

# **Crown Land Tenure Application**

Tracking Number: 100293673

**Applicant Information** 

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

Company/Organization

What is your relationship to the

**Employee** 

Yes

company/organization?

#### APPLICANT COMPANY/ORGANIZATION CONTACT INFORMATION

Applicant is an Individual or an Organization to whom this authorization Permit/Tenure/Licence will be issued, if approved.

Name: Terus Construction Ltd.

Doing Business As:Valley BlacktopPhone:250-575-3473Fax:250-575-3691

**Email:** erwin.spletzer@terusconstruction.ca

**BC Incorporation Number:** BC 1206911

Extra Provincial Inc. No:

**Society Number:** 

**GST Registration Number:** 

Contact Name: Erwin Spletzer

Mailing Address: - redacted -

#### REFERRAL / PUBLIC COMMENT CONTACT INFORMATION

Company / Organization: Terus Construction Ltd.

Contact Name: Erwin Spletzer

Contact Address: 300-15288 54A Avenue

Surrey BC V3S 6T4

**Contact Phone:** 250-575-3473

Contact Email: erwin.spletzer@terusconstruction.ca

#### **ELIGIBILITY**

Question Answer Warning

Do all applicants and co-applicants meet the eligibility criteria for the appropriate category as listed below?

Applicants and/or co-applicants who are Individuals must:

- 1. be 19 years of age or older and
- 2. must be Canadian citizens or permanent residents of Canada. (Except if you are applying for a Private Moorage)

Applicants and/or co-applicants who are Organizations must either:

- be incorporated or registered in British Columbia (Corporations also include registered partnerships, cooperatives, and non-profit societies which are formed under the relevant Provincial statutes) or
- 2. First Nations who can apply through Band corporations or Indian Band and Tribal Councils (Band or Tribal Councils require a Band Council Resolution).

#### **TECHNICAL INFORMATION**

Please provide us with the following general information about you and your application:

#### **EXISTING TENURE DETAILS**

Figure

Do you hold another Crown Land Tenure? Please specify your file number:

Yes 8015220

No

If you have several file numbers, please make a note of at least one of them

above. Example numbers: 1234567, 153245, others

#### ALL SEASONS RESORTS

The All Seasons Resorts Program serves to support the development of Alpine Ski and non-ski resorts on Crown land. For more detailed information on this program please see the operational policy and if you have further questions please contact FrontCounter BC.

Are you applying within an alpine ski resort?

#### WHAT IS YOUR INTENDED USE OF CROWN LAND?

Use the "Add Purpose" button to select a proposed land use from the drop down menu.

If you wish to use Crown land for a short term, low impact activity you may not need to apply for tenure, you may be authorized under the Permissions policy or Private Moorage policy.

To determine if your use is permissible under the Land Act please refer to either the Land Use Policy - Permissions or Land Use Policy - Private Moorage located here.

 Purpose
 Tenure
 Period

 Aggregates & Quarry Materials
 Licence of Occupation
 Ten to thirty years

 Sand And Gravel

#### ACCESS TO CROWN LAND

Please describe how you plan to access your proposed crown land from the closest public road:

The site will be accessible from our existing access road that is covered under FLNRORD File No. 4404142 and License of Occupation No. 404801

#### **AGGREGATES & QUARRY MATERIALS**

All uses of Crown land for mining, quarrying, digging or removal of building, construction and other materials listed in the Land Act, Section 19, Includes ancillary activities of material sorting, crushing, stockpiling and washing, and the operation of a temporary portable asphalt plant on site. Applies to quarrying of abandoned tailings areas on Crown land.

Specific Purpose:Sand And GravelPeriod:Ten to thirty yearsTenure:Licence of Occupation

#### **TOTAL APPLICATION AREA**

Please give us some information on the size of the area you are applyig for.

Please specify the area: 12.3 hectares

#### MINES ACT: NOTICE OF WORK

To explore and develop the Province's aggregate resources you may/will be required to obtain a Notice of Work under the Mines Act.

Have you submitted a Notice of Work application for a Mines Act permit?

No

You will be required to apply for Notice of Work Application.

#### IMPORTANT CONSIDERATIONS

Do you intend to use the aggregates for hydraulic fracturing (Fraccing)?

No

### ADDITIONAL QUESTIONS

In many cases you might require other authorizations or permits in order to complete your project. In order to make that determination and point you in the right direction please answer the questions below. In addition, your application may be referred to other agencies for comments.

Is the Applicant or any Co-Applicant or their Spouse(s) an employee No of the Provincial Government of British Columbia?

# Are you planning to cut timber on the Crown Land you are applying Yes for?

To cut timber on the Crown Land once your tenure has been issued you may require an Occupant Licence to Cut. Check out the website of the forest district responsible for more information or contact them if you have any questions.

# Are you planning to use an open fire to burn timber or other Yes materials?

Please check the Wildfire Management Branch website to learn more about your responsibilites. Check the 'Guides to Open Burning' for the appropriate fire category. A Category 3 Open Fire will require a burn registration number. More information can also be provided by the Burn Registration line at 1-888-797-1717.

Do you want to transport heavy equipment or materials on an

No

existing forest road?

Are you planning to work in or around water?

Does your operation fall within a park area?

#### LOCATION INFORMATION

#### LAND DETAILS

#### **DRAWINGS**

Please provide information on the location and shape of your Crown land application area. You can use one or more of the tools provided.

☑ I will upload files created from a Geographic Information System (GIS)

#### SPATIAL FILES

Do you have a spatial file from your GIS system? You can upload it here.

NOTE: If uploading a .shp, please ensure that it is a polygon that has been projected in BC Albers in NAD83 format.

Description	Filename	Purpose		
Westside Expansion_Poly.dbf	Polygon.dbf	Aggregates & Quarry Materials		
Westside Expansion_Poly.prj	Polygon.prj	Aggregates & Quarry Materials		
Westside Expansion_Poly.shp	Polygon.shp	Aggregates & Quarry Materials		
Westside Expansion_Poly.shx	Polygon.shx	Aggregates & Quarry Materials		

#### ATTACHED DOCUMENTS

Document Type	Description	Filename
General Location Map	General Location Map	Westside Expansion_General
Management Plan	Managment Plan	Westisde Expansion_LoO_Mgmt

Other	CFP	Westside Expansion_CFP_29Ju
Other	Cover Letter	Westside Expansion_Cover Le
Other	Dust Control Plan	Westside Expansion_Dust Con
Other	MERP	Westside Expansion_MERP_29J
Other	Noise Control Plan	Westside Expansion_Noise Co
Other	Orthophoto Map	Westside Expansion_Orthopho
Site Plan	Detailed Site Plan	Westside Expansion_Detailed
DDIVACY DECLADATION		

#### PRIVACY DECLARATION

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

#### **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.

#### OTHER INFORMATION

Is there any other information you would like us to know?

No

#### APPLICATION AND ASSOCIATED FEES

Item	Amount	Taxes	Total	<b>Outstanding Balance</b>	
Crown Land Tenure Application Fee	\$1,000.00	GST @ 5%: \$50.00	\$1,050.00	\$0.00	
OFFICE					

Office to submit application to: Cranbrook

#### 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	File Number	Project Number
Cranbrook		
	Disposition ID	Client Number



June 29, 2019

Front Counter BC 1761 Big Eddy Road Revelstoke, BC V0E 3K0

Email: FrontCounterBC@gov.bc.ca

#### Re: License of Occupation (LoO) Application – Westside Expansion Pit – LoO Management Plan

Terus Construction Ltd. (dba Valley Blacktop) hereby submits the following management plan with a License of Occupation (LoO) Application dated July 2019, for a proposed aggregate operation located on the outlined parcel of land described as un-surveyed crown land with a legal description of that part of Section 4, Township 24, Range 2, West of the Sixth Meridian, Kootenay District containing ~12.3 ha more or less, with an east point of reference of UTM 11: 414342E and 5652878N, (Figure 2).

