

From: rickyfletch@gmail.com
Subject: Re: INCOMING LETTER XAF-2009-371411(1).TIF
Date: 9 June 2010 20:38:39 BST
To: MINTC@tc.gc.ca
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Dear Sir,

Thank you for your reply. I have copied this note to our legal team and my fellow directors. We have been advised that as the capacity of the project is greater than 1 million tonnes per annum it falls within the scope of Comprehensive Study List Regulations, and so the project should have been subject to a full environmental assessment, and not screened by Transport Canada as per policy. Our major concern is that we have had very limited dialogue with Transport Canada and the DFO when widespread opportunities have been offered the applicant. We are still waiting for TC and the DFO to meet us on site with our environmental experts to discuss at least the ramifications of the applicant's proposals. If the federal government is serious about including the quarry in its assessment (see the late update dated May 17th 2010) then it must insist on a full assessment of the implications of the quarry on the substantial and valuable cave and karst as detailed by the Powell River Regional Council. And this means a full dye tracing assessment over months, depending on the rainfall patterns.

You can see why in the absence of evidence to the contrary, that Friends are reverting to the courts. In the first instance our legal team are preparing papers to challenge the legal disposition of the application in the BC Courts, and we expect Transport Canada to honour and promote any judgement in the BC courts given the jurisdiction of the federal government and its mandate to protect the environment of Canada. It may be without federal co-operation that we will go forward as well to challenge the federal disposition of the application in the courts.

Friends' mandate is to see that the Davie Bay area is protected according to the laws to Canada, We shall ensure this is done, with or without your active co-operation.

Yours truly

Richard Fletcher
Director, Friends of Davie Bay, Texada Island, Society.

On 9 Jun 2010, at 20:05, Minister of Transport, Infrastructure and Communities / Ministre des Transports, de l'infrastructure et des Collectivités wrote:

Mr. Richard Fletcher
Friends of Davie Bay
fletch@hughes.net

Dear Mr. Fletcher:

I am writing in response to your e-mail of October 26, 2009, with which you attached a letter of objection co-addressed to the Honourable Jim Prentice, Minister of the Environment, and me, and a letter to the Honourable Gail Shea, Minister of Fisheries and Oceans, from the Friends of Davie Bay regarding the Lehigh Barge Loadout and Conveyor project on Texada Island.

As you are aware, the proponent, Lehigh Materials Ltd., is proposing to construct a barge loadout and conveyor facility off the west shore of the rock peninsula in Davie Bay. Under section 5 of the Canadian Environmental Assessment Act, an environmental assessment is required in relation to this project because Transport Canada may issue an approval under section 5 of the Navigable Waters Protection Act.

Your concerns regarding effects on the marine environment are noted. Transport Canada, as the responsible federal authority under the Canadian Environmental Assessment Act, is conducting an environmental assessment prior to taking any action that would allow the project to proceed. The environmental effects of the project, including comments from the public, are being considered. The scope of the project for the federal environmental assessment includes the overland conveyor and the components that are attached to the shoreline that will likely require Navigable Waters Protection Act approval.

Transport Canada has received information from Fisheries and Oceans Canada and Environment Canada regarding the effects of the project on fish and fish habitat, including the rockfish conservation area and the marine environment, respectively. I should note that Transport Canada's regulatory responsibility in relation to this project is to protect the right of the public to have access to safe navigation.

You have also raised concerns regarding opportunity costs, facility production rates and the conservation of rare plants, caves and karst. I should note that the Province of British Columbia has jurisdiction over the allocation and use of Crown lands. Transport Canada has been informed that an assessment of the project's land-based operations not included in the federal scope will be undertaken as per the requirements of the provincial Mines Act.

I appreciate your sharing your concerns on this issue, and I trust that you will find this information useful. Thank you for writing.

Sincerely,

John Baird, P.C., M.P.

c.c. The Honourable Jim Prentice, P.C., Q.C., M.P.
The Honourable Gail Shea, P.C., M.P.
The Honourable Barry Penner, M.L.A.

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