. However, the SDM would also have to turn his mind to:

- letters of support which have also been received, and what is contained in those;
- what is a reasonable balance between imposing restrictions on the applicant to mitigate concerns, and allowing the applicant to still have some feasible business opportunity; and
- how many of those concerns are actually the concerns of neighbours reasonably proximal to the sand and gravel operation and who could actually be impacted by the operation, and how many of them are as result of the "mob effect", or friends supporting friends who have concerns.

These are potential mitigation measures that the SDM could consider. In advance of an actual decision on the application, all factors considered, I cannot at this time pre-suppose that all of those potential conditions would be imposed in a permit - if a permit were to be issued.

Rick Adams

From: Scorrar, Brendan EMPR:EX
Sent: May 7, 2019 4:14 PM
To: Adams, Rick EMPR:EX <Rick.Adams@gov.bc.ca>
Subject: Draft response to EAO S6 request

Hi Rick,

Here is my draft response to Terry for the proposed mitigation techniques for the concerns raised about NVA.

Let me know what you think.

Brendan

-
Brendan Scorrar, M.Sc, P.Geo

Inspector of Mines

Mines and Mineral Resources Division

441 Columbia Street, Kamloops, BC V2C 2T3

Ministry of Energy, Mines and Petroleum Resources

Phone: 250-828-4458 (desk) s.17

Issue	Proposed Mitigations	Possible techniques that could be used by the proponent	Comments
Cumulative Effects	The cumulative effects of the proposed mine could be mitigated by addressing and mitigating the concerns and potential impacts and effects listed below		
Noise impacts : 1. Sleep allies cause noise reverberation; houses 1km to 300m away (Shulus and Coultie)	Noise generated by the mining shall not exceed 55dBA at the property boundary over a 3 minute Leq Mining activities are restricted to 7:00 am to 5:00 pm on Weekdays and 8:00 am to 4:00pm on Saturdays. There shall be no crushing or screening on Saturdays. There shall be no work on Sundays or Statutory Holidays.	Proper mine design to direct noise away from residences, berms to block and deflect noise, operational best management practices to reduce the noise generated	55 dBA is approximately the same as a dishwasher and is most likely quieter than the highway traffic that already occurs at the property boundary to the south Reduces the timeframe for noise generating mining activities.
Dust impacts : 1. Houses 250m away 2. Airborne silica impact to human health (lung and kidney disease) and wildlife	Effective dust suppression techniques shall be in place at all dust generating points All road ways shall be maintained to minimize dust generation All loaded haul trucks exiting the mine shall be suitably tarped		Part 6.24.2 of the Code requires that "Wherever practicable, water sprays or other dust suppression means and devices shall be used at every dusty place where work is carried out and where it is impractical to do so, personal protective equipment shall be supplied and worn by all persons working in that location." Table 2-1 of the Code specifies the exposure limits for different substances including Silica
Visual impacts : 1. Gravel pit visible to all properties in the vicinity	Barriers shall be put in place to reduce the visibility of the mine operation	Berms, fences, vegetation, or other similar material could be used as a visual barrier	Given the location of the mine on the bench above the Nicola Valley it is unlikely that the mine will be visible from the closest properties (either private land or on the Lower Nicola Reserve)
Ground water quality : 1. Coultie resident rely on well 3-4m deep. Flow from lower bench of Swakum Mountain (pit site), Artesian spring 500m west of pit. 2. The bottom of the pit is 20m away from the aquifer, residents use. 3. Gravel pit expected to contribute to groundwater contamination	A ground water level and quality monitoring plan must be developed and put in place A ground water level and quality monitoring plan must be developed and put in place All mobile equipment shall be equipped with appropriate spill kits. Operators shall be trained in the proper use and deployment of the spill kits.		The preliminary hydrogeological study recommends a monitoring well for ground water levels The preliminary hydrogeological study recommends a monitoring well for ground water levels
4. Hydrogeological survey recommended	All hydrocarbons and other hazardous liquids must be stored in double wall tanks. Storage tanks must be surrounded by a lined berm area and spill trays must be used at any filling points. Spill kits must be available at all storage tanks. The operator shall follow the recommendations outlined in the Preliminary Hydrogeological Assessment No. 1887 Dated April 10, 2019		A preliminary hydrogeological study has been completed
Agricultural impact : 1. Nicola Valley Apiaries bees impacted by noise, dust, and traffic from the pit used to mitigate those impacts on the public	Noise and Dust impacts on apiaries would be addressed by the permit conditions The permittee shall obtain the required approvals from MOTI for the access to Highway 8. The approvals must be sent to the Inspector of Mines for Review and Acceptance prior to starting work.		
Ground stability risks : 1. 2 years in a row flooding in the valley. Spence Bridge not strong enough volume of traffic.	N/A		There are no streams within the proposed mine site. The preliminary hydrogeological report states that infiltration will not be impeded provided haul roads are designed to shed runoff towards permeable areas. Because of these points the proposed mine is not expected to have a significant impact on the potential flooding in the valley. Regulations governing the use of roads and highways are established to provide for safe use by the public and industry. The regulations also provide for enforcement activities by police and Ministry of Transportation and Infrastructure to ensure compliance by all road users. Local government is responsible for municipal roads, while the Ministry of Transportation and Infrastructure is responsible for provincial roads and highways. These responsibilities include road maintenance and upgrades as well as posting appropriate speed limits and road restrictions. The Ministry of Energy and Mines has no authority over road use or road standards off the mine site.
Traffic impacts : 1. Access to pit on a busy highway 8 and school route. 2. Approx. 3000 vehicles per day use it. Anticipate additional 4 trucks per hour with active pit. 3. Access through residential area LNB	The permittee shall obtain the required approvals from MOTI for the access to Highway 8. The approvals must be sent to the Inspector of Mines for Review and Acceptance prior to starting work. The permittee shall obtain the required approvals from MOTI for the access to Highway 8. The approvals must be sent to the Inspector of Mines for Review and Acceptance prior to starting work.		4 additional trucks/hr is a 1.333% increase in traffic. This does not seem to be a significant impact Regulations governing the use of roads and highways are established to provide for safe use by the public and industry. The regulations also provide for enforcement activities by police and Ministry of Transportation and Infrastructure to ensure compliance by all road users. Local government is responsible for municipal roads, while the Ministry of Transportation and Infrastructure is responsible for provincial roads and highways. These responsibilities include road maintenance and upgrades as well as posting appropriate speed limits and road restrictions. The Ministry of Energy and Mines has no authority over road use or road standards off the mine site.
Recreation users - 1. To the north and east - Swakum Mountain Bike, hiking and biking trails maintained by Merritt Mountain Bike Association. 2. Highway 8 for motorcyclists from all over the world 3. Trucks to increase risk for motor cyclists	N/A The permittee shall obtain the required approvals from MOTI for the access to Highway 8. The approvals must be sent to the Inspector of Mines for Review and Acceptance prior to starting work.		The proposed mine is on private land so access is already restricted Regulations governing the use of roads and highways are established to provide for safe use by the public and industry. The regulations also provide for enforcement activities by police and Ministry of Transportation and Infrastructure to ensure compliance by all road users. Local government is responsible for municipal roads, while the Ministry of Transportation and Infrastructure is responsible for provincial roads and highways. These responsibilities include road maintenance and upgrades as well as posting appropriate speed limits and road restrictions. The Ministry of Energy and Mines has no authority over road use or road standards off the mine site. 4 additional trucks/hr is a 1.333% increase in traffic. This does not seem to be a significant impact
Agriculture Land Reserve (ALR): 1. maps indicate the access road is in ALR	The permittee shall obtain the required approvals from the ALR for the access to Highway 8. The approvals must be sent to the Inspector of Mines for Review and Acceptance prior to starting work.		
Riparian Areas - 1. Project located on DL 1923 intersects with riparian areas	N/A		The DL does intersect riparian areas, but not the proposed mine. There is a Order 2 stream approximately 35m north and another approximately 265m southeast of the proposed mine boundary. There are numerous Code requirements and VSA requirements that would be in place, in addition to new permit conditions, should the plan change in the future to potential impact those riparian areas.
Wildlife impacts 1. Mule deer, California big horned white tailed deer, moose, black bear, cougar, owls, eagles, rabbits and squirrel habitat and migration. 2. Mitigation plan required.	The permittee shall provide a reclamation and closure plan to the Sr Inspector of Mines for review and acceptance.		referral to FUNRO Ecosystems Biologist that was assess for risks to wildlife, fish and their habitats based on the available information. The site is within the habitat for the federally listed Lewis's Woodpecker and no other species. The following management practices were recommended and could become permit conditions. Within Critical Habitat there must be no significant removal of potential nest trees. Potential nest trees are defined as: - Ponderosa Pine, Black Cottonwood, Douglas Fir, but can also include Trembling Aspen, Paper Birch, and Western larch (> 30cm dbh in Ponderosa Pine and Cottonwood dominated habitats or > 24cm dbh in areas that have been burned; and - either already containing cavities or of a significantly advanced stage of decay to facilitate excavation by Lewis's Woodpeckers; and - either alive or dead If any potential nest trees need to be removed for the mineral exploration program, the proponent must hire a qualified professional to survey for active nests within the proposed disturbance areas and provide appropriate mitigation. • Disturbance to perennial stream reaches; seeps, springs, wetlands, riparian communities, and deciduous stands of aspen and cottonwood will be avoided. Ensure no deleterious material enters any watercourse and riparian sediments are adhered to. • Existing roads/trails should be used whenever practicable to minimize impacts to environmental values. Once mining operations have ceased ensure that all roads and trails are decommissioned and rehabilitated immediately • Ensure that any noxious weeds encountered are immediately treated to reduce the likelihood of spread. • Nesting birds are protected from harm under Section 34 of the provincial Wildlife Act, along with year round protection of nests of eagles, peregrine falcons, gyrfalcon, osprey, heron, and burrowing owls. Vegetation clearing should avoid in the following nesting windows: a. February 1 to August 15 for raptors and herons b. April 1 to August 31 for most other bird species If clearing must occur during the above time periods, the proponent must hire a qualified professional to survey for active nests within the proposed disturbance areas and provide appropriate mitigation. Additionally, the site has been altered from the natural habitat by the human impact of farming for decades. The proposed mine will temporarily increase the impact on the site during mining operations. The required reclamation and closure plan will be used to ensure that the area is reclaimed in compliance with the Mines Act and Code.
Fisheries: 1. Bearard Brook - Spring fed fish bearing stream	N/A		The DL does intersect riparian areas, but not the proposed mine. There is a Order 2 stream approximately 35m north and another approximately 265m southeast of the proposed mine boundary. There are numerous Code requirements and VSA requirements that would be in place, in addition to new permit conditions, should the plan change in the future to potential impact those riparian areas.
Forest fires : 1. Potential increase to forest fires from pit operations and onsite fuel storage.	The permittee shall provide a Mine Emergency Response Plan that includes provisions for fighting fires and minimizing the risk of fires on the mine site.		There are already Fire Protection regulations in place. Mine specific fire risks will be addressed in the Mine Emergency Response Plan
Health impacts - 1. proximity to residential area - 250m from site	N/A		The permit conditions listed for dust, noise, and impacts to water quality will address those potential health impacts. If other specific concerns have been raised there could be permit conditions put in place to mitigate the potential impacts.
Social impacts: 1. Number of jobs -	N/A		It is not within the purview of the SDM or MEMPR to comment on the number of jobs provided by a mine
Transparency and Accountability 1. Application not accessible from Merritt Public Library; 2. Photocopying not permitted	N/A		The application was available at the library and copies were allowed, although not initially or perhaps consistently. A public meeting was held by the proponent to address concerns from the public. MEMPR was available the meeting to address questions about the permitting process and as points of contact for the public to request copies of the application. The only documents that are routinely releasable from an application are the permit and the documents that would be attached to the permit and form an integral part of it, i.e. Application Form and Maps.
Archaeology letter and landowner's letter of support not in the file.	N/A		The FOI process needs to be followed to release copies of the other documents as there may be sensitive information in the other documents included, or letters supplied (i.e. personal information, proprietary information).
Public Consultation Current application does not provide for PCP in Pre-Application stage of the project Public interest, confidence, deliberation on the project has been disregarded Notice posted in the Merritt Herald dated Jan 17, 2019 under Mines Act with no indication of public consultation. Posting public notice on the subject property under Mines Act Permit not been done. Mine Expansion after 5 years under the present application and mines Act would require no PCP Apr 11, 2019 Public Consultation - no information handed out			There have been two 30 day periods for public consultation. 1. Following the January 17, 2019 notice in the BC Gazette and Local News Paper and 2. following the April 10, 2019 public meeting. A public meeting was held by the proponent to address concerns from the public. MEMPR was available the meeting to address questions about the permitting process and as points of contact for the public to request copies of the application. A public meeting was held by the proponent to address concerns from the public. MEMPR was available the meeting to address questions about the permitting process and as points of contact for the public to request copies of the application. A public meeting was held by the proponent to address concerns from the public. MEMPR was available the meeting to address questions about the permitting process and as points of contact for the public to request copies of the application. Further public consultation would be considered for a mine plan update The meeting was held by the proponent and it is their responsibility to organize and hold it. MEMPR was present at the meeting and has sent copies of the application to members of the public that have requested it.
First Nations Engagement LNIB consultation not adequate LNIB Aboriginal Rights and Title impacted Excavation on LNIB territory amounts to infringement of LNIB Aboriginal rights and title Duty to Consult: LNIB lawyer - Province failed to consult FN families live 300m from the gravel pit. Unaware of the project			The FN Consultation is still ongoing The FN Consultation is still ongoing The FN Consultation is still ongoing The FN Consultation is still ongoing The FN Consultation is still ongoing
Conditions for licensing Remediation Soil: 1. Contaminated soil with biosolids trucked to Craigmont mine site 2. No use of explosives			There has been no application by the proponent to use biosolids There has been no application by the proponent to use explosives