This Management Plan is intended to meet the requirements of the General Application for Aggregates and Quarry Materials, dated February 2007, as required by FLNRORD.

#### Section A - Project Overview

The area of interest herein called "Westside Expansion Pit" is a parcel located directly by and/or adjoining the company's existing Westside aggregate operations. Access to the new development area will come from use of the existing access road into the Westside Pit operations (Figure 1).

The plan for the parcel will be for development of a long-term (20 year) aggregate extraction operation by Terus, in which approximately 37,500m<sup>3</sup> (75,000 tonnes) per year will be extracted starting in 2020. The aggregate materials will be required for the projected Trans Canada Highway (BC-1E) construction upgrades and by other resource users within the Revelstoke area.

The LoO Application is located within a fairly flat area of approximately 12.3 ha more or less, which will require clearing (logging) of the second growth forest for mining and storage of topsoil, mineral soil, overburden and saleable products. During development, a 5 meter buffer will remain between the LoO boundary and other portions of adjoining crown land (Figure 2).

It is anticipated that all mining and development activities will comply with the Mines Act and Health Safety and Reclamation Code for Mines in BC, 2017 (Code). To this end, once Terus has secured the parcel of land under a License of Occupation, they will apply to the Ministry of Energy, Mines and Petroleum Resources (MEMPR) for a *Mines Act* permit for the mining (extraction) operation.

The operational intent will be to locate equipment to the site during the work (summer) season (April to end November).

The aggregate extraction project is expected to be developed in an environmentally sensitive manner, and Terus proposes to accomplish this by implementing plans, utilizing technology and using industry standard "best management practices" (BMP's) such as following the guidelines set forth by the "Aggregate Operators Best Management Practices Handbook for British Columbia (April, 2002)"

http://www.empr.gov.bc.ca/Mining/Aggregate/BMP/Pages/default.aspx

The company's objections will always be to either eliminate and/or minimize potential environment impacts associated with the project. It is expected that standard BMP's for sediment and erosion control procedures for aggregate operations in BC will be more than adequate for this particular site.

This project is not required to undergo a Federal Canadian Environmental Assessment Act (CEAA) review based on federal triggers, or a BC Environmental Assessment Act (BCEAA) based on information from Table 6 of the Reviewable Projects Regulation, BC Reg. 370/2002. The project does not meet the criteria for review.

As indicated earlier, a *Mines Act* Application with required that meets the requirements as described in Section 10 (1) of the *Mines Act* R.S.BC. 1996, C.293, and Part 10 of the *Health, Safety and Reclamation Code for Mines in BC, 2017* (Code). This will be completed as part of the future permitting process for operations through the MEMPR.

#### <u>Section B – Project Description</u>

#### Part I. - Description of Work

The area of the proposed development is on un-surveyed crown land and is within the immediate vicinity of other aggregate extraction operations, which have been actively operated over the past several decades. The potential for aggregate materials from this particular site are based on the adjoining operations, and on an overview assessment of the glaciofluvial landforms of the area.

The site will be operated by Terus Construction Ltd. (dba Valley Blacktop) who has several decades of operational experience within the Revelstoke area.

Terus based on the findings of the overview assessment is proceeding forward with this application for development of the aggregate resource contained within the proposed 12.3 ha area noted in the LoO application. Initial mining activities will occur following completion (resource depletion) of the current Westside pit operations in 2019.

The *Mines Act* Application that is being submitted at a later date will provide appropriate details on all required information pertaining to the pit development located within the boundaries of the parcel shown on Figure 2.

It should be noted that the extraction (mining) faces will be at a maximum height of approximately seven (7) meters, which will be in compliance with Part 6.23.4 of the Code. On completion of mining, the pit faces will be resloped to a 2:1 slope angle.

The mining and pit operations will be seasonal between April and the end of November, with activities driven by demand for the final products. The first year of operations will involve clearing the site for establishment of appropriate operating areas.

The aggregate extraction configuration will be capable of utilizing conventional mining equipment, and given that this project is a simple operation, there will be no waste rock dumps, no (milling) processing facility or any tailings facility, and no washing of materials; therefore the required engineering evaluations are limited for the project.

There will not be a requirement for an *Environmental Management Act* – Effluent Permit, as the project is not anticipated to have any effluent discharge. The control of TSS and turbidity of any contact surface



waters will be achieved through use of erosion and sediment control measures such as sediment ponds, silt fencing and straw (hay) bales. The site will have in place a sediment and erosion control BMP, which will be submitted as part of the *Mines Act* permit application. However, Terus is providing at this time, plans for archaeological chance find procedures and MERP (including fuel management & spill contingencies)

This particular development is not expected to have any environmental or socio-community impacts given its relativity small size.

The project will be developed in an environmentally sensitive manner, and Terus proposes to accomplish this by implementing plans, utilizing technology and using industry standard "best management practices" (BMP's) in order to either eliminate or minimize any environmental impacts that might occur from the operational areas.

#### Part II. - Present State of Land

The project site is located within the Interior Cedar Hemlock Biogeoclimatic zone (ICH) with a subzone of mw (ICHmw). According to "Ecosystems of British Columbia - BC Ministry of Forests" and other sources, the following list of species are most commonly found in the ICHmw zone:

#### **Trees**

- Thuja plicata (Western redcedar)
- Pseudotsuga menziesii (Douglas fir)
- Tsuga heteophylla (Western hemlock)
- Picea glauca x engelmanii (Hybrid white spruce)

#### **Shrubs and Herbs**

- Paxistima myrsinites (Falsebox)
- Pleurozium schreberi (Red-Stemmed Feathermoss)
- Clintonia unifloria (Queens Cup)
- Vaccinium Membranaceum (Black Huckleberry)
- Linnaea Borealis (Twinflower)
- Ptilium Crista-castrensis (Knight's plume),
- Hylocomium splendens (Step moss)

According to the "Ecosystems of British Columbia - BC Ministry of Forests", a fully developed ICHmw forest, the western hemlock and, to a lesser extent, western Redcedar dominate these ecosystems and usually form a closed canopy. Douglas-fir and western white pine are also common seral associates. The climax understory for the ICHmw is normally poorly to moderately developed shrub and herb layers with typical shrubs being *Paxistima myrsinites* (falsebox) and *Vaccinium membranaceum* (black huckleberry), along with common herbs such as *Clintonia uniflora* (queen's cup). There can be as well, a very well-developed and continuous moss layer characteristically dominated by *Pleurozium schreberi* (red-stemmed feathermoss) and *Hylocomium splendens* (step moss). It is expected that the site, several decades out will be back to the above associations.

In an effort to achieve the above associations, Terus will replant the site with Western hemlock, Western redcedar and Douglas fir. It is anticipated that some natural revegetation of shrubs and herbs



such as Falsebox and Feathermoss will occur almost immediately following reclamation activities. There could as well be some natural revegetation occurring out from the Columbia River Greenbelt buffer area that is being retained along the east of the site.

Some of the above trees, plants and shrubs are shown in the following photographs of the site taken in June 2019.



Typical vegetation covering the proposed Westside Expansion Pit area



Typical vegetation covering the proposed Westside Expansion Pit area

The official community plan designation for the site is urban reserve, with a land use zoning of RR60 – Rural Residential. Terus understands that this land zoning was originally defined as rural residential, as a means to possibly provide additional flat land within the City of Revelstoke. However, Terus will



maintain an end land use of wildlife habitat, in order to maintain consistency with other (aggregate) developments in the area.

The development area is outside the ALR, but is within the Okanagan-Columbia Timber Business Sales Area.

There are no known overlapping uses for the area, and the proposed aggregate operations should have minimal impacts given required compliance with the Code.

There are no watercourses on-site, specifically no ephemeral crests and/or small wetland complexes within the land base.

