



REGIONAL DISTRICT OF BULKLEY-NECHAKO

Supplementary AGENDA

Thursday, May 9, 2024

<u>PAGE NO.</u>	<u>DEVELOPMENT SERVICES</u>	<u>ACTION</u>
2-5	Supplementary Information Notice of Work Referral No. 2000419 Board Agenda pages 21-23	Receive
	<u>ADMINISTRATION CORRESPONDENCE</u>	
6-9	Environmental Assessment Office -Follow-up 2023 Union of BC Municipalities Convention	Receive
	<u>ADJOURNMENT</u>	

From: [Leroux, Graham EMLI:EX](#)
To: [Jason Llewellyn](#)
Cc: [Mark Parker](#); [REGOPS Prince George EMLI:EX](#)
Subject: RE: Referral Request on Notice of Work for a Mines Act Permit - Fraser Lake Quarry
Date: May 7, 2024 7:08:38 AM
Attachments: [image001.png](#)

[EXTERNAL EMAIL] Please do not click on links on open attachments from unknown sources.

Thank you for your prompt reply, Jason,

I appreciate your comments here and look forward to hearing a response from the Board on or after May 9th.

Cheers,

-Graham



Graham Leroux, M.Sc., P. Geo.
Inspector of Mines, Permitting, Central/Northeast Region
 Ministry of Energy, Mines and Low Carbon Innovation
 Responsible Mining and Competitiveness Division
Phone: 250-617-1891

From: Jason Llewellyn <jason.llewellyn@rdbn.bc.ca>
Sent: Monday, May 6, 2024 5:03 PM
To: Leroux, Graham EMLI:EX <Graham.Leroux@gov.bc.ca>; REGOPS Prince George EMLI:EX <MMD-PrinceGeorge@gov.bc.ca>
Cc: Mark Parker <mark.parker@rdbn.bc.ca>
Subject: RE: Referral Request on Notice of Work for a Mines Act Permit - Fraser Lake Quarry

You don't often get email from jason.llewellyn@rdbn.bc.ca. [Learn why this is important](#)

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

High Graham. Please consider this email as the RDBN's referral response relating to your questions below. Additional response will be forthcoming following the Board's consideration of the referral on May 9th.

The Endako Fraser Lake & Fort Fraser Rural Official Community Plan (OCP) contains the following text regarding Mineral and Aggregate Resources in the area.

"4.1 Mineral and Aggregate Resources

A number of provincial and federal acts pertaining to resource extraction activities supersede the Regional District's land use authority on crown and private land. These acts include, but are not limited to the *Mines Act*, the *Mineral Tenure Act*, and the Forest Practices Code and Regulations. While the agencies responsible for managing this legislation have review processes that address the public interest in these matters the final decisions regarding land use rests with the Province. The *Local Government Act* only permits a Regional District to express broad objectives with respect to mineral and aggregate resources within an Official Community Plan.

4.1.1 Objectives

- (1) To support the conservative use of mineral and aggregate resource deposits and to protect these from development that would irreversibly prohibit its future utilization.
- (2) To provide opportunities for the exploration and development of metallic, industrial mineral and sand and gravel resources.
- (3) To encourage the Province to require the appropriate rehabilitation of gravel pits.

4.1.2 Policies

- (1) The Provincial government is recognized as being responsible for the administration of the Province's mineral and aggregate resources under various pieces of legislation.
- (2) All sand and gravel deposits are recognized by the Regional District Board as being within the provincial management jurisdiction. These deposits are too numerous to show on the map in Schedule "B".
- (3) Soil removal and deposit within the Agricultural Land Reserve (ALR) is recognized as being subject to the *Agricultural Land Commission Act*.
- (4) The Regional District encourages the Ministry of Energy, Mines and Petroleum Resources to give due consideration to the impact of extraction and processing activities on surrounding land uses and developments.
- (5) The Regional District encourages the Ministry of Energy, Mines and Petroleum Resources not to issue new surface permits for sand and gravel/quarry processing near residential areas unless the applicant demonstrates how mitigation measures will minimize or nullify the effects of the proposed activity.
- (6) The Regional District encourages the Ministry of Energy, Mines and Petroleum Resources to require appropriate reclamation of gravel pits and mine sites and to ensure that adequate bonding is secured, and that the reclamation is undertaken in a timely manner.
- (7) The Regional District will participate in Provincial Government Environmental Assessment processes at the Regional District Board of Directors' direction."

I think Section 4.1.1 (4) & (5) are particularly applicable.

The Zoning Bylaw does not allow or prohibit a quarry, gravel pit, or any other type of mine because Provincial legislation does not authorize local governments to regulate in this area. While the Regional District's Zoning Bylaw cannot regulate the removal or deposit of aggregate the Zoning Bylaw can regulate aggregate processing such as screening, crushing, and washing of gravel. Aggregate processing is not a permitted use in the RR1 Zone; therefore, the property owner needs an approved Temporary Use Permit from the Regional District to process aggregate.

Please let me know if you have any questions.