From: Pratt, Terry EAO:EX
To: aaron.sumexheltza@inib.net
Cc: Zryd, Bob FLNR:EX; Dunae, Vanessa EMPR:EX; Adams, Rick EMPR:EX; Christie, Karen L EAO:EX; Warner, Jessica EAO:EX
Subject: For Information: Nicola Valley Aggregates Request to EAO
Date: May 28, 2019 4:04:21 PM
Attachments: 345644 LNIB Final.pdf
NVA Proposal Location Map.pdf
image003.png

Dear Chief Sumexheltza,

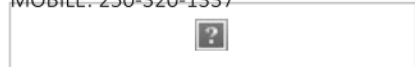
I would like to introduce myself. I am a Project Assessment Manager for the Environmental Assessment Office (EAO) and I am based in Kamloops. The attached letter and map is regarding a request to the EAO for a review of the Nicola Valley Aggregates proposal near the Shulus community. Please let me know if you have any questions or would like to meet or have a call to discuss the contents of my letter. I would be happy to set it up at your convenience.

Best regards,

Terry

TERRY (TERESA) PRATT
Project Assessment Manager
Environmental Assessment Office
Government of British Columbia
OFFICE: 250-371-3710

MOBILE: 250-320-1337



The EAO respectfully acknowledges that it carries out its work on the traditional territories of Indigenous nations throughout British Columbia.

This e-mail is confidential and is intended only for the person(s) to whom it is addressed. Any distribution, copying, or other use by anyone else is strictly prohibited. If you received this e-mail in error, please destroy this e-mail and contact me directly.



File: 30020-04/MINI-2019

Reference: 345644

May 28, 2019

SENT VIA EMAIL

Chief Aaron Sumexheltza
Lower Nicola Indian Band
181 Nawishaskin Lane
Merritt, BC V1K 0A7
Email: aaron.sumexheltza@lnib.net

Dear Chief Sumexheltza:

The Environmental Assessment Office (EAO) received correspondence on March 19, 2019, from a resident of the Nicola Valley requesting an environmental assessment (EA) under the British Columbia *Environmental Assessment Act* (Act) for a sand and gravel quarry proposed by Nicola Valley Aggregates Ltd (NVA). The proposed project is near the Lower Nicola Indian Band's Shulus Indian Reserve and I am writing to inform you that the EAO is considering the request.

The proposed project is located in a rural area approximately 2.2 kilometres from downtown Merritt and approximately 44 meters of the Lower Nicola Indian Band's Shulus Indian Reserve eastern boundary as shown on the appended map. I understand that you have met with Bob Zryd from the Ministry of Forests, Lands and Natural Resource Operations and Rural Development (FLNRORD) and Vanessa Dunae from the Ministry of Energy, Mines and Petroleum Resources (EMPR) regarding NVA's Notice of Work application under the *Mines Act*.

Under the Reviewable Projects Regulation of the Act, NVA's proposed project does not require an EA because its annual production of 200,000 tonnes per year is below the threshold for an EA review, which is a production of 500,000 tonnes per year and 1,000,000 tonnes of production over 4 years of operation.

Under Section 6 of the Act, the Minister may designate a project as reviewable if the Minister is satisfied that the project may have a significant adverse environmental,

...2

**Environmental
Assessment
Office**

Mailing Address:
PO Box 9426 Stn Prov Govt
Victoria BC V8W 9V1

Location:
1st & 2nd Fl – 836 Yates Street
Victoria BC V8W 1L8

economic, social, heritage or health effect; and that designation is in the public interest. The EAO is considering whether the proposed project meets these criteria. One of the considerations for our office is if the regulatory requirements of the *Mines Act* permitting process will adequately address the effects of the project.

If you have any additional information, questions or concerns regarding the EAO's consideration of this request, please do not hesitate to contact me by telephone at 250 371-3710 or email at Terry.Pratt@gov.bc.ca by Wednesday, June 12, 2019.

Best regards,

A handwritten signature in dark ink, appearing to read 'T. Pratt'.

Terry Pratt
Project Assessment Manager

cc: Bob Zryd, First Nations Relations Advisor
Ministry of Forests, Lands, Natural Resource Operations & Rural Development
Bob.Zryd@gov.bc.ca

Vanessa Dunae, Senior Negotiations Lead
Ministry of Energy, Mines and Petroleum Resources
Vanessa.Dunae@gov.bc.ca

Rick Adams, Senior Inspector, Permitting
Ministry of Energy, Mines and Petroleum Resources
Rick.Adams@gov.bc.ca

Karen Christie, Executive Project Director
Environmental Assessment Office
Karen.Christie@gov.bc.ca

From: Pratt, Terry EAO:EX
To: aaron.sumexheltza@inib.net
Cc: Zryd, Bob FLNR:EX; Dunae, Vanessa EMPR:EX; Adams, Rick EMPR:EX; Christie, Karen L EAO:EX; Warner, Jessica EAO:EX
Subject: RE: For Information: Nicola Valley Aggregates Request to EAO
Date: May 29, 2019 11:58:11 AM
Attachments: 1621718201801_Nicola Valley Aggregates LTD Location Map.pdf
image001.png

Dear Chief Sumexhelta – my apologies for the poor quality of the map. Please refer to this one.