The vegetative cover for the site is "forested" consisting of immature second growth forest plantation, which is approximately forty-five (45) years of age, and consists of predominately Thuja plicata (Western redcedar), Pseudotsuga menziesii (Douglas fir) and Tsuga heteophylla (Western hemlock). The site is classified as upland landscape, which is treed but sparse. Figure 3 which is attached provides an excellent orthophoto view of the parcel of interest at this time.

The soils within Westside Expansion Pit area, based on the adjoining site values are expected to be ~15 to 20cm in depth, and generally loamy, silty and/or sandy in nature with negligible topsoil cover.

The ICHmw zone is generally having soils that are Orthic Humo-Ferric Podzols in nature occurring over a wide variety of parent materials. However, given that the site is a glaciofluvial landform, the soils tend to be very dry, and the retained nutrients are very poor to medium rich in quality.

These soils will challenge the ability of Terus to reclaim to the above preferred ICHmw species, however every effort will be undertaken to achieve reclamation to these species.

The following photograph depicts the existing soil depth and general characteristics of the Westside Expansion Pit area:



Photograph of soil depth on the proposed Westside Expansion Pit



Given the minimal soil depth, the salvage and stockpiling of these soils within a strategic location such as along the boundaries of the LoO will need to be important for Terus. **Note:** A discussion of soil salvage and handling is covered later in Part III – Reclamation Section of this document, along with reclamation and invasive plant management for the site.

#### Part III. - Reclamation

#### **Reclamation Objectives**

The reclamation of the Westside Expansion Pit will follow the general guidelines recommended by Part 10.7.1 to 10.7.10 of the Code. It will be the intent of Terus, to prevent long-term environmental impacts at the site and to eliminate potential health and safety issues, as required. It is expected that the reclamation program will foster return to appropriate and functional values on the site.

The objective of the reclamation plan that follows is to create a physically stable environment, which is consistent with the requirements of the Code.

The end land use of the site will be a return to forest, which supports wildlife habitat values. To accomplish this, the following is proposed:

- Soil productivity and hydrologic function will be re-established to the extent possible. During
  development Terus will ensure all topsoil/sub-grade mineral soils have been salvaged, stockpiled
  and protected for use in reclamation of the site;
- The land surface and access roads will be left in a state that ensures long-term stability. As there is no surface drainages on site, they will not need to be restored; and
- The site will be re-vegetated to a self-sustaining state using suitable tree and shrub species as indicated in Part II above.

It should be noted that Terus, reserves the right to have an opportunity for the reclamation plan to be refined during the operational period of the project. After closure, the site will be left in a safe and secure manner for the long-term with no projected maintenance.

#### **Invasive Plant Management**

In general terms, the invasive plant management for the site will include measures to prevent and control invasive plants and/or noxious weeds from becoming established on the site, including soil stockpiles, product stockpiles and site roads. In particular, invasive plant management on the site will emphasize stripping only the required amount of surface areas for short term mining, completion of rapid revegetation of cleared areas through growth of grasses, and undertake vigilant prevention and removal of problem plants during all phases of the project, in order to prevent the establishment and spread of invasive and noxious plant species. Invasive plant management will be applied and be adaptively managed at the site.



The approach for the ensuring success with invasive plants will include:

- Prevention of invasive and noxious plant species establishment through use of best management practices (BMP's), such as minimizing soil disturbance, ensuring that at all equipment taken to the site has been thoroughly cleaned, and all soil & overburden stockpiles are covered (seeded) with a interior erosion control seed mixture;
- Proper identification and knowledge of invasive and noxious plant species gained through review of various publications provided by the Invasive Species Council of BC;
- All non-native invasive plant species, listed in the BC Weed Control regulations, as well as those
  priority invasive plant species listed by Invasive Species Council of BC, will be removed annually
  from the site prior to seed set. Native trees and shrubs that have establish naturally on the soil
  stockpiles and other stripped areas will be retained, as much as possible;
- Inventories, mapping, and monitoring of invasive and noxious plant species on the site, will be annually completed by the company;
- Terus will combine invasive plant management, with methods such as mechanical and biological controls; and
- Terus will periodically contract, if necessary, a qualified professional for invasive and noxious plant species management assessment of the site.

#### **General Reclamation Concepts**

In general, following finalization of the all mining operations, all equipment will be removed, the access road will be decommissioned, and the site reclaimed to the noted above standard. The (final) reclamation activities will commence immediately once weather conditions are favorable for working the soil, and after all the product stockpiles have been removed from the site. Any final pit walls that have not been resloped to 2:1 slope angle as part of operations will be recontoured, and any remaining pit floor and access roads that have not been scarified will be, then they will be capped with salvaged soils and revegetated (replanted) with the trees as indicated in Part II above.

It should be noted that a minimum 10.0 ha of working area is required by the company, to maintain an effective mining and stockpiling arrangement of aggregate materials for the Westside Expansion Pit. Therefore, it is expected that at a minimum 5 ha of the existing Westside Pit will not be immediately reclaimed, as this area will be required as part of the development for the Westside Expansion Pit. The reason for this is that based on the characteristics of the in-situ aggregate materials, there are times when stockpiles of less "saleable" materials have been produced, and they need to be stockpiled on site resulting in a requirement for a "large" working area. Due to this, it will affect reclamation timing of the Westside property. However, the remaining section of the original Westside Pit will be reclaimed (progressively) as area is opened up in the new Westside Expansion Pit area.



It is expected that overall, the reclamation activities for the site will generally consist of the following:

- During operations, stripping and stockpiling of topsoil and sub-grade mineral soil will be undertaken, whereby both the topsoil and sub-grade mineral soils will be mixed together given the negligible amounts of soils. The topsoil/sub-grade mineral soils will continue to be stripped to rooting depth (see photo). Working of soils during wet conditions will continue to be avoided and/or minimized. The (salvaged) soil stockpiles will be clearly delineated from adjacent areas in order to prevent equipment from driving over the stockpiles and/or mixing aggregate materials with soils throughout the operational periods. This delineation will be developed by stockpiling (windrowed) soils along the LoO boundaries (see Figure 2). The soil stockpiles will be constructed with 3:1 slopes, average 3m in height and will not be moved and/or disturbed during operations, expect when required for use in the reclamation of the site. The soil stockpiles will be seeded with an appropriate interior seed mixture, in order to prevent erosion and/or noxious weed invasion. Noxious weeds will be controlled by both mechanical and/or chemical (approved weed control products) means, as necessary;
- Utilization of soil salvage stockpiles for reclamation purposes will include soil replacement onto
  resloped pit faces, and placement of soils onto the scarified pit floor areas. The replaced soil
  materials will be left in a rough and loose mounded condition, in order to create micro sites to
  aid vegetation establishment, promote soil moisture infiltration and minimize the development
  of rills and channels for water erosion;
- Reclamation operations will establish final (ultimate) pit walls to a 2:1 slope angle;
- There will be re-contouring of any sediment basins constructed;
- The compaction of pit floors and access roads will be scarified by tilling with a winged sub-soiler to a minimum 50 cm depth;
- Decommissioning and removal of all mine site infrastructure will occur;
- If required, hydro seeding, fertilizing and application of a mulch application would be undertaken, to enhance revegetation and/or prevent erosion. The proposed hydro seeding mix might consist of 50 kg/ha of perennial native interior seed mix, 2,000 kg/ha of wood fibre mulch with 80 kg/ha non-asphaltic tackifier. Reclaimed areas would be completely seeded with the grass/legume mix to control erosion and/or maintain or increase soil productivity. Some quick establishing agronomic species such as hard fescue, alsike clover, white clover and hairy wild rye would be used in revegetation efforts of the reclaimed areas, since they are usually successful in a variety of site/soil types and climates. Fertilizer/lime addition maybe required before or after seeding depending on soil fertility. However, if possible fertilizer use will be kept to a minimum in order to help favour encroachment by native vegetation species. If required the initial fertilizer application would be limited to nitrogen and sulphur, with addition later of potassium or phosphorus. A fertilizer formulation of 34-0-0-11 (NPKS) is suggested with an application at a rate of 50 to 100 kg/ha, in order to promote initial establishment, followed by a slow release (nitrogen) formulation of 25-4-10 at an application rate of 50 kg/ha. The proposed interior (erosion control) seed mix would have a range of years of longevity after application. Most annuals will die out after 2 to 3 years, at which by this time other native grasses and herbs will have been established on the site;
- To promote structural and species diversity for the benefit of wildlife (caribou) habitat and biodiversity, tree planting in clusters using the suggested trees species as noted in Part II, along



with some deciduous tree species will be undertaken as part of the reclamation program. Terus will have tree seedlings planted on site to achieve a target stocking rate of 900, well-spaced trees per hectare at the free growing stage. To achieve this target, approximately 1350 seedlings/ha (coniferous and deciduous combined) will be planted;