Cheers

Jason Llewellyn, MSc., RPP
Director of Planning
Regional District of Bulkley-Nechako / www.rdbn.bc.ca
jason.llewellyn@rdbn.bc.ca / Direct Line: 250-692-1225
37 3rd Avenue / PO Box 820, Burns Lake, BC, V0J 1E0
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I respectfully acknowledge that I live and work on the traditional territories of the First Nations in the Bulkley and Nechako watersheds.

This message is intended for the addressee(s) named and is confidential. The message must not be circulated or copied without the prior consent of the sender or the sender's representative Corporation.

Sent from my Galaxy

----- Original message -----

From: "Leroux, Graham EMLI:EX" <Graham.Leroux@gov.bc.ca>

Date: 2024-05-06 3:46 p.m. (GMT-08:00)

To: Danielle Patterson <danielle.patterson@rdbn.bc.ca>

Cc: Mark Parker <mark.parker@rdbn.bc.ca>, Maria Sandberg
<maria.sandberg@rdbn.bc.ca>, "REGOPS Prince George EMLI:EX" <MMD-PrinceGeorge@gov.bc.ca>

Subject: RE: Referral Request on Notice of Work for a Mines Act Permit - Fraser Lake Quarry

[EXTERNAL EMAIL] Please do not click on links on open attachments from unknown sources.

Hello,

Notice of Work (NoW) #2000419-2024-01 (the Application) for a proposed quarry mine (Fraser Lake Quarry) at 352 Francois Lake Road has been submitted to the Regional Mines Office. This prompted a referral request to be sent to the Regional District of Bulkley Nechako on April 29 , 2024.

As the Inspector adjudicating the Application, I am reaching out to you to **specifically request**

the referral response includes comment(s) on how a such quarry fits into the Endako Fraser Lake & Fort Fraser Rural Official Community Plan (OCP).

I note the zoning for the subject land parcel is Rural Resource 1 (RR1) and the [Regional District of Bulkley-Nechako zoning bylaw No. 1800, 2020 \(rdbn.bc.ca\)](#) does not specifically allow or prohibit a quarry in RR1.

I look forward to your response.

Please feel free to connect with me directly if you have any questions about this referral request.

Thank you,

-Graham Leroux

Reference Number: Ministry of Energy, Mines and Low Carbon Innovation / 2000419-2024-01

Request Sent: April 29, 2024

Response Due: May 20, 2024

Project Details:

- 40-year mine life,
- 4,950 tonnes maximum annual extraction,
- Work between May 1 – December 31
- Excavation of pit run, crushing, screening, blasting,
- Maximum 2.0 ha. open at any given time.

Additional explanations and details of the proposed work can be found in the attached documents.



Graham Leroux, M.Sc., P. Geo.
Inspector of Mines, Permitting, Central/Northeast Region

Ministry of Energy, Mines and Low Carbon Innovation

Responsible Mining and Competitiveness Division

Phone: 250-617-1891



File: ENVA-30020-04/METMIN 24

Reference: 409060

May 7, 2024

SENT VIA EMAIL

Jason Llewellyn
Director of Planning
Regional District of Bulkley-Nechako
37 3rd Avenue / PO Box 820
Burns Lake, BC V0J 1E0
Jason.Llewellyn@rdbn.bc.ca

Dear Jason Llewellyn:

Thank you for meeting with me – Katherine St James, Project Assessment Director at the Environmental Assessment Office (EAO) - as well as the Deputy Minister of Environment and Climate Change Strategy Kevin Jardine and Parliamentary Secretary for Environment Amandeep Singh on September 21, 2023, at the 2023 Union of British Columbia Municipalities (UBCM) Convention. In his email sent November 16, 2023, to Regional District of Bulkley-Nechako (RDBN) Chair Mark Parker and Directors, Minister of Environment and Climate Change Strategy George Heyman conveyed his regret at being unable to attend and engage directly with the RDBN and his support of our continued efforts to work together. Thank you for sending the RDBN's discussion paper on the environmental assessment (EA) process, outlining the challenges your district faces dealing with work camps and other facilities as part of the EA process. I appreciate the detailed insight into these challenges and would like to respond to some of the concerns raised in the discussion paper.

The Role of the RDBN in the EA Process

The EAO engages with local and regional governments on EAs of major projects throughout British Columbia and provides direction to proponents that they should have ongoing engagement with local and regional governments to inform the development of their proposed projects. Local and regional governments can participate directly in the assessment of a project by joining the Technical Advisory Committee, previously known as the Working Group, formed, and facilitated by the EAO.

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The Technical Advisory Committee is the forum for the detailed, technical review of the proponent's documents and technical studies. It plays a vital role in establishing information requirements for the EA, assessing the potential effects of the proposed project, and assessing the adequacy of any proposed mitigation measures. The EAO relies on the advice of the Technical Advisory Committee in developing its assessment of the effects of a proposed project presented in the Assessment Report and draft Environmental Assessment Certificate (Certificate), including proposed conditions and project description.