Best regards,

Terry

From: Pratt, Terry EAO:EX
Sent: May 28, 2019 4:04 PM
To: aaron.sumexheltza@inib.net
Cc: Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>; Dunae, Vanessa EMPR:EX <Vanessa.Dunae@gov.bc.ca>; Adams, Rick EMPR:EX <Rick.Adams@gov.bc.ca>; Christie, Karen L EAO:EX <Karen.L.Christie@gov.bc.ca>; Warner, Jessica EAO:EX <Jessica.Warner@gov.bc.ca>
Subject: For Information: Nicola Valley Aggregates Request to EAO

Dear Chief Sumexhelta,

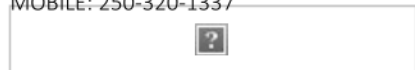
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Best regards,

Terry

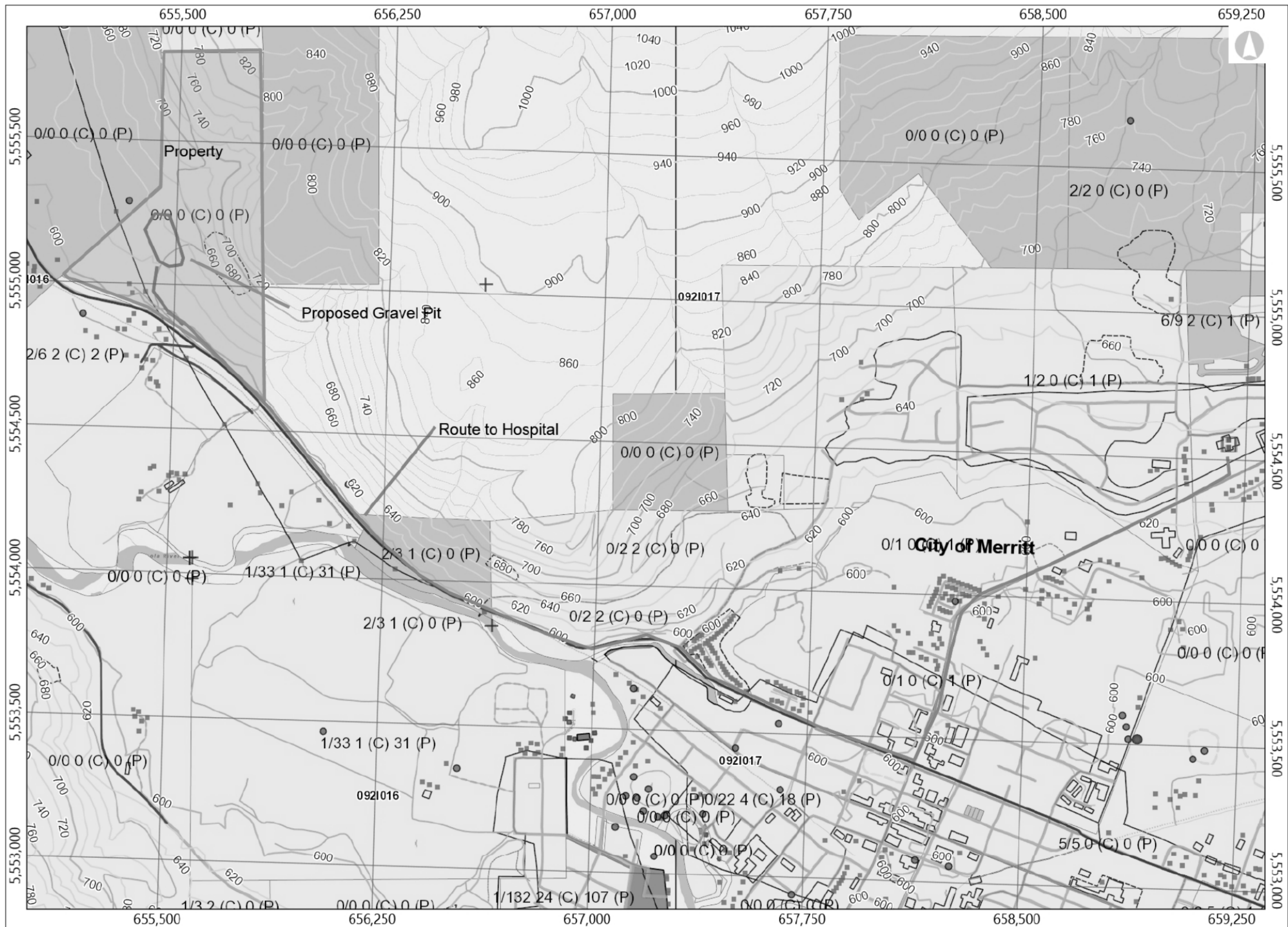
TERRY (TERESA) PRATT
Project Assessment Manager
Environmental Assessment Office
Government of British Columbia
OFFICE: 250-371-3710

MOBILE: 250-320-1337



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Nicola Valley Aggregates Ltd-Location Map

Legend

- BC Health Care Facilities (H)
- Groundwater Points of Well (Applications)

APPLICATION_STATUS

- Active Application
- Refused

Groundwater Points of Well

PWD_STATUS

- Active
- Inactive

Elevation - Points (1:20,000)

FCODE

- Spot Height
- Mountain Peak

- Municipality Locations - ABM

- Water Wells - All

- Landmark - Beacon, Tower, (1:20,000)

- Landmark Kilometre Invento MoT

Road Features Inventory (R

RFI_HIGHWAY_TYPE

- Highway (O)
- Easement (E)
- Notional (N)
- Pedestrian Notional (P)

- UTM Major Gridlines (1:10,0

0 0.41 0.8 km

1: 20,000

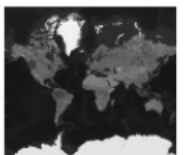
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CAUTION: Maps obtained using this site are not designed to assist in navigation. These maps may be generalized and may not reflect current conditions. Uncharted hazards may exist. DO NOT USE THESE MAPS FOR NAVIGATIONAL PURPOSES.

Datum: NAD83
Projection: WGS_1984_Web_Mercator_Auxiliary_Sp here

Key Map of British Columbia



Page 059 of 121

Withheld pursuant to/removed as

s.14

Page 060 of 121 to/à Page 070 of 121

Withheld pursuant to/removed as

s.13 ; s.14

MINISTER'S OFFICE -- RECEIVED
MINISTRY OF ENVIRONMENT
EAO-ASSOC.DM
MAR 28 2019

☐ Min Reply ☐ Reply Direct ☐ DM Reply ☐ Info/Fi
☐ Send Interim ☐ Redirect to _____
☐ cc. _____
CLIFF# _____

Coutlee Residents Committee

780 Highway 8
Merritt, BC, V1K 1P1
By email: amacsmit@telus.net
By telephone: 250-378-5370

Hon. George Heyman, MLA
Minister of Environment and Climate Change Strategy
Room 112 Parliament Buildings
Victoria, BC V8V 1X4

Ministry of Environment
Correspondence Unit

MAR 28 2019

March 19, 2019

Dear Minister Heyman:

In regard to:

Nicola Valley Aggregates Ltd Proposed Gravel Pit
At 701 Highway 97C (Merritt-Spences Bridge)
Lot No. DL1923 Kamloops Div. Yale District
Tracking Number 100268809 (assigned under the Ministry of Energy, Mines &
Petroleum Resources application process)

We write to request that you designate the aggregate mine noted above, proposed for development in our community, as a reviewable project as under the provisions of BC's Environmental Assessment Act.

The mine will have significant adverse environmental, economic, social, heritage and health effects. The *designation* will be in the public interest; not only for our community, but also for those living on the adjacent Shulus Reserve (Lower Nicola Indian Band) and in the nearby City of Merritt.

The project has not been started at the time of this designation request, but an application by the proponent is now before the Ministry of Energy, Mines & Petroleum Resources (mines ministry). We have made a representation in writing to that ministry's permitting process.

While the application is just below the threshold for a reviewable project, the long term prospects and apparent plan for expansion would entail significant and unmitigable impacts on the landscape, valued ecosystem components, and the social and economic qualities and wellbeing of the community.

While we commend and acknowledge that your government has passed new environmental assessment (EA) legislation, and that this new approach could remedy some of the environmental and social issues that surround aggregate

development in BC, such improvements will not be applied to a review of this project.

We have met with our neighbours living on the adjacent Shulus Reserve and have had the opportunity to speak with Band staff and leadership, and we have met with our MLA, the Mayor of Merritt, and our Thompson Nicola Regional District (TNRD) representative. We have expressed our concerns and are appreciative that they have also made representations to the mines ministry.

An outline of our concerns & issues that are in the public interest

Cumulative impacts

The Nicola Valley has been subject to development pressure ranging from a biofuel energy project to efforts to dispose of lower mainland bio solids in the area, disposal of soil from the lower mainland at the former Craigmont Mine site (a copper mine) and the community uncertainty about what that waste stream is composed of, and now an aggregate mine which would be located close to an established and operational aggregate operation (within 5 kilometres of the proposed aggregate mine).

The cumulative environmental impacts of development and landscape change will not be considered in the mines ministry application process, and nor will that process consider the cumulative social and economic impacts of this project.

This application should be reviewed within the context of previous, existing and projected extractive activities, with attention paid to the cumulative effects of traffic, dust, noise, and other potential additive and synergistic environmental impacts. An EA can provide due attention to these issues.

We also note that your government has placed an emphasis on cumulative effects and regional assessment in its new EA Act. Our request for designation of this project is consistent with those objectives.

Transparency and accountability

Despite the potential for significant environmental and community impacts, the present review process for this project is restricted to an internal review by the mines ministry, and it is our understanding that approval or rejection is granted by one individual. The criteria for review and approval are unclear. While that ministry did publish *The Guide to Preparing Mine Permits for Aggregate Pits (the Guide)*, it predates the existing provisions and the present application process. It is uncertain how the rules for review, criteria, and expectations for public consultation and other indicators for best practices in the *Guide* are used by that ministry in its consideration of an application. However, here we do refer to the *Guide* in our review of the application and to outline issues of concern since, regardless of the date of issues, it is the only comprehensive document outlining expectations for this type of mine, provided by the mines ministry.

While the proponent's application was made available for public view at the public library in Merritt, library staff were confused about how access would be allowed, and would not initially allow it to be copied, and parts of the application were not in the file, notably the archaeological letter, and a letter of support from the landowner.

We believe that an EA could provide the needed clarity of due process, transparency with respect to what criteria are used in the review of the application and how it is applied, or how criteria are weighted by the mines ministry. Only an EA can require a meaningful opportunity for community members (regional and local) to properly understand the project and its implications, and propose effective options for impact mitigation.

Inadequate opportunities for public consultation

The existing application process is narrow and does not provide for planning pre-application consultation. It is contrary to the public interest and does not provide opportunities for consultation or open deliberation needed for confidence in the existing review process. We believe an EA can help meet the very reasonable expectation that a project that will entail significant impacts on the people living near it should be subject to a review process that affords opportunities for participation that meaningfully informs the decision made by government.

The *Guide* (4.5) states "Public consultation should take a variety of forms and can include public meetings and open houses, one-on-one meetings with interested parties, publication of articles on a particular project, and/or notices in community newspapers". Apart from the obligatory Mines Act notice in the Merritt Herald dated 17th January 2019, consultation has not occurred. If the mines ministry requires a public meeting, it is our understanding it will be informational. Our concern, and we do not believe this is unfounded, is that a public meeting will not directly shape the decision or constitute meaningful community engagement.