- There will be placement of appropriate signage and marker berms to indicate potential hazards;
- If necessary there will be a completion of a soil sampling and testing program that would delineate any contaminated areas as required by the *Contaminated Site Remediation*, *Environmental Management Act*; and
- There will be post-closure maintenance and monitoring programs carried out for two (2) years, as necessary.

It will always be the intent of Terus to achieve the following reclamation goals:

- Minimize or eliminate public safety hazards;
- Minimize potential effects to the environment, particularly water resources;
- Provide long-term stable landform configurations;
- Reclaim surface disturbances for beneficial use; and
- Minimize the requirements for post-closure monitoring and maintenance.

The goals of the reclamation plan will be to provide the necessary details of the reclamation objectives, and to provide an opportunity for the plan to be refined during the operational period of the project. After closure work has been completed, the project will be left in a safe and secure manner for the long-term with little projected maintenance.

Terus will deem the reclamation successful, if the following performance criteria and trends are observed:

- Soils are stable and no rill or gully erosion is occurring;
- Native plant species cover is increasing annually;
- Non-native invasive plant species are not present on the site; and
- A self sustaining, free-growing forest stand has been established that exceeds the minimum stocking standard suggested.

#### **Long-term Stability**

With no settling or tailings ponds, dams or waste dumps this means that there will not be a requirement for additional maintenance to ensure long-term physical stability on the site. With all physical structures being removed from the property during final reclamation, it can be appropriately decommissioned and reclaimed for long-term stability as required under the *Mines Act*.



#### Section C - Additional Information

The development is not expected to have any environmental or socio-community impacts given its relatively small size and/or location. The company will have in-place; plans such as archaeological chance find procedures, sediment and erosion control, mine emergency response plan, fuel management and spill contingencies, and noise and dust as part of operations.

It is expected that Terus will operate and use Best Management Practices approach in the development and operation of the site.

#### I. Environmental

#### a. Land Impacts

The LoO Application and attached information show the potential area of impact to the land base.

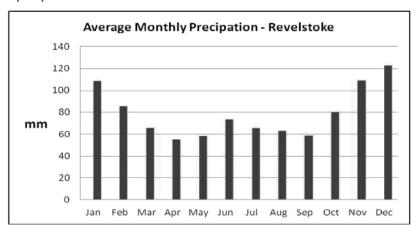
The operation will be "treed buffered" to reduce visual, noise and dust impacts to outside sources, particularly along the east side of the development. As well, the pit development will be a downward progression meaning that natural berms consisting of aggregate and/or soil berms will surround the development in order to block visual, noise and dust impacts.

There are no documented archaeological sites within the proposed development area; however an Archeological Chance Find Procedure (CFP) will be in place during development. As well, given that logging has already been undertaken on this particular piece of land, there actually maybe information on this subject that Terus is not aware of at this time.

#### b. Atmospheric Impacts

#### Climate

Annual rainfall in nearby Revelstoke averages 618 mm per year with the majority falling during April to June and August to November. The area gets snowfall at an average rate of 425 cm per year mainly between November and March. The following graphs shows the average monthly precipitation, which equates to 946 mm per year.



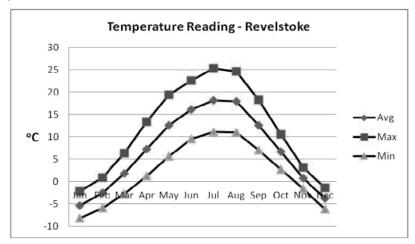
The extreme daily rainfall event for the site in 24 hrs was determined to be 44 mm, with the extreme daily snow event to be 173 cm.

Terus Construction Ltd.

(dba Valley Blacktop)



Annual temperatures in the area averages 6.9oC, with the warmest months being June, July and August having daily maximum average of +22.6 to +25.3°C, and the coldest months being December and January with daily minimums of -6.2 to -8.2°C. The following graph illustrates the average, maximum and minimum temperatures in the area.



#### Atmospheric Effects

It is expected that potential atmospheric impacts will be minimal, and come from equipment emissions and fugitive dust during mobilization, demobilization, land clearing, excavating, haulage and crushing and screening operations.

It is expected that there will be minimal (insignificant effects) impacts (such as deterioration or air quality and lower visibility due to diesel and fugitive dust emissions) on and/or from the site during construction and operations.

However, to assist with reducing atmospheric effects, Terus will undertake the following:

- Use modern construction (mining) equipment that meets latest applicable Canadian emission standards;
- Ensure proper inspection and maintenance of equipment;
- Operate equipment within specifications and capacity;
- Limit vehicle and construction equipment idling;
- Use low sulphur fuels for all diesel equipment;
- Re-vegetate any parts of the development that will not be disturbed in the future;
- Clear only the trees needed for mining in that particular area;
- Through a planned site layout (minimize creation), operational controls (control escape); air
  quality (dust removal) and cessation, the company can manage and mitigate any generated
  fugitive dust; and
- Maximize use and commit to Best Management Practices such as following the guidelines set forth by the "Aggregate Operators Best Management Practices Handbook for British Columbia (April, 2002)"

http://www.empr.gov.bc.ca/Mining/Aggregate/BMP/Pages/default.aspx



#### c. Aquatic Impacts

For the Westside Expansion Pit it is expected that there will be insignificant (minor) changes to surface water quality and quantity, as there are no noted watercourses within the LoO area. It is expected that given the projects location and that it will not be operating continuously, potential aquatic impacts would be intermittent, if at all.

Terus will utilize mitigation and monitoring as tools to minimize aquatic impacts, as necessary. The operation will use water management structures, and appropriate erosion and sediment control strategies such as managing sediment mobilization and erosion by installing sediment controls prior to land disturbance, limiting land disturbance to the minimum practicable extent, reducing water velocities across the ground, progressively rehabilitating disturbed land, ripping areas to promote infiltration, and restricting access to rehabilitated areas, and installing appropriate temporary erosion and sediment control measures or "Best Management Practices" prior to, and during, construction and operations activities.

#### d. Fish and Wildlife Habitat

Given the relative small size of the proposed project, fish and wildlife habitats baseline studies were not undertaken as part of this application. At this time, there have been no literature reviews of management plans specific to the region, no identification of species at risk and/or no field surveys completed by Terus.

There will be no disturbances to any fish and/or fish habitat during construction/operations of this particular development.

As a means to minimize potential impacts to fish and wildlife habitat, it is expected that Terus, will utilize Best Management Practices as noted in the "Handbook for Mineral and Coal Exploration in BC, 2008/09" and the "Health, Safety and Reclamation Code for Mines in BC, 2008".

Terus will have as well, strict enforcement on removal of garbage, etc. on a daily basis in order to minimize attractants at the site.

#### II. Socio-Community

#### a. Land Use

The proposed project will not affect existing land uses in the area.

