

F R I E N D S O F D A V I E B A Y .



Hon. John Baird
Minister of Transport, Infrastructure
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Hon Jim Prentice,
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Via Email: mintc@tc.gc.ca

Via Email Jim.Prentice@ec.gc.ca

October 26, 2009

Dear Sirs,

**Re: Texada South Quarry. Lehigh Materials Ltd. Barge Loadout and Conveyor, Davie Bay, Texada Island.
CEAR reference number 09-01-49595**

I am writing to you to share some deep concerns with Lehigh Northwest Minerals Ltd's ("Lehigh") proposal to operate a new limestone quarry on Texada above Davie Bay and to construct a ramp and barge loading facility into the bay for the shipment of aggregate material ("Texada South Quarry").

Lehigh plans to construct a conveyor or ramp, 433 meters in length, 7 meters in height spanning the causeway and tidal island at its crest and build a barge-loading facility on the Lasqueti side of the tidal island in Davie Bay. Clearance for the conveyor would be approximately 6 meters, and it would entail the building of several pylons to support the structure. The conveyor would