There is also a 'requirement' in the *Guide* (4.6) that a public notice be posted on the property advertising that the property is the subject of a *Mines Act* permit application. This has not happened.

Finally, if the mine were to be expanded after the 5 years covered by the present application the review process would be brief and internal to the mines ministry, and there would be no public notice or opportunity for consultation under the existing rules. An EA can help ensure that a longer term of operations and consideration of long term impacts could be reviewed and the proponent's plans for the site after 5 years would be properly assessed, and indeed known to those impacted.

Proximity to communities

The proposed aggregate mine is on a sloping bench in full view of the communities of Shulus First Nation Reserve, adjacent to the site, and to the community of Coutlee, situated immediately below the proposed mine.

The proposed operation is incompatible with an existing rural residential and agricultural neighbourhood. If approved as it is proposed in the application it will impose demonstrable and significant, dust, noise, traffic, and visual impacts on the community, and may pose potential significant groundwater and land/slope stability risks to the highway and those who rely on ground water for domestic use.

First Nations engagement

We cannot comment on what initiatives the applicant has undertaken to consult with First Nations and what the response has been. There are First Nations families living adjacent to the site of the proposed gravel pit, and within 300meters of it. These are our neighbours. We have spoken with our neighbours and they were unaware of the proposal and have expressed their concern. We will continue discussion and information sharing of the implications of this proposed gravel pit with them, and we have shared our correspondence not only directly with our neighbours, but also with the staff and leadership of the Lower Nicola Indian Band.

Necessity and viability

The *Guide* states “aggregate operations need to be close to their markets” and “Successful aggregate operations minimize conflicts with neighbours and have the support of nearby communities”.

There has been no approach of any kind to the community of Coutlee by Nicola Valley Aggregates. The proposal states “Nicola Valley Aggregates Ltd. intends on using the sand and gravel for sales to the local community the maximum extraction would be 200,000 tonnes per year and 800,000 tonnes over 4 years “. This is just below the limit in the *Reviewable Projects Regulation*, regardless of this threshold; this application constitutes a major aggregate operation, especially when compared to existing operations in the Nicola Valley.

There are three other aggregate companies in the Nicola Valley. Two have indicated that the local market is already oversupplied, and the larger company has sales of just 30,000 tonnes per year, well below the proposed maximum output of the proposed gravel pit. Will the much larger tonnage proposed by Nicola Valley Aggregates be trucked to the Lower Mainland or elsewhere?

The process administered by the mines ministry does not consider local or regional need, viability of the business, or market conditions. Nor will that process consider if the project is being developed to export aggregate. An EA can provide an opportunity to examine the necessity and viability of the project, and the experience of the proponent.

Significant noise impacts

The Nicola Valley is steep-sided. Noise reverberates across the valley, and is also carried by the prevailing winds. Gravel pits are noisy, and unbearably so if rock crushing is done on site. There are houses within 300m of the proposed gravel pit, both in Shulus and in Coutlee, and numerous houses within 1km. For these residents the quality of life affected by the mine's noise would be intolerable.

The proposal does not indicate projected noise levels. The mitigation proposed is restricted hours of operation. The proposed hours in the application propose operating the gravel pit six days a week. Proper mitigation would see working hours limited to 8.30am to 4.30pm five days a week (a later start time and earlier end of work day time than is proposed in the application), and no weekend operations.

Proper mitigation would also require crushing and screening to be done offsite to mitigate negative impact on nearby properties. In addition excavation and processing on site, the considerable increase in truck traffic noise must be taken into account. There is no mitigation proposed for this.

Significant dust impacts and related health impacts

The impact of dust on human health and wildlife may be significant given the proximity of residences at 250m and wildlife in the surrounding area.

Respiration of a small fraction of silica in airborne dust is a health hazard, which can lead to respiratory and lung diseases, including silicosis. It is also considered to be a carcinogen, which is linked to kidney disease and autoimmune disorders.

Small particle silica, known as respirable crystalline silica (RCS) has a diameter of less than 10 µm. Some particles may be as small as 0.1 µm. These are invisible to the naked eye and can be easily transported indoors and are absorbed by the mucous membranes of the human body.

The proposal states, "For dust suppression the access road will be paved and screen plant will have water spray suppression when required". No mention is made of dust suppression in the pit or the source of water for the screen plant.

The Nicola Valley is a reliably windy region, but with few reliable wind patterns and varying wind speeds. Dust will be carried well beyond the immediate area and in multiple directions, and into the City of Merritt (east) and to the communities in the other direction (west). The impacts of dust for those living adjacent to the mine site would be significant and ongoing.

An EA would allow a proper environmental study of the impact of the dust on the health of the surrounding population, and ensure that mitigation is adequate. We do not believe that the process administered by the mines ministry is likely to require this.

Groundwater impacts and the need for studies

All the residents of Coutlee obtain their water from wells, many of them shallow wells 3-4m deep. This water comes from the lower bench land of Swakum Mountain (i.e. the site of the proposed gravel pit) as an alluvial fan source. There is an artesian spring 500m west of the proposed site on the same bench land.

In the application there is a lack of clarity regarding the buffer zone for the water table. It is indicated that the buffer will be 10 m; however the depths of high groundwater table is indicated at 15 m below excavation. The application states "years 1 to 3 the bottom of the pit will be at 612 m elevation. Years 4 and 5 the floor of the pit will be at 600 m elevation. Therefore the 10 m buffer is not feasible, and the potential for groundwater contamination and disruption is considerable. The pit may extend below the depth of neighbouring residential wells.

There is a stream at the foot of the sloping hayfield where the mine would be excavated, variously known as Berard Brook or Spring Creek, which flows year round and is a habitat for salmon and trout fry. It has also been a home for muskrats.

We believe that only an EA can require a hydrogeological survey to assess the potential impact on community wells and the local stream.

Although the Nicola Valley is essentially a semi-arid area, it does occasionally experience extreme rainfall events, particularly in the summer, and we would like to know how runoff and other impacts from severe weather events will be managed to prevent access road erosion and runoff onto on the public highway.

At the proposed mine site the status of groundwater seems uncertain. Without a ground water assessment it is unknown if the applicant would have sufficient supplies of water for washing and dust control, or if there is a risk of pit flooding which would require dewatering and a place to dispose of the water, or the potential risk of pit failure or slope failure (due to water impacts) at the highway side of the lot. Slope failure would impose considerable risk to the highway and homes below.

Significant traffic impacts

The access road to the proposed mine site is directly opposite Billwiller Road on the very busy traffic corridor Highway 97C, which is also a school bus route.

The Ministry of Transportation has informed us more than 3000 vehicles a day use this portion of Highway. The applicant does not provide an estimate of the truck traffic to and from the mine.

With the proponent's requested operating hours of 55 hours per week, and assuming the production of 200,000 tonnes of aggregate per year, this would entail more than 11,000 loads per year or at least 4 truckloads per hour. Even at 0.25 production level, this would mean one truck every hour (based on an equal number

of truck/trailer and truck only (based on truck-trailer load of 27.38t of aggregate per transit, and a truck without trailer at 12.11t of aggregate per transit).

Previously there has been no heavy industrial traffic coming down that access road, which is steeply inclined and rough. We are concerned that trucks carrying 12 to ~30 tonnes of rock will present a major hazard entering a fast moving (80 km/hr) traffic flow. Furthermore, these trucks will be crossing traffic lanes when entering and leaving the proposed mine site.

We understand from the Ministry of Transportation that a new permit for road access will need to be obtained. Considerable work will be needed to upgrade the access point where the proposed use can be accommodated. This work would likely entail significant digging and cutting into the slope, substantial landscape modification, and potential groundwater disturbance.

The *Guide* states, "Ensure industrial traffic does not degrade public roads or jeopardize public safety". The description in the proponent's application of what access upgrading will be done is cursory and requires more substantial assessment and discussion, especially since the impacts of a major road access, and the accompanying industrial traffic would have a significant impact on the community, and may pose substantial risks for highway safety.

According to *Agricultural Land Commission* maps, the land on which the upgraded access road would be located is inside the Agricultural Land Reserve. Consideration of the impacts of this project on adjacent agriculture should be studied.

Riparian areas

According to a TNRD site description the district lot on which the project is located (DL 1923) intersects with a riparian area. "Riparian areas are the areas bordering on streams, lakes, and wetlands that link water to land. The riparian areas regulation enacted under section 12 of the *Fish Protection Act*, then re-titled the *Riparian Areas Protection Act* calls for local governments to protect riparian areas during residential, commercial, and industrial development by ensuring that proposed activities are subject to a science-based assessment conducted by a qualified environmental professional (QEP)".

Wildlife impacts

The previous landowner has noted that mule deer, California bighorn, whitetail deer, black bear, cougar, owls, hawks, eagles, rabbit, squirrel and moose, are known to traverse the location or live in the adjacent forest. As such this constitutes part of the habitat or home range for these species. An aggregate mine will have a significant impact on wildlife, which cannot be mitigated. These impacts require study and a plan for mitigation.

Forest fire risk

The forest beside the proposed gravel pit has recently experienced a forest fire. With the development of a pit operation, the risk of fire would increase due to equipment use, onsite fuel storage, the denuding of the existing fields and the encroachment of dry grasses and weeds which will increase the risk of wildfire. This imposes a significant risk to nearby homes and residents. Forest fires could pose risks to the nearby electrical lines that serve the Nicola valley.

Impacts on recreation uses

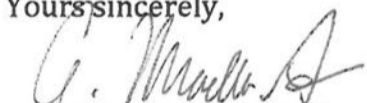
Directly to the east of the mine location is this Swakum Mountain Bike and Recreation area with hiking and biking trails directly north and east of the proposed development. The trails are maintained by the Merritt Mountain Bike Association. The impacts of the project on these uses is uncertain, but it warrants study and consultation with users.

Visual impacts

The tendered application states that the pit will not be visible to the neighbourhood. This is incorrect. A rapid visual assessment indicates that it will be visible to all the properties in the immediate area. In the present application there is no evident plan for mitigation of visual impact.

The concerns we have outlined indicate the potential for significant impacts from this project. The application does not adequately outline mitigation measures or anticipate a range of impacts. The review process is limited in scope and has minimal capacity for considering and including and addressing public concerns. The issues we have defined justify the designation of the project as requiring an environmental assessment under BC's Environmental Assessment Act.