Management Plans and the EA Process

I would like to acknowledge the concerns in the discussion paper raised regarding the use of plans (otherwise referred to as management plans) to mitigate negative effects on the community after a Certificate is issued. The EAO considers management plans to be important tools for supporting the outcomes of EA processes. They are also a key means to address uncertainty during the EA process and/or the need for flexibility during project implementation, such as in the following situations:

- Detailed project design information is not available at the time of the EA;
- Ongoing changes to the project before and during project development;
- Unknown outcomes of post-EA decision permitting processes;
- Uncertain outcomes of actions or mitigation measures associated with a project; and,
- Unanticipated changes to or effects of the environment on the project.

This is particularly true due to the varied timelines major projects follow. Under the *Environmental Assessment Act* (2018) (the Act), a Certificate must specify a deadline of up to 10 years for the Certificate Holder to have substantially started the project, and Certificate Holders can apply for a one-time extension of an additional five years, meaning that there can be a significant gap in time between when a Certificate is issued and when construction on a project begins. A specific mitigation measure that was appropriate at the time the Certificate was issued may no longer meet the community's needs after such a lapse in time.

However, delaying the development of management plans until after the issuance of the Certificate should not restrict or minimize local and regional government's input into the management plan if they are included as a consulted party on the condition requiring the management plan. Certificate conditions requiring management plans typically require Certificate Holders to consult parties on the content of the plan. This ensures that the party with the appropriate technical expertise can participate in the development of a management plan, including information on effective implementation of mitigation measures and adaptive management.

To remain in compliance with their Certificate, Certificate Holders must consult with all named parties and demonstrate that the consultation process undertaken met the listed requirements. Moving forward, RDBN can request to be included in the list of consulted parties for any management plans which affect the local community, services, or infrastructure. Management plans are also used as a key compliance and enforcement tool for the EAO as they are legally binding documents and are meant to outline requirements Certificate Holders must undertake as per their associated Certificate conditions.

I would also like to highlight that the management plans developed during an environmental assessment process are considered separate from the permitting process. Major projects require multiple authorizations from provincial and/or federal agencies throughout the life of the project. Application requirements for provincial permits issued under other legislation such as the *Mines Act* or the *Environmental Management Act* can include management plans; however, these plans are reviewed and approved outside of the EA process administered by the EAO.

Increased Community Investment and Benefits through the EA Process

I would like to acknowledge the concerns raised in the discussion paper around the effectiveness of the EA process in allowing local governments to negotiate community benefits or investment, and the challenges the RDBN faces in increasing the community investment and benefits associated with new industrial activity. The EA process is intended to assess impacts beyond the biophysical effects of major projects. [Section 25](#) of the Act states the requirements for specific considerations that must be part of every assessment conducted under the Act, including environmental, economic, social, cultural and health effects and adverse cumulative effects.

To assist with the assessment of social, economic, cultural and health effects and development of mitigation and enhancement measures related to human and community well-being, the EAO has prepared [Human and Community Well-Being Guidelines](#). These guidelines state that proponents should also consider ways that their projects can be used to enhance positive effects in a way that maximizes the benefit to the community. While these enhancement measures may not necessarily be required as conditions to a Certificate, if they are considered by decision makers as a key factor in deciding to issue a Certificate, some form of condition may be included to ensure these measures become required activities (e.g. monitoring, reporting, and/or engagement requirements). Mitigation identification can also involve establishing grievance mechanisms for when issues are not properly addressed or when community members are not satisfied with engagement processes or management of issues.

Work Camps and Associated Facilities

I would also like to acknowledge the concerns expressed by the RDBN regarding work camps and their impacts on the region. As noted above, members of the Technical Advisory Committee are encouraged to provide advice within their mandate or area of competency. Recognizing worker accommodation for projects directly impacts local communities within the RDBN, the EAO would find comments and insights from the RDBN very helpful in EAs in your region.

While it's important to note that mitigation measures and Certificate conditions are project-specific and may vary, it is becoming more common to see project conditions related to impacts from work camps, as seen in the case of [Site C, Condition #55](#) and [Eagle Mountain Pipeline, Condition #31 \(Construction Camp Gender and Cultural Safety Plan\)](#).

Outside of the EA process, as industrial camps are prescribed as a regulated activity under B.C.'s *Public Health Act*, all camp operators must comply with the requirements of the [Industrial Camps Regulation](#), administered by the Ministry of Health.

Ongoing Engagement

RDBN is encouraged at any time to reach out to the EAO if you have concerns regarding any project in your region, whether it has an existing Certificate or is currently undergoing an EA, to discuss mitigation measures and conditions on the projects.

I hope that this work together can continue to be on-going. The EAO values the insight that local and regional governments are able to bring to the EA process and is committed to ongoing engagement with the RDBN to understand and mitigate potential negative impacts from major projects on local communities in the RDBN. I understand that there is an upcoming meeting regarding the Coastal GasLink pipeline with RDBN and the EAO, and we look forward to continuing the discussion there.

Sincerely,



Katherine St James
Project Assessment Director

cc: Tracy James, Executive Project Director, Metal Mining
Environmental Assessment Office
Tracy.James@gov.bc.ca