

From: rickyfletch@gmail.com
Subject: Re: Texada South Quarry. CEAR reference number 09-01-49595
Date: 17 May 2010 22:48:57 BST
To: linda.sullivan@tc.gc.ca
Cc: robert.sisler@tc.gc.ca, kristie.trainor@ec.gc.ca, Scott.Northrup@dfo-mpo.gc.ca, tameezan.mawani@dfo-mpo.gc.ca, min@dfo-mpo.gc.ca, jamesbctopia@yahoo.com, johndove@telus.net, seymour@math.ubc.ca, DPerry@singleton.com, DRusnak@singleton.com, andrew_gage@wcel.org, suzanne.lheureux@tc.gc.ca

Thanks Linda.

I understand, the actual scope of the screening process has been refined to include "the quarry and ancillary facilities, the stockpile areas, the conveyor system, the barge loadout facility on the shoreline". Would you please confirm that understanding. Thanks

Secondly, if the screening process includes the quarry itself, has Environment Canada undertaken a full and thorough environmental review of the substantial cave and karst system existing above Davie Bay, on which the quarry will be situated, and in addition the impact on water quality entering Davie Bay and the marine environment? Please confirm, stating the methodology that was used.

Finally, I understand TC has met on 5 occasions with the applicant, I believe, after our single meeting on Feb 10th. The screening report is due to be issued in a couple of weeks. Are Friends of Davie Bay going to be given the opportunity to rebut any of the contents of the screening report before it is finalised. ? Please confirm.

Regards

Richard Fletcher
for Friends of Davie Bay.

On 17 May 2010, at 21:29, Sullivan, Linda wrote:

Hi Richard,
Thank you for pointing out the wording in the Notice of Commencement that reads 'attached to the quarry'. To avoid further confusion about what Transport Canada is considering, the Notice of Commencement has been revised and the wording now reads:

Description of the scope of project for the screening: The scope of project includes the quarry and ancillary facilities, the stockpile areas, the conveyor system, the barge loadout facility on the shoreline.

We also renamed the project proponent to reflect the current ownership - Lehigh Hanson Materials Ltd.

I hope this is helpful to you.

Linda Sullivan, BSc., MBA
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From: Richard Fletcher [<mailto:rickyfletch@gmail.com>]
Sent: May 17, 2010 12:04 PM
To: Sullivan, Linda
Cc: Sisler, Robert; kristie.trainor@ec.gc.ca; Scott Northrup; tameezan.mawani@dfo-mpo.gc.ca;
Min XNCR; James Mack; John Dove; Brian Seymour; David G. Perry; Debra Rusnak; Andrew Gage
Subject: Texada South Quarry. CEAR reference number 09-01-49595

Dear Linda.

I note your exchange (below) with James Mack. I note that Transport Canada is in the process of finalising its screening report on the project.

As you know Friends of Davie Bay have been making representations to the BC and federal authorities for some time with respect to the application by Lehigh Northwest Materials Ltd for a limestone quarry at Davie Bay, Texada Island. Our interest is to ensure that the Davie Bay is protected and conserved according to the laws of BC and Canada.

As indicated in the Notice of Commencement of an Environmental Assessment, the proponent proposes the construction and operation of a 240,000 tonnes/annum limestone quarry, a barge loadout facility consisting of a 443m long overland conveyor extending from Lehigh property, Texada District Lot 235. The conveyor has a capacity to load at 2,500 tonnes per hour, and the limestone reserve is estimated by the applicant to be greater than 100 million metric tonnes. At the applicant proposed production rate of 240,000 tonnes/annum, this would give a quarry life of more than 400 years, or a depletion rate 0.24% per year. The project was scoped by Transport Canada to include only the project components attached to the quarry.

Our lawyers are of the view that as Lehigh proposed its quarry as one project, the Texada South Quarry falls under the Comprehensive Study List Regulations 18 (g) & (i), based on the production capacity of the quarry. Based on MiningWatch, Transport Canada does not have the discretion to reduce the scope of the project and only assess the load-out facilities.

The result of a judicial review of Transport Canada's decisions regarding the tracking and scoping of the environmental assessment, if successful, would be a requirement that the proposed quarry be subject to an environmental assessment tracked as a comprehensive study with full public participation.

Friends of Davie Bay will be moving forward in the first instance with a judicial review to

challenge the Environmental Assessment Office's interpretation of the Reviewable Project Regulations in BC. The most likely remedy if successful, would be a requirement that the proposed quarry be subject to an environmental assessment.

Our lawyers advise Friends of Davie Bay that there is a reasonable chance of being successful in legal challenges. Friends of Davie Bay are being supported by West Coast Environmental Law.

A proper environmental assessment by BC would entail a full assessment of the caves and karst, protection and bio-diversity of the CDF zone, the water quality and drainage issues associated with loss of the caves and karst, the maintenance of the rockfish conservation area, the marine habitat in and around Davie Bay, navigation and marine issues associated with a large project, and last but not least, an economic assessment of the project measuring economic and environmental costs and benefits in project justification. As many of these areas fall within federal jurisdiction Transport Canada would serve the public interest by leading the environmental assessment, particularly as the project would appear to fall under the Comprehensive Study List Regulations.

Please be aware of this pending legal development.

Thank you

Richard Fletcher
for Friends of Davie Bay.

----- Forwarded Message -----

From: "Sullivan, Linda" <linda.sullivan@tc.gc.ca>
To: jamesbctopia@yahoo.com
Sent: Fri, May 14, 2010 3:56:15 PM
Subject: Re: info

Hi James,

Sorry I missed your call today. Transport Canada is in the process of finalizing our screening report. Will Transport Canada be named?

Linda

From: james mack <jamesbctopia@yahoo.com>
To: Sullivan, Linda
Sent: Fri May 14 18:18:50 2010
Subject: Fw: info

----- Forwarded Message -----

From: james mack <jamesbctopia@yahoo.com>

To: lindasullivan@tc.gc.ca
Sent: Fri, May 14, 2010 3:02:09 PM
Subject: info

Hi Linda,

I left a message on your voice mail this morning.
This is just a follow up.

We would like to know the current status of the Lehigh file.
We are also moving forward with a Judicial Review in the Supreme Court of B.C., of the Ministry of Environments decision the not preform an Environmental Assessment.
Our lawyers from Singleton Urquhart LLP whom were present at our meeting with you, have concluded that the legal requirement to preform an EA was not met and in turn it is our conclusion that T.C. was not able to do a proper more comprehensive EA as a result.
This will be filed by the end of the month.
Please call me at your earliest convenance.

James Mack/ Friends of Davie Bay
604-486-0015