There are no known designated National Parks, National Historic Sites, National Marine Conservation Areas, National Wildlife Areas, Migratory Bird Sanctuaries or Marine Wildlife Areas within the development area.

There are currently no active forestry operations within the area.

Given that no environmental baseline work was undertaken on the site to date, the recreation values cannot be substantiated. However, the values are probably low sensitivity and low significance given the site's proximity to the other higher recreational areas located in the area.



#### b. Socio-Community Conditions

The project will not affect or influence any community services or infrastructure requirements due to it being a small sized operation that will operate intermittently.

#### c. Public Health

The project will not affect public health, again due to it being a limited size operation.

#### d. First Nations

The project site is located within the traditional territories of several First Nations, as indicated by the Consultative database. At this time there has not been any contact with the First nation people in the area, in regards to this License of Occupation Application.

If you have any questions, please contact the undersigned by email <a href="mailto:corey.rokosh@valleyblacktop.ca">corey.rokosh@valleyblacktop.ca</a> or (250) 837-2111.



Corey Rokosh, Mine Manager

Interoute Construction Ltd. (dba Valley Blacktop)

Cell 250-804-3120





#### (dba Valley Blacktop)

June 29, 2019

Front Counter BC 1761 Big Eddy Road Revelstoke, BC V0E 3K0

Email: FrontCounterBC@gov.bc.ca

### Re: License of Occupation Application - Westside Expansion Pit - Noise Control Plan

Terus Construction Ltd., will utilize similar technology and operational activities that it currently uses in its adjoining Westside Pit, where it has undertaken successful noise control issues for several years.

Terus is committed to ensuring that all noise management and mitigation measures will follow the guidelines set forth by the "Aggregate Operators Best Management Practices Handbook for British Columbia (April, 2002)". http://www.empr.gov.bc.ca/Mining/Aggregate/BMP/Pages/default.aspx

General noises that are associated with a number of common activities at aggregate operations include loading, crushing, screening and hauling.

Noises from specific sources that will need to be mitigated during operations include the following: mobile equipment (truck, dozers and excavators), which generate noise from sources such as diesel engines, back-up alarms and the scraping & crushing noises during excavation and transport.

Given the success of noise control at the company's adjacent Westside operation, it was determined by Terus that completion of noise level monitoring to collect background and/or operational noise data, which could be used to evaluate the potential and cumulative effects of sensitive receptors to noise emissions associated with activities of the project were not warranted.

It will be through a planned site layout (containment & dampening), operational controls (prevention) and interception (ambient reduction), were the company is confident it can manage and mitigate the generated noises. Terus will continue to ensure the following management and mitigations are implemented as required to minimize noise impacts:

- Develop a mine plan which has designed sound buffers such as treed buffers, soil stockpiles and development of pit walls that will dampen noises;
- Examine noise mitigation strategies at other aggregate operations, which have similar requirements for noise reduction;
- Maintain a maximum 30 km speed limit along access roads and within the pit areas;
- Maintain smooth running roads surfaces on all access roads and pit floors to reduce tire noise;
- Operate equipment within specifications and capacity (e.g. don't overload machines) and use noise abatement accessories such as sound hoods and mufflers;
- All efforts during operations will be to have the placement of the short term crusher operation in the bottom of the pit, in order to decrease potential noise escapement;

.../2

#### Page 2

- Maintain a maximum drop height of less than 2 meters, to reduce noise;
- Turn equipment off when not in use;
- Restrict use of sirens and reversing alarms to the minimum, use alternative non-audible back-up alarms;
- Perform regular inspection and maintenance of equipment, and check that noise abatement devices are in good order (e.g., brakes, exhaust mufflers, engine hoods);
- Purchase and/or restrict equipment age so only newer, more efficient machinery will operate that has minimum noise output from tires and exhaust; and
- All personnel will be informed of this noise control plan, and are required to abide by it.

If you have any questions, please contact the undersigned by email <a href="mailto:corey.rokosh@valleyblacktop.ca">corey.rokosh@valleyblacktop.ca</a> or (250) 837-2111.

Regards,

Corey Rokosh, Mine Manager Interoute Construction Ltd. (dba Valley Blacktop)

Cell 250-804-3120

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#### (dba Valley Blacktop)

June 29, 2019

Front Counter BC 1761 Big Eddy Road Revelstoke, BC V0E 3K0

Email: FrontCounterBC@gov.bc.ca

#### Re: License of Occupation Application - Westside Expansion Pit - Dust Control Plan

Terus Construction Ltd., will utilize similar technology and operational activities that it currently uses in its adjoining Westside Pit, where it has undertaken successful dust control for several years.

Fugitive dust is generated mainly during dry weather conditions by unstable, non-point sources, through movement of equipment, material handling of resources and products, and by the effects of wind on stockpiles and areas striped of vegetation. Dust management and mitigation are being effectively dealt with using existing technology at the current Westside Pit.

The amount of dust generated from operations depends on site conditions, climate, nature of the material being processed and site operations (mainly crushing of materials and movement of equipment & vehicles), at the time when dry conditions exist at the site.

The **Health, Safety and Reclamation Code for Mines in BC, 2008** provides limited direction in regards to fugitive dust mitigation, therefore Terus will conform to the guidelines set forth by the "Aggregate Operators Best Management Practices Handbook for British Columbia (April 2002)". Noted at the following website: http://www.empr.gov.bc.ca/Mining/Aggregate/BMP/Pages/default.aspx

Plans for management and mitigation will be implemented to prevent fugitive dust impacts occurring during the operation of the project. This will continue through the planned site layout (minimize creation), operational controls (control escape); air quality (dust removal) and cessation, which the company is confident it can manage and mitigate in regards to generated fugitive dust. Terus will continue to ensure the following procedures and mitigations are implemented as required:

- Terus will maintain compliance on the policy that all employees and contractors wear and/or use properly fitted (breathing protection) Personal Protective Equipment (PPE) in any area, where a potential dust hazard exists that could injure a worker and/or be prevented by using the PPE;
- The company will continue to examine dust mitigation strategies at this and other aggregate sites;
- Terus will ensure continual use of the primary means of dust control for the operational
  activities, which involve a through wetting of operating areas with dust suppressant (water
  and/or calcium chloride) using a water truck with sprays, during times when dust control from
  natural precipitation is not sufficient on all haulage roads and active travel areas;
- Vegetation cover (local forestry range mix) will continue to be utilized to stabilize long-term stockpiles of soil and overburden to prevent dust generation, if necessary;

.../2

#### Page 2

- Company will ensure that where necessary, additional mitigation measures are implemented on an on-going basis when an opportunity for dust reduction is identified and technology development offers new tools for reduction;
- Maintain a maximum 30 km speed limit along access roads and within the pit areas;
- Terus will ensure all loaded gravel trucks leaving the site are appropriately tarped;
- All efforts during operations will be to have the placement of the crusher within the bottom of the pit, in order to decrease potential dust escapement;
- All access roads will be maintained to assist in reduction of fugitive dust;
- A 160 to 170 m treed buffer will be maintained along the river (east) side of the site to prevent dust escape;
- All areas not being utilized for mining and/or stockpiling of material will continue to be seeded with a local forestry range seed mix;
- A maximum drop height utilized at the site will be less than 2 meters;
- In cases of a wind event or extreme heat, and it is determined that the above mentioned measures are not adequate, operations will stop until the company has managed the dust effectively; and
- All personnel will be informed of this dust control plan and are required to abide by it.

If you have any questions, please contact the undersigned by email <a href="mailto:corey.rokosh@valleyblacktop.ca">corey.rokosh@valleyblacktop.ca</a> or (250) 837-2111.