Yours sincerely,



Alan R Mackay-Smith (Secretary)

Copies:

Kevin Jardine, Associate Deputy Minister and Executive Director, BC Environmental Assessment Office

Committee members: R. Hack, A & K Mackay Smith, D. Ross, C. Hanna, R & H Holmes

Lower Nicola Indian Band

Thompson Nicola Regional District (TNRD) Representatives

Jackie Taggart, MLA

City of Merritt, Mayor's Office

Page 079 of 121

Withheld pursuant to/removed as

s.14

Page 080 of 121 to/à Page 090 of 121

Withheld pursuant to/removed as

s.13 ; s.14

From: Pratt, Terry EAO:EX
To: kari.reilander@lnib.net
Cc: Warner, Jessica EAO:EX
Subject: RE: Nicola Valley Aggregates Question
Date: October 29, 2019 2:21:09 PM
Attachments: 345644_LNIB_Final.pdf
1621718201801_Nicola Valley Aggregates LTD Location Map.pdf
image003.png
image004.png

Dear Kari Reilander,

I am following up on my request below for a telephone call regarding Nicola Valley Aggregates application for a *Mines Act* permit. The purpose of the call is to discuss a request to our office for a review under Section 6 of the *Environmental Assessment Act* as per my attached letter to the former Chief of the Lower Nicola Indian Band dated May 28, 2019.

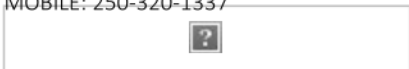
The EAO intends to make a decision on the request by November 15th and I would like to know if you have any questions or require more information.

Kind regards,

Terry

TERRY (TERESA) PRATT
Project Assessment Director
Environmental Assessment Office
Government of British Columbia

MOBILE: 250-320-1337



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From: Pratt, Terry EAO:EX
Sent: October 17, 2019 11:33 AM
To: 'kari.reilander@lnib.net' <kari.reilander@lnib.net>
Subject: Nicola Valley Aggregates Question

Hi Kari

Bob Zryd gave me your contact information. I am Project Assessment Director with the Environmental Assessment Office (but I'm based in Kamloops). I would like to speak with you about an inquiry our office received regarding the Nicola Valley Aggregates proposed gravel pit near Coutlee. Do you have some time this afternoon to speak with me?

Kind regards,

Terry

TERRY (TERESA) PRATT
Project Assessment Director
Environmental Assessment Office
Government of British Columbia

MOBILE: 250-320-1337



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File: 30020-04/MINI-2019

Reference: 345644

May 28, 2019

SENT VIA EMAIL

Chief Aaron Sumexheltza
Lower Nicola Indian Band
181 Nawishaskin Lane
Merritt, BC V1K 0A7
Email: aaron.sumexheltza@lnib.net

Dear Chief Sumexheltza:

The Environmental Assessment Office (EAO) received correspondence on March 19, 2019, from a resident of the Nicola Valley requesting an environmental assessment (EA) under the British Columbia *Environmental Assessment Act* (Act) for a sand and gravel quarry proposed by Nicola Valley Aggregates Ltd (NVA). The proposed project is near the Lower Nicola Indian Band's Shulus Indian Reserve and I am writing to inform you that the EAO is considering the request.

The proposed project is located in a rural area approximately 2.2 kilometres from downtown Merritt and approximately 44 meters of the Lower Nicola Indian Band's Shulus Indian Reserve eastern boundary as shown on the appended map. I understand that you have met with Bob Zryd from the Ministry of Forests, Lands and Natural Resource Operations and Rural Development (FLNRORD) and Vanessa Dunae from the Ministry of Energy, Mines and Petroleum Resources (EMPR) regarding NVA's Notice of Work application under the *Mines Act*.

Under the Reviewable Projects Regulation of the Act, NVA's proposed project does not require an EA because its annual production of 200,000 tonnes per year is below the threshold for an EA review, which is a production of 500,000 tonnes per year and 1,000,000 tonnes of production over 4 years of operation.

Under Section 6 of the Act, the Minister may designate a project as reviewable if the Minister is satisfied that the project may have a significant adverse environmental,

...2

economic, social, heritage or health effect; and that designation is in the public interest. The EAO is considering whether the proposed project meets these criteria. One of the considerations for our office is if the regulatory requirements of the *Mines Act* permitting process will adequately address the effects of the project.

If you have any additional information, questions or concerns regarding the EAO's consideration of this request, please do not hesitate to contact me by telephone at 250 371-3710 or email at Terry.Pratt@gov.bc.ca by Wednesday, June 12, 2019.

Best regards,

A handwritten signature in dark ink, appearing to read 'T. Pratt', with a stylized flourish at the end.

Terry Pratt
Project Assessment Manager

cc: Bob Zryd, First Nations Relations Advisor
Ministry of Forests, Lands, Natural Resource Operations & Rural Development
Bob.Zryd@gov.bc.ca

Vanessa Dunae, Senior Negotiations Lead
Ministry of Energy, Mines and Petroleum Resources
Vanessa.Dunae@gov.bc.ca

Rick Adams, Senior Inspector, Permitting
Ministry of Energy, Mines and Petroleum Resources
Rick.Adams@gov.bc.ca

Karen Christie, Executive Project Director
Environmental Assessment Office
Karen.Christie@gov.bc.ca

From: [Kari Reilander](#)
To: [Pratt, Terry EAO:EX](#)
Cc: [Warner, Jessica EAO:EX](#); [Kate Gower](#)
Subject: RE: Nicola Valley Aggregates Question
Date: November 14, 2019 6:44:23 PM
Attachments: [image005.jpg](#)
[image001.png](#)
[image002.png](#)
[Letter to Terry Pratt Nov 14, 2019.pdf](#)

Good afternoon Ms Pratt,

Please find attached Lower Nicola Indian Bands response to your email below. Please don't hesitate to contact me or Ms Gower should you have any questions.

Kind regards,

Kari Reilander
Executive Director

Lower Nicola Indian Band
181 Nawishaskin Lane
Merritt, BC, V1K 0A7
Telephone:250-378-5157
Toll Free: 1-888-447-1744
Fax: 250-378-6188
www.lnib.net

Proud to be LNIB BLUE



From: Pratt, Terry EAO:EX <Terry.Pratt@gov.bc.ca>
Sent: Tuesday, October 29, 2019 2:21 PM
To: Kari Reilander <kari.reilander@lnib.net>
Cc: Warner, Jessica EAO:EX <Jessica.Warner@gov.bc.ca>
Subject: RE: Nicola Valley Aggregates Question

Dear Kari Reilander,

I am following up on my request below for a telephone call regarding Nicola Valley Aggregates application for a *Mines Act* permit. The purpose of the call is to discuss a request to our office

for a review under Section 6 of the *Environmental Assessment Act* as per my attached letter to the former Chief of the Lower Nicola Indian Band dated May 28, 2019.

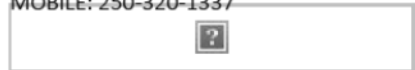
The EAO intends to make a decision on the request by November 15th and I would like to know if you have any questions or require more information.

Kind regards,

Terry

TERRY (TERESA) PRATT
Project Assessment Director
Environmental Assessment Office
Government of British Columbia

MOBILE: 250-320-1337



The EAO respectfully acknowledges that it carries out its work on the traditional territories of Indigenous nations throughout British Columbia.

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From: Pratt, Terry EAO:EX
Sent: October 17, 2019 11:33 AM
To: 'kari.reilander@lnib.net' <kari.reilander@lnib.net>
Subject: Nicola Valley Aggregates Question

Hi Kari

Bob Zryd gave me your contact information. I am Project Assessment Director with the Environmental Assessment Office (but I'm based in Kamloops). I would like to speak with you about an inquiry our office received regarding the Nicola Valley Aggregates proposed gravel pit near Coutlee. Do you have some time this afternoon to speak with me?

Kind regards,

Terry

TERRY (TERESA) PRATT
Project Assessment Director
Environmental Assessment Office

Government of British Columbia

MOBILE: 250-320-1337



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Page 099 of 121 to/à Page 100 of 121

Withheld pursuant to/removed as

s.16

From: Pratt, Terry EAO:EX
To: McLaughlin, Christine EAO:EX; Warner, Jessica EAO:EX
Subject: RE: Re: Nicola Valley Aggregates Ltd. Gravel Pit section 6 request - interim response
Date: November 15, 2019 2:40:50 PM

fyi

From: Shepard, Michael EAO:EX <Michael.Shepard@gov.bc.ca>
Sent: November 15, 2019 1:56 PM
To: Bailey, Scott EAO:EX <Scott.Bailey@gov.bc.ca>
Cc: Pratt, Terry EAO:EX <Terry.Pratt@gov.bc.ca>; Dakin, Ashley EAO:EX <Ashley.Dakin@gov.bc.ca>
Subject: Q: Re: Nicola Valley Aggregates Ltd. Gravel Pit section 6 request - interim response

Scott,

I wanted to let you know that Terry is still actively working on trying to conclude our response to the s6 request for the Nicola Valley Aggregates Gravel Pit. You'll recall that you received a draft of the report a month or so ago for review, but that we held off finalizing until we were able to undertake additional consultation with the nation. We have just received correspondence from the nation that we will potentially need a few weeks to review and respond to.

In the meantime, given that the request from the community was sent to the Minister in May, we propose to send an interim response letting them know that we are still considering the request. Would it be appropriate for this holding response to come from Terry, as the Project lead, or would your preference be Kevin? We would like to draft this response within the next couple of days.

Thanks,

Mike

From: Minister, ENV ENV:EX <ENV.Minister@gov.bc.ca>
Sent: May 1, 2019 12:35 PM
To: s.22
Cc: Jardine, Kevin EAO:EX <Kevin.Jardine@gov.bc.ca>
Subject: Re: Nicola Valley Aggregates Ltd. Gravel Pit Proposal

Reference: 344381

May 1, 2019

Alan R. Mackay-Smith
Email: s.22

Dear Mr. Mackay-Smith:

Thank you for your letter of March 19, 2019, requesting an environmental assessment of Nicola Valley Aggregates Ltd.'s proposed gravel pit near Merritt.