Regards,

Corey Rokosh, Mine Manager

Interoute Construction Ltd. (dba Valley Blacktop)

Cell 250-804-3120

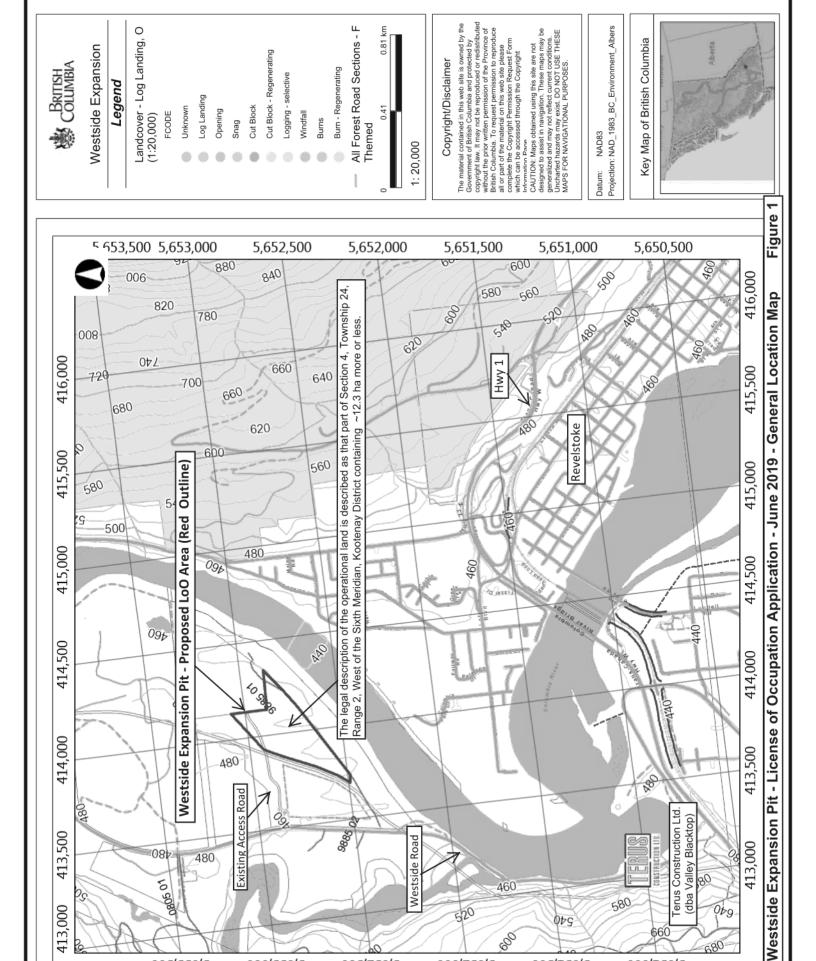
## **Legal Description Schedule**



Licence That unsurveyed portion of Section 4, Township 24, Range 2, West of the 6th Meridian, Kootenay District, more particularly shown outlined in red and containing 12.4 hectares, more or less DL\17076 Sec 9, TP 24, Rge 2 Sec 9, TP 24, Rge 2 TP 24, Rge 2 DL 43/39 5653500 Sec 5, TP 24, Rge 2 LA, PI 10887 Sec 5, TP Sec 4) TP Bk A 24, Rge 2 24, Rge 2 PIT Sec 4, TP 24, Rge 2 4406040 12.4 ha Sec 5, TP apids 24, Rge 2 L 54 PI 8838 Sec 4, ∜P 24, Rge 2 Sec 3 TP 24 M SCHOOL Rge 2 GOLF Sec 5, TP 24 COURSE Rge 2 Location Map TRLF Sec 34, CEME. TP 23, Rge 2 TERY Sec 33, TP TRAILER R/W/PI 23, Rge 2 Meters PARK 413500 414000 414500 415000 ..cranbrook\Status\mxd\2019\4406040.mxd Julv9/19 LR Scale 1:10,000

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BCGS Mapsheet(s): 82M.009



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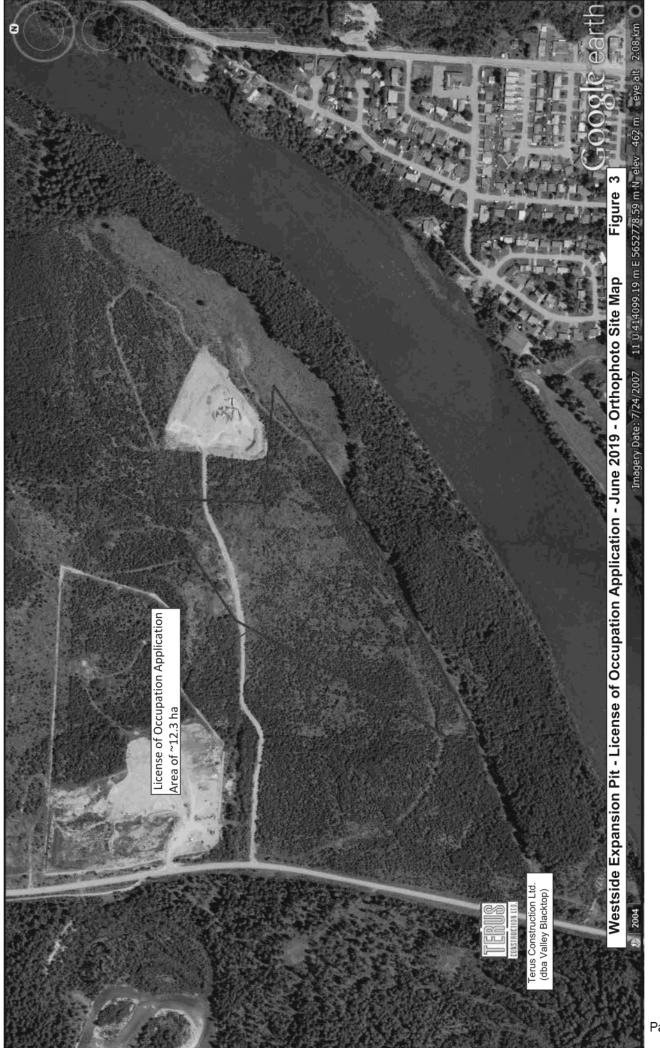
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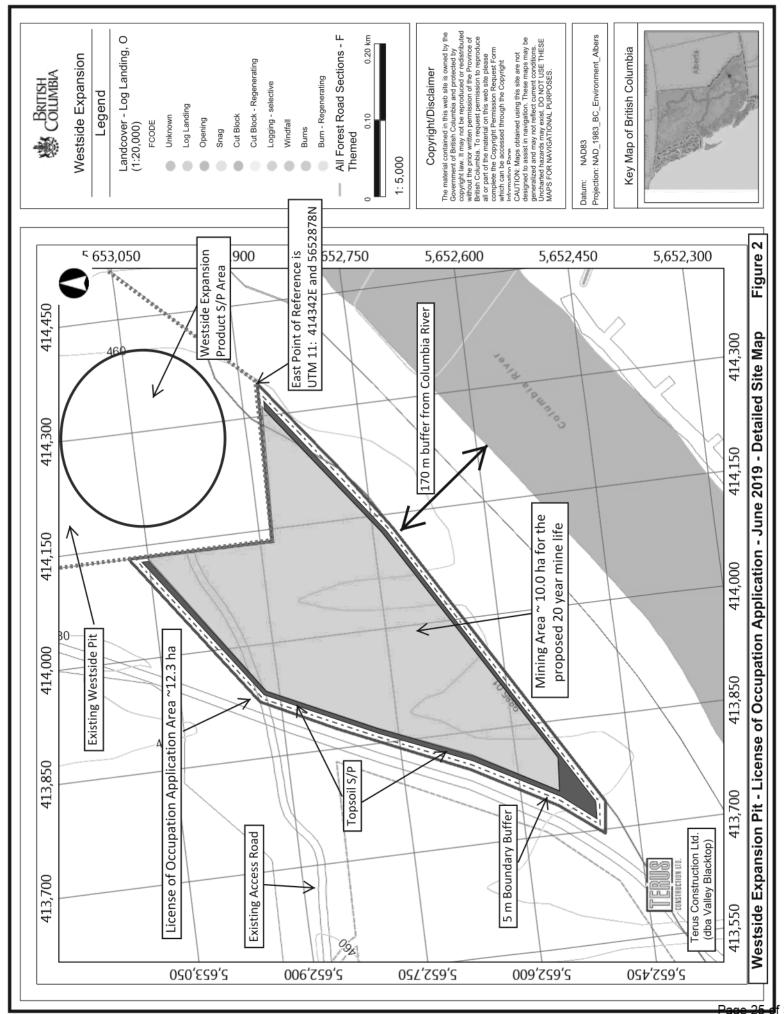
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005'859'5





# Figure 3



## **Notice of Amendment** Conditional Withdrawal (Section 17)

File: 4404849

Reserve No.: 094001

Ministry of Forests, Lands and Natural Resource Operations 1902 Theatres Road Cranbrook, BC V1C 7G1

Attention: Ray Morello

WHEREAS:

The undersigned has been charged with the administration of Section 17 of

the Land Act. and

WHEREAS:

The undersigned considers it advisable in the public interest to amend the Section 16 Map Reserve established January 13, 2009 and replace it with a Section 17 conditional withdrawal from disposition over the area identified on

the attached map; then

THEREFORE:

The Crown land area outlined on the attached map is hereby temporarily withdrawn from disposition except for planning and marketing purposes. for a period of 30 years. The area is hereby withdrawn from disposition under the Land Act for any purpose or use other than the above and others deemed compatible with or ancillary to the above by the undersigned.

effective March 8, 2017.

Sharon Dailey

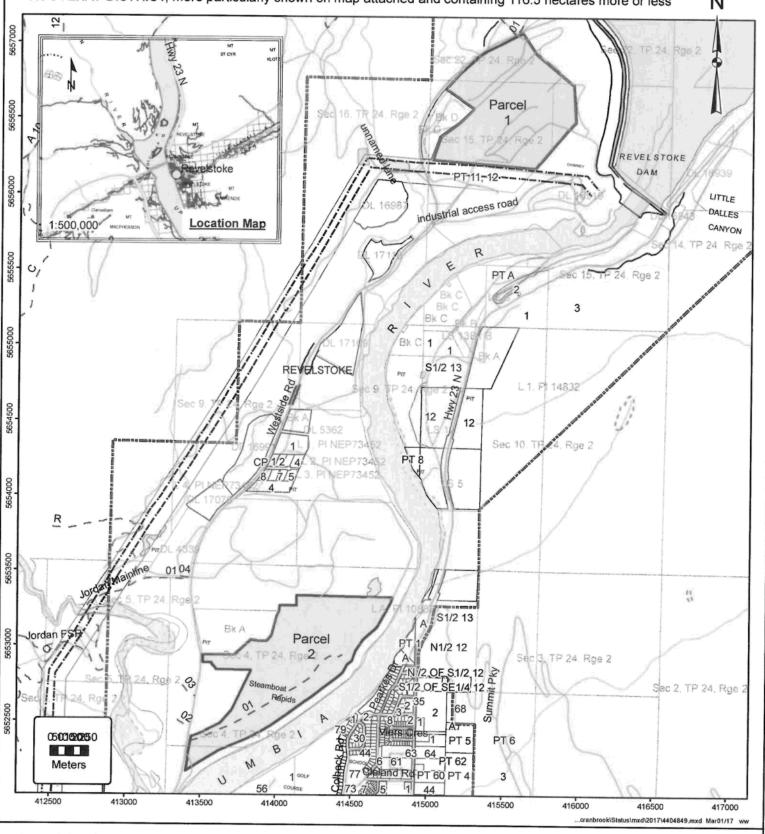
Section Head, Lands Authorizations

Kootenay Boundary

### Legal Description Schedule

File No: 4404849 Disposition: 872858

(Parcel 1) That part of SECTION 22, TOWNSHIP 24, RANGE 2, together with that part of the NE1/4, SECTION 15 and that part of the NW1/4, SECTION 15, all of TOWNSHIP 24, RANGE 2, WEST OF THE 6TH MERIDIAN, KOOTENAY DISTRICT; and (Parcel 2) That part of the South 1/2 of the SW 1/4 of Section 4 lying North of Jordan River and the remainder of the SE, SW, NE and NW 1/4 of Section 4, TOWNSHIP 24, RANGE 2, WEST OF THE 6TH MERIDIAN, KOOTENAY DISTRICT, more particularly shown on map attached and containing 116.5 hectares more or less



Scale 1:25,000 BCGS Mapsheet(s): 82M.009/010

4404849

Page 2\_ of 2\_



## **Council Report**

File No.: 3020-20

To: His Worship Mayor Sulz and Members of City Council

From: Marianne Wade, MCIP, RPP

**Director of Development Services** 

Date: September 5, 2019

Subject: Crown Land Tenure Application Referral - Gravel Extraction Referral

Number 114922106 - 009, Tracking Number 100293673

Owner(s): Terus Construction Ltd, DBA Valley Blacktop

#### **RECOMMENDATION:**

- THAT the referral for the proposed Gravel Extraction Number 114922106-009 be completed stating this use is not compliant with the reserve which was established for a Technology Park through a Section 17.
- **2. THAT** the Province be informed that a feasibility study is underway for the development of these lands for a Technology Park and associated uses.

#### **CAO Comments:**

Reviewed for Council consideration. DL

#### Strategic Plan Reference

The application aligns with the following Council priority: Organizational Resilience to ensure the city organization delivers service excellence to citizens and visitors: Streamline work and approval process to facilitate efficient and effective processes and use of City resources.

#### Background:

The Province (Ministry of Energy and Mines) has referred an application for a gravel extraction quarry to the City of Revelstoke for the City's comments. This proposed use lies in the City's Section 17 reserve lands for a Technology Park which was created in 2009 through a Section 16.

The Province has requested the City advise them if the proposed gravel extraction is incompatible with the terms of the Section 17 and Staff has determined it is not compatible.



## **Council Report**

#### Referral Background:

The City of Revelstoke has been referred on a Crown Tenure License of Occupation permit under the Mines Act, to obtain a License of Occupation for the purposes of aggregate quarry extraction. A copy of the referral package is in Figure 1.

#### Consultation with the Province

Staff has consulted with the Province on this referral given the subject lands lie within the City's Section 17 conditional withdrawal reserve lands for the Technology Park established in 2009.

The Province has stated that since these lands are conditionally withdrawn through a Section 17, the City needs to inform the Province whether or not they

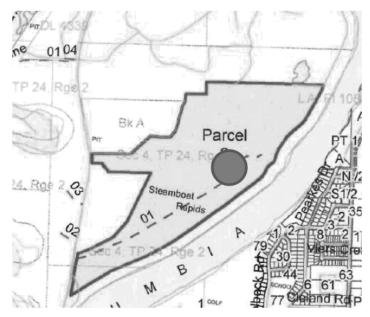


Figure 1: Approximate location of aggregate quarry within Parcel 2 of Section 17 lands.

are compliant with the intent of these lands These lands were originally withdrawn from disposition under Section 16 of the Land Act in 2009 and were redesignated in 2017 by the Province under Section 17 of the Land Act. This designation was a result of two conditions: policy direction at the Province to redesignated Section 16 reserve lands to Section 17 under the Land Act and a Council resolution from August 16, 2016 to remove some of these reserve lands for gravel extraction.

As per consultation with the Province;

"In the Westside Road area, the City of Revelstoke has a Section 17 (file 4404849), a reserve for the Technological Reserve. Incompatible land applications may not overlap with this Section 17."