I have asked my staff at the Environmental Assessment Office (EAO) to evaluate your request and respond to you directly following their evaluation.

Thank you again for taking the time to provide me with your thoughtful comments regarding how this proposal could impact the community. The EAO will be in contact with you directly should they require any additional information.

Sincerely,

George Heyman
Minister

cc: Kevin Jardine, Associate Deputy Minister, Environmental Assessment Office

From: Pratt, Terry EAO:EX
To: s.22
Cc: McLaughlin, Christine EAO:EX; Shepard, Michael EAO:EX; Warner, Jessica EAO:EX
Subject: Nicola Valley Aggregates Ltd - Section 6 Request
Date: November 20, 2019 11:25:30 AM
Attachments: image001.png

Dear Mr. Mackay-Smith:

I am writing in reference to Minister Heyman's email to you on May 1, 2019 regarding your letter of March 19, 2019, requesting an environmental assessment of Nicola Valley Aggregates Ltd.'s proposed gravel pit near Merritt. I would like to provide you with an update on the evaluation of your request by the Environmental Assessment Office (EAO).

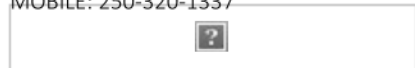
On November 14, 2019, the EAO received additional information regarding the gravel pit proposal which we will review and consider prior to completing our evaluation of your request. I will provide you with an update on the outcome of our evaluation of your request in the near future.

Best regards,

Terry Pratt

TERRY (TERESA) PRATT
Project Assessment Director
Environmental Assessment Office
Government of British Columbia
OFFICE: 250-554-7138

MOBILE: 250-320-1337



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Environmental
Assessment Office

Evaluation of a Request to Designate Proposed Gravel Pit in Nicola Valley as Reviewable Under the *Environmental Assessment Act*

Requested by:
Coutlee Residents Committee

December 11, 2019



TABLE OF CONTENTS

1.	The Designation Request	1
2.	Section 6 of the Environmental Assessment Act	2
3.	Evaluation of the Designation Request	2
4.	Consultation with Indigenous Nations.....	4
	Appendix A – Site Location Maps	6
	Appendix B – Summary of Issues Raised During the Public Consultation Process for EMPR’s NVA Gravel Pit Permit Review	9

1. THE DESIGNATION REQUEST

On March 19, 2019, the Environmental Assessment Office (EAO) received a request from the Coutlee Residents Committee (CRC) to designate the Nicola Valley Aggregates (NVA) Gravel Pit proposed by Nicola Valley Aggregates, Limited (NVA Ltd.) as a reviewable project that requires an environmental assessment (EA) pursuant to Section 6 of the *Environmental Assessment Act* (Act).

The proposed NVA Gravel Pit is 4.06 hectares in size. It is located 2.2 kilometres (km) west of Merritt, BC on private land adjacent to Highway 8 and directly adjacent to Lower Nicola Indian Band's (LNIB) Nicola-Mameet Indian Reserve (IR) in a rural area known as Coutlee. The property is within the Thompson-Nicola Regional District and is zoned RL1, Rural Zone, which permits the processing of aggregate materials. The closest residence not associated with the proposed operation is located approximately 250 metres (m) southwest of the proposed pit. The most westerly boundary of the proposed gravel pit is located approximately 43 m east of the eastern boundary of Nicola-Mameet IR #1 and the closest existing residence on the Nicola-Mameet IR #1 is approximately 250 m west of the proposed pit. See [Appendix A](#) for a site location map.

The Ministry of Energy, Mines and Petroleum Resources (EMPR) received an application for a Notice of Work (NoW) from NVA Ltd. for the proposed NVA Gravel Pit on December 7, 2018. The NoW application is currently under review by EMPR and consultation with Indigenous Nations is being conducted by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD). During its review of CRC's request for an EA of the pit, the EAO engaged with EMPR to understand regulatory requirements for gravel pit development and potential effects of the proposed gravel pit on local residents, members of the public and Indigenous Nations. The EAO also engaged with FLNRORD to understand potential effects of the proposed gravel pit on Indigenous interests, as well as how FLNRORD sought to address concerns raised by the Lower Nicola Indian Band (LNIB) on the NVA Gravel Pit through its consultation on the NoW Application. The EAO also engaged directly with the LNIB on CRC's request for an EA of the NVA Gravel Pit.

The CRC expressed concern to the Minister of Environment and Climate Change Strategy that there may be significant adverse environmental, economic, health, heritage and social effects, including cumulative effects, from the proposed gravel pit operation. The CRC's concerns are related to the potential impacts of noise, traffic and dust, including health effects from silica dust on nearby rural residences as well as potential effects on groundwater, riparian areas, wildlife, recreational users and views; and an increased risk of wildfire. Additional concerns were raised regarding EMPR's NoW review process including concerns with transparency and accountability, and fewer opportunities for public consultation. The CRC also raised concerns regarding the necessity and viability of the project, but these are not within the scope of a Section 6 consideration.

2. SECTION 6 OF THE ENVIRONMENTAL ASSESSMENT ACT

Section 6 of the Act gives the Minister the power to designate a project as reviewable:

6 (1) Even though a project does not constitute a reviewable project under the regulations, the Minister by order may designate a project as a reviewable project if:

- (a) The Minister is satisfied that the project may have a significant adverse environmental, economic, social, heritage or health effect, and that the designation is in the public interest; and*
- (b) The Minister believes on reasonable grounds that the project is not substantially started at the time of the designation.*

3. EVALUATION OF THE DESIGNATION REQUEST

3.1. CRITERIA SPECIFIED IN SECTION 6 OF THE ACT

Section 6 of the Act sets out four criteria that must be met for a project to be a candidate for designation as a reviewable project:

1. The project is not captured by the Reviewable Projects Regulation (RPR);
2. The project is not substantially started;
3. The project may have a significant adverse environmental, economic, social, heritage or health effect; and
4. The designation is in the public interest.

If any of the four criteria are not met, then Section 6 of the Act does not apply.

3.2. EVALUATION OF THE DESIGNATION REQUEST AGAINST THE SECTION 6 CRITERIA

The EAO has assessed the designation request for the NVA Gravel Pit against the four criteria set out in Section 6 of the Act. The EAO has determined that criteria 3 and 4 are not met and that Section 6 of the Act does not apply. The EAO's assessment is provided below.

3.2.1. CRITERION 1

The designation request meets criterion 1. The 4.06 ha NVA Gravel Pit proposes a maximum production of 200,000 tonnes per year and approximately 3.8 million (M) tonnes over the 19-

year life of the mine if there is enough market demand. This is below the EA threshold for a new sand and gravel pit set out in Part 3, Table 6, of the RPR:

- (1) *A new pit facility that will have a production capacity of:*
- (a) *≥ 500, 000 tonnes/year of excavated sand or gravel or both sand and gravel during at least one year of its operation; or*
 - (b) *Over a period of ≤ 4 years of operation, ≥ 1,000,000 tonnes of excavated sand or gravel or both sand and gravel.*

3.2.2. CRITERION 2

The designation request meets criterion 2. The NVA Gravel Pit is not substantially started. Construction and operation of the NVA pit requires a permit under the *Mines Act*. NVA Ltd. submitted a permit application to EMPR on December 7, 2018, which is under review, but the decision has not yet been made. Consultation with Indigenous Nations on the application is ongoing. No estimate is yet available of when a *Mines Act* permit decision could be made.

3.2.3. CRITERION 3

The designation request does not meet criterion 3. It is the EAO's view that significant adverse effects from the NVA Gravel Pit are unlikely, including the potential significant adverse cumulative effects identified by the requestor. The EAO takes this view because the NVA Gravel Pit project is subject to the requirements of the *Mines Act* and other legislation including the *Wildlife Act*, the *Water Sustainability Act* and the *Transportation Act* that will address the direct and cumulative potential effects from the project.

The application by NVA Ltd. for a permit under the *Mines Act* is currently under review by EMPR. EMPR has advised the EAO that if a permit is issued, it will contain project specific mitigations to address concerns raised to the Mines Inspector who is the statutory decision-maker for the *Mines Act* permit. See Appendix B for a summary of concerns identified by the CRC and other members of the public during the public consultation period and possible mitigations that the Mines Inspector can require in the permit should it be issued, or that are a requirement under other applicable legislation.

3.2.4. CRITERION 4

It is the EAO's view that designation of the NVA Gravel Pit as a reviewable project that requires an EA would not be in the public interest. The proposed maximum production of 200,000 tonnes per year and up to approximately 3.8M tonnes over the 19 year life of the mine is below the RPR threshold, the level of disturbance on the privately-owned parcel at 4.06 hectares is around the same size as other gravel pits in the area authorized under the *Mines Act*. The EAO is satisfied that requirements under the *Mines Act* and other legislation including the *Wildlife Act*, the *Water Sustainability Act* and the *Transportation Act*, will mitigate the effects of the NVA Gravel Pit such that the potential for any significant adverse cumulative environmental,

health and social effects from the project are unlikely. The EAO is also of the view that the public consultation process undertaken by EMPR was sufficient to clearly identify the issues of concern for the residents potentially affected by the proposed NVA Gravel Pit.

4. CONSULTATION WITH INDIGENOUS NATIONS

FLNRORD is leading consultation with the LNIB on behalf of EMPR and began engagement with the LNIB on March 19, 2019. Since then, FLNRORD and EMPR staff have met with LNIB on two occasions and have exchanged information. NVA Ltd. began engaging LNIB when it met with Chief Sumexheltza and LNIB staff on November 1, 2018.

The EAO understands from FLNRORD and EMPR that additional consultation is underway with LNIB to address its key concerns with the NVA Gravel Pit project. LNIB has indicated to FLNRORD and EMPR that it intends to proceed with a six-home residential development along the eastern boundary of the Nicola-Mameet IR #1 adjacent to District Lot 1923 where the NVA Gravel Pit is proposed.

- On May 28, 2019, the EAO wrote to the LNIB notifying them of the Section 6 consideration for the proposed NVA Gravel Pit and requesting comments by June 12, 2019. The EAO did not receive a response from LNIB, and then followed up with LNIB on October 17, 2019 and on October 29, 2019, requesting comments. On November 14, 2019, LNIB responded to the EAO stating that it was concerned that the project would have significant adverse environmental, economic, social, heritage and health effects and stated that an EA of the proposed quarry would be in the public interest. LNIB also re-iterated concerns that it had previously raised with FLNRORD and EMPR, including:
 - that the location of the project is in the core of LNIB territory adjacent to Nicola-Mameet IR #1 and has the potential to significantly impact LNIB's Aboriginal title and rights;
 - Sufficiency of information in order for LNIB to adequately review the NoW Application;
 - Timelines for LNIB to review the NoW Application. The EAO understands that a request by LNIB for an extension to the deadline for response was granted and that FLNRORD continues to engage with LNIB on the proposed pit at time of writing;
 - Requirements for capacity funding to support LNIB's involvement in reviewing the NoW and to hire technical experts to review a completed hydrogeological study Application; and
 - Potential impacts to an undeveloped six lot residential subdivision, originally proposed for the Nicola-Mameet IR #1 in 1998. The proposed NVA Gravel Pit would be located approximately 50m from the subdivision.

The EAO understands that the following potential mitigation measures have been proposed by EMPR through their consultation with LNIB to address the concerns raised, that could become conditions of the permit, if issued:

- The potential to stage the development of the pit in a manner to deflect sound away from the houses;
- The potential to situate top soil and product stockpiles in a manner to work as a visual barrier and sound attenuation barrier between the gravel pit and the proposed residential subdivision;
- The inclusion of potential design elements to minimize noise, dust and visual impacts from the pit and processing area on the residential development;
- Potential limitations on hours and days of operation; and
- An archaeological impact assessment could be carried out prior to any disturbance due to the high archaeological potential of the area. Alternatively, an Archaeological Chance Find Procedure may be adequately protective of archeological resources considering the land has been previously cleared of timber and under agricultural cultivation for a several decades.

The EAO followed up with EMPR and FLNRORD regarding LNIB's concerns outlined in its November 14 letter to the EAO. The EAO understands that on November 6, 2019, FLNRORD provided LNIB a draft Sand and Gravel Permit for review and comment, which included draft permit conditions to address potential effects of the project, including those related to dust and noise from the operation. The EAO is of the view that the consultation process being undertaken by FLNRORD and EMPR with LNIB is capable of adequately addressing LNIB's Aboriginal interests related to the proposed project.

APPENDIX A – SITE LOCATION MAPS

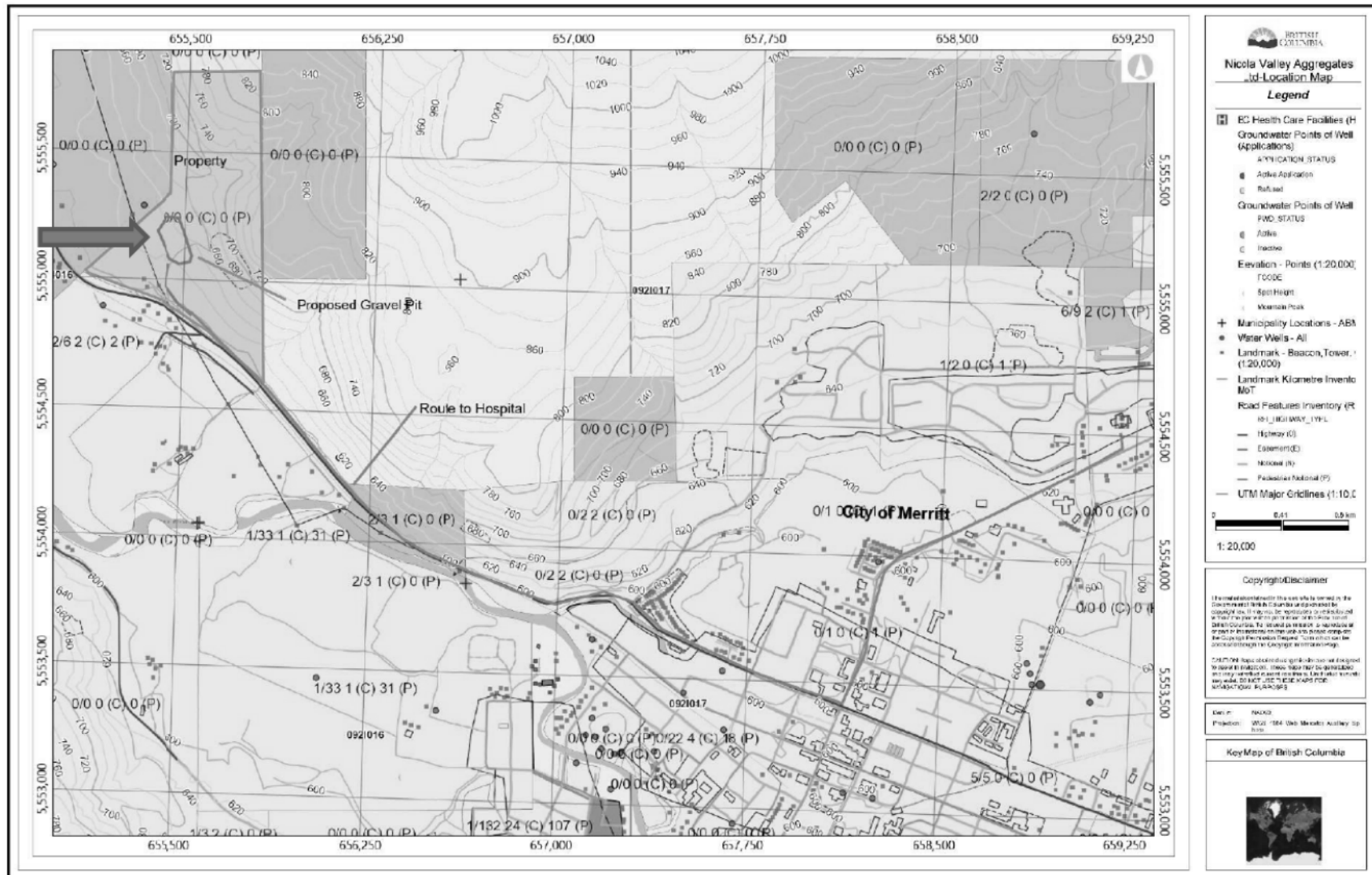


Figure 1. NVA Pit Location Map – Scale: 1:20,000

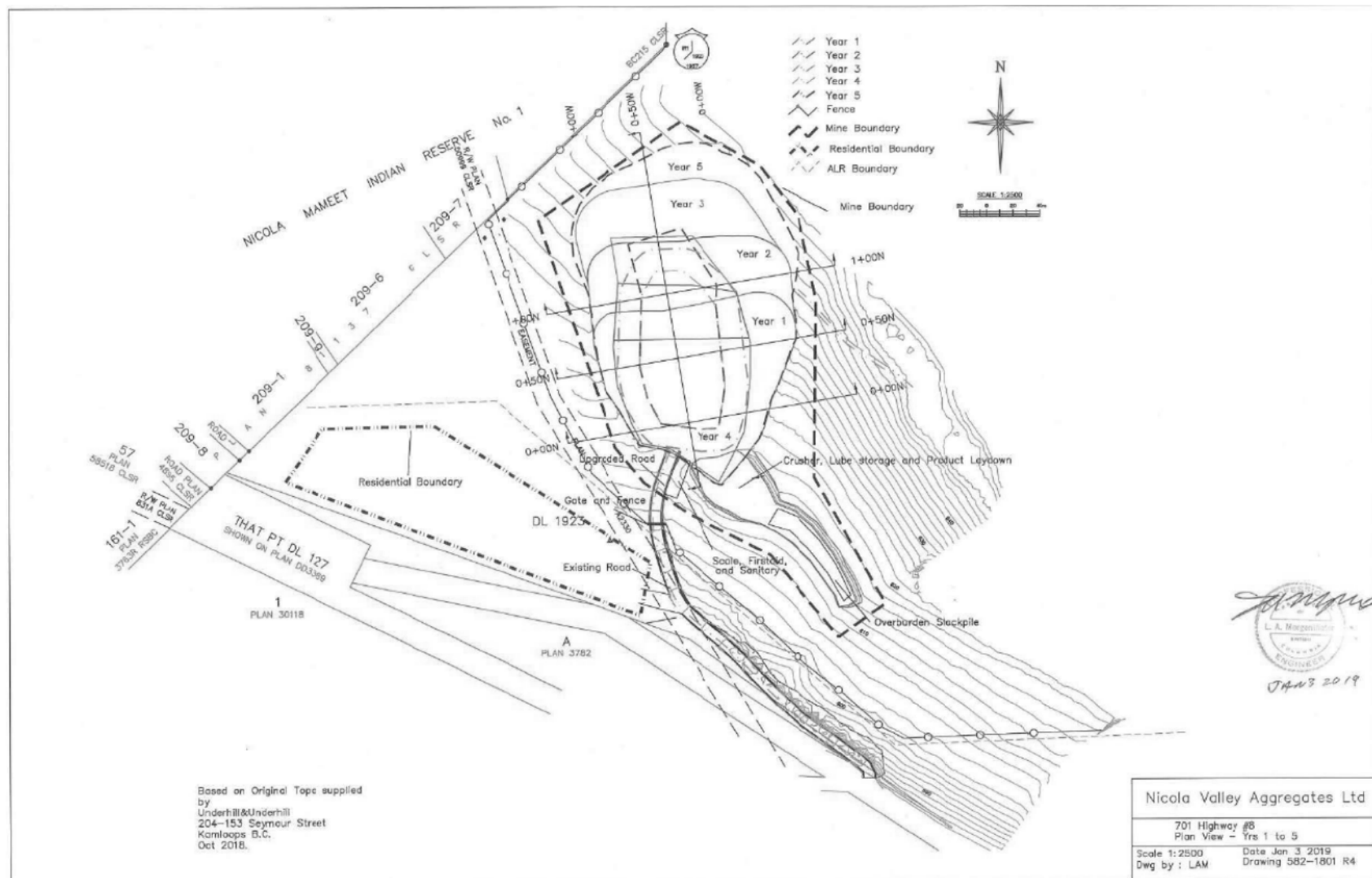


Figure 2. NVA Pit Site Plan – Scale: 1:2500

APPENDIX B – SUMMARY OF ISSUES RAISED DURING THE PUBLIC CONSULTATION PROCESS FOR EMPR'S NVA GRAVEL PIT PERMIT REVIEW

Issue Raised	Potential Mitigations or Additional Context
<p>Noise effects on residents from operations due to steep geography of the Nicola Valley and prevailing winds.</p>	<p>For gravel pits in urban residential and rural residential areas the Inspector may consider imposing permit conditions to set maximum noise levels at the property boundary. Inspectors typically set the noise limit at about the level of a normal conversation, and below the levels of household appliances. The Inspector may also impose permit conditions to limit the hours and days of operation and the proposal has identified limits on operation. Mine design could direct noise away from residences and include berms to block and deflect noise. The Health, Safety and Reclamation Code for Mines in BC sets maximum exposure limits for noise to protect the hearing of workers on site.</p>
<p>Effects on human health to residences within 250 m of the operation due to airborne silica in the dust generated by operations and traffic.</p>	<p>The Health, Safety and Reclamation Code for Mines in BC sets maximum exposure limits to amorphous and crystalline silica to protect the health and safety of workers who work on site on a daily basis, and workers in close proximity to the dust generating points of the operation. Given the distance of residences from the operation, dust exposure of residences would be less than worker exposure levels. The application proposes to utilize dust controls on dust generating points of the screener and crusher. The Inspector may impose permit conditions requiring dust mitigation measures on the screener and crusher, dust control on roads, tarping of all loads leaving the site, and/or a sitewide dust mitigation plan.</p>