Regarding the Technology Park, the Province states;

"A Section 17 is the appropriate tool to reserve the land for development purposes. A Section 17 will allow land applications to be placed overtop of the area that will support the technological park, should it move forward (i.e. roadways, powerlines, waterlines, licences of occupation for buildings in the technology park). Prior to development, any applications that are received by the Province in the technology park reserve area will be referred to the City of Revelstoke. If the City believes that the application being considered is incompatible with the reserve purposes (Technology Park), please state that in your referral response and describe how the area is intended to be used by the City (i.e. feasibility study is in progress).

Staff is currently undertaking feasibility studies for the lands and has received funding through the Rural Dividend Fund in 2018 to further the development and implementation of the Technology Park. Staff will be identifying potential partners through stakeholder engagements including First



## **Council Report**

Nations, Columbia Shuswap Regional District, Province and the private sector. As such, a proposed gravel extraction would be in conflict with this proposed future Technology Park use and the intent of the Section 17 withdrawal of lands. The proposed use is incompatible with the current feasibility study underway on these lands. Staff does not support gravel extraction on these lands.

#### Land Use Designations

- These lands are located in the Commercial / Industrial Permit Area (Schedule G of the Official Community Plan).
- The lands are zoned RR60 which permits the extraction of raw materials from the land and acknowledges the *Mines Regulation Act*.
- The Official Community Plan (OCP) land use designation is Urban Reserve, which is supportable of a variety of land uses depending on available infrastructure and city services, potential for development depends on site-specific analysis.

#### Concerns from the Public

There have been no concerns from the public raised on this issue. Should the public wish to comment, the Province has requested input be made through webpage, the <u>Applications</u>, Comments and Reasons for Decision.

#### Consultation with Columbia-Shuswap Regional District

As with the previous aggregate extraction referral, we have been consulting with the Columbia Shuswap Regional District (CSRD) on an ongoing basis to ensure a collaborative approach and consistent response. Staff at the CSRD have been supportive of our interest in understanding the need for expanded aggregate extraction through a needs assessment. This has also been discussed with the Province and staff will be initiating a meeting with the CSRD, City and Province to discuss further.

#### **Options and Discussion:**

The proposed quarry site is located directly within the Section 17 lands, and the operation of aggregate extraction facilities in these lands would be incompatible with the proposed intent of the Section 17 lands and the current feasibility study underway.

Staff will complete the online referral form and provide a letter to the referral agent, with a copy sent to the CSRD.

#### Financial / Risk Implications:

No financial or risk implications are anticipated from the proposed recommendation.

#### Others Consulted:

Staff consulted with planning staff at the Columbia-Shuswap Regional District, as well as the City's own departments of Parks, Recreation and Culture and Community Economic Development. Their comments have been integrated throughout this report.



# **Council Report**

### **Attachments:**

Figure 1 – Crown Referral Package

Figure 2 – Mapping of Proposed Sites

Figure 3- Section 17 Lands for Technology Park

Respectfully submitted,

Marianne Wade Director of Development Services

#### Referral Response

Respons	se Rec	quest Deta	ils			
Respondent Name:		Michael C	oulson	No Response Received		
	This Response is closed to further input.					
QUESTIC	ONS					
Yes	○No	○ N/A	Does this application impact your agency's legislated responsibilities? If yes, how will the proposal impact your legislated responsibility and please identify the relevant legislation (section) and what mitigative measures will be required to address these impacts in the response text box at the bottom of the page.			
Yes	○No	○ N/A	If the proposal proceeds, will the please explain in response text	e proponent require approval or a permit from your agency? If yes, box at the bottom of the page.		
○ Yes	No	○ N/A		Will on-going compliance monitoring be required by your agency as a result of your legislated responsibilities? If yes, please explain what will be required in the response text box at the bottom		
○ Yes	No	○ N/A	Will this application affect publi the bottom of the page.	Will this application affect public use of this area? If yes, please explain in the response text box at		
Yes	○ No	○ N/A				
	eck one. \ I help to e	Where indi		n your answer in the box provided. evant documents below, and indicate "Document Attached" in		
		ınaffected.				
	No objection to approval of project.					
	_	No objection to approval of project subject to the conditions outlined below.				
4	N/A	nd refusal c	of project due to reasons outlined	below.		
Section 17 a Technolocan be no undertakin	sed aggre 7 lands we ogy Park. I aggregate ng feasibilit	re withdraw In order to n extraction y studies fo	n by the municipality under this sen naintain the ability to develop thes quarries located anywhere on the r these lands. The resolutions from	icts with lands withdrawn under Section 17 of the Land Act. These ection of the Land Act for the purposes of developing these lands into e lands for this purpose as the City sees fit under this section, there se lands as they negatively impact these uses. Staff is currently in the report read as follows:  14922106-009 be completed stating this use is not compliant with		
			ed for a Technology Park through			
2. THAT the associated		e be informe	ed that a feasibility study is under	way for the development of these lands for a Technology Park and		
Attached a	also is the	report to Co	uncil, which further details our an	alysis.		
Should the	e proposal	be approve	d by the province, the proponents	would be required to obtain a Development Permit.		
DOCUME	ENTS					
Des	cription			File Name		
<u>Vlew</u> Rep	ort attachr	nents that w	vere provided to Council.	Dev-Crown Referral TERUS Attachments 2019- 09-05.pdf		
	ViewReport to Council from Staff regarding this referralReport to Council - Referral Response.pdfViewSection 17 lands details4404849 - Section 17 Reserve - Tech Park.pdf					

Cancel

Page 33 of 35



## **Notice of Amendment** Conditional Withdrawal (Section 17)

File: 4404849

Reserve No.: 094001

Ministry of Forests, Lands and Natural Resource Operations 1902 Theatres Road

Cranbrook, BC V1C 7G1

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effective March 8, 2017.

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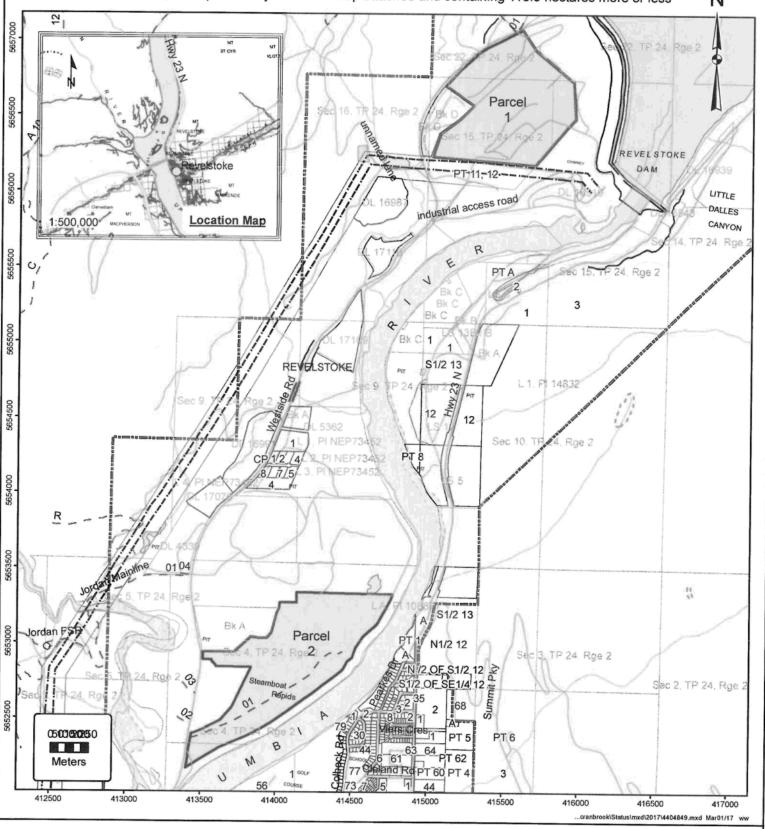
Section Head, Lands Authorizations

Kootenay Boundary

### Legal Description Schedule

File No: 4404849 Disposition: 872858

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BCGS Mapsheet(s): 82M.009/010

Page 2\_ of 2\_