Impacts to water quality and quantity for water users in Coutlee.	<p>The permittee has completed a preliminary hydrogeological study, <i>Preliminary Hydrogeological Assessment No. 1887</i> on April 10, 2019, which concluded impacts from the operation to groundwater to be negligible, subject to recommendations for the Inspector to consider for the permitting decision.</p> <p>With respect to impacts on water quality, Inspectors typically require a Mine Emergency Response Plan for identified environmental and worker safety risks and may also impose permit conditions with respect to fuel management and storage and spill response preparation.</p>
Traffic effects including access due to the addition of four gravel trucks per hour on a well-used highway, an approximate increase of 1.3% in overall traffic.	Regulations governing the use of roads and highways are under the authority of Ministry of Transportation and Infrastructure. The permittee will be required to meet all applicable regulations and obtain an Industrial Access Permit from MOTI.
Concerns regarding the effect of the proposal on riparian areas within District Lot 1923, and the need for compliance with the Riparian Areas Regulation.	District Lot 1923 does intersect riparian areas, but it is anticipated that the proposed gravel pit would not impact any riparian areas. Two streams are located within the vicinity of the proposed pit: one stream is located approximately 35m north of the proposed pit and another stream approximately 265m southeast of the proposed pit. These streams are protected by the Riparian Area Regulation, the <i>Mines Act</i> , and the <i>Water Sustainability Act</i> .
Impacts on wildlife (including mule deer, black bear, California bighorn sheep, cougar, raptors, rodents) due to operations.	<p>The current use of the land within the proposed gravel pit footprint is agriculture in the form of a cultivated alfalfa hayfield. This is not natural habitat the species of concern although some species may make some use of this area for foraging or predation. The application proposes to reclaim the land to the same use, following closure of the operation.</p> <p>Nesting birds are protected under the <i>Wildlife Act</i>.</p>

Increase risk for forest fires.	The <i>Mines Act</i> Permit typically requires a Mine Emergency Response Plan that will include provisions for minimizing the risk of fire and firefighting actions. The proposed pit is located within a cultivated alfalfa hayfield. Should pit development proceed, the site would be stripped of surface vegetation.
Potential Impacts on recreational users near the operation including mountain bike riders using the Swakum Mountain Bike and Recreation area, which is east of the proposed pit. Safety for touring motorcyclists using Highway 8 is also a concern.	The proposed pit is on private land. Any recreational use would be on Crown land. Regulations governing the use of roads and highways are under the authority of Ministry of Transportation and Infrastructure.
Visual Impacts on local residents.	NVA Ltd. has stated that it is unlikely that the mine operations will be readily visible from the closest residences on private lands. If visual impacts become a concern for the homes planned on Nicola-Mameet IR #1, mitigation measures could include: positioning of equipment, berms, barriers or vegetation to reduce the visual impacts.
Lack of transparency and opportunity for public input.	Copies of the Permit Application were available for viewing by the public at the Merritt Public Library. EMPR held a 30 day public comment period starting January 17, 2019 and ending February 16, 2019. Notice for the public comment period was advertised in the Merritt Herald newspaper. At EMPR's request, NVA Ltd. held a public meeting on April 10, 2019. EMPR attended the meeting to answer questions directed to the Ministry. The meeting was followed by a 30 day public comment period that ended on May 10, 2019. EMPR's statutory decision maker considers all comments received and may consider imposing permit conditions to mitigate impacts that are within the regulator's mandate to consider.

Concerns were raised by the CRC Committee about the effect the proposed operation would have on members of the LNIB, whose IR is directly adjacent to the proposed operation.	EMPR and FLNORD are continuing to conduct consultation with the LNIB and other Indigenous Bands on the potential effects of the project. The province is committed to meeting its duty to consult with respect to Indigenous Nations and Bands.
Additional Issues Brought Forward during Mines Act Review Process	
Effect on local apiaries due to noise, dust and traffic coming from the pit.	<p>The Inspector may impose conditions to mitigate the impacts of noise and dust.</p> <p>The traffic increase associated with the gravel pit is anticipated to be small in relation to the overall traffic already occurring on Highway 8 for other purposes.</p>
Ground Stability risks and increased potential for flooding due to changes in hydrogeological patterns.	Preliminary Hydrogeologic Report No. 1887 states that infiltration will not be impeded provided haul roads are designed to shed runoff towards permeable areas. The operation is not expected to have a significant impact on flooding in the Nicola Valley.
Impacts to the Agricultural Land Reserve (ALR) from the access road being located in the ALR.	The permit holder is required to obtain appropriate approvals from the Agricultural Land Commission for any non-agriculture use of ALR lands before commencing work.
Potential impact on fish in Berard Brook.	District Lot 1923 does intersect riparian areas, but it is anticipated that the proposed gravel pit would not impact any riparian areas. Two streams are located within the vicinity of the proposed pit: one stream is located approximately 35m north of the proposed pit and another stream approximately 265m southeast of the proposed pit. These streams are protected by the Riparian Area Regulation, the <i>Mines Act</i> , and the <i>Water Sustainability Act</i> .



File: 30200-04/MINI 2019

Reference: 344381

December 11, 2019

SENT VIA EMAIL

Alan R. Mackay-Smith
Secretary
Coutlee Residents Committee
780 Highway 8
Merritt B.C. V1K 1P1
amacsmi@telus.net

Dear Alan Mackay-Smith:

Thank you for your March 19, 2019 letter to the Honourable George Heyman, Minister of Environment and Climate Change Strategy, on behalf of the Coutlee Residents Committee's (CRC) requesting an environmental assessment under Section 6 of the *Environmental Assessment Act* for Nicola Valley Aggregates Ltd.'s proposed gravel pit (NVA Gravel Pit) near Merritt. The Minister has delegated his powers and duties under Section 6 of the Act to me as the Executive Director of the Environmental Assessment Office (EAO) and has asked me to review and respond to your request.

In the designation request, the CRC noted concerns that the proposal could result in significant adverse environmental, economic, health, heritage and social effects, including cumulative effects. Specific concerns identified include potential impacts of noise, traffic and dust, including health effects from silica dust on nearby rural residences as well as potential effects on groundwater, riparian areas, wildlife, recreational users and views; and an increased risk of wildfire. The CRC also raised concerns with the transparency and accountability of the review process for the Ministry of Energy, Mines and Petroleum Resources' (EMPR) *Mines Act* Permit.

In the evaluation of your designation request for the NVA Gravel Pit, the EAO has considered the project specific mitigations that EMPR can consider for addressing concerns raised to the Mines Inspector for the proposal. The EAO has also

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Environmental
Assessment
Office

Office of the
Associate
Deputy Minister

Mailing Address:
PO Box 9426 Stn Prov Govt
Victoria BC V8W 9V1

Location:
2nd Fl – 836 Yates St
Victoria BC V8W 1L8

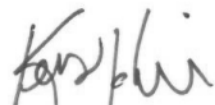
considered existing legislation under the *Wildlife Act*, the *Water Sustainability Act* and the *Transportation Act*, that will also mitigate effects of the NVA Gravel Pit. Please see the Schedule B of the attached report (*Evaluation of a Request to Designate Proposed Gravel Pit in Nicola Valley as Reviewable Under the Environmental Assessment Act*) for mitigations that EMPR may require in the *Mines Act* Permit to address potential effects of the NVA Gravel Pit.

The EAO also considered the public consultation process undertaken by EMPR including the two public comment periods and the proponent-led community meeting attended by EMPR staff on April 10, 2019.

Having considered the concerns raised in your letter, and the evaluation provided by the EAO, I have decided not to subject the NVA Gravel Pit to an environmental assessment by way of Section 6 of the Act. In light of the requirements of the *Mines Act*, the *Wildlife Act*, the *Water Sustainability Act* and the *Transportation Act* to address the direct and cumulative potential effects from the project, and the public consultation process conducted by EMPR that brought to light potential effects of the NVA Gravel Pit, I am not satisfied that significant adverse environmental, economic, health, heritage and social effects, including cumulative effects from the NVA Gravel Pit are likely. For these reasons also, I do not believe an environmental assessment of the project would be in the public interest.

Thanks to you and the CRC for bringing these concerns to our attention. Please contact Terry Pratt at 250 320-1337 or by email at Terry.Pratt@gov.bc.ca if you have any further questions.

With best regards,



Kevin Jardine
Associate Deputy Minister

Attachment (1)

cc: Honourable George Heyman
Minister of Environment and Climate Change Strategy
ENV.Minister@gov.bc.ca

Mike Shepard, Executive Project Director
Environmental Assessment Office
Michael.Shepard@gov.bc.ca

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Rick Adams, Regional Manager, Mining Operations (Kamloops)
Ministry of Energy, Mines and Petroleum Resources
Rick.Adams@gov.bc.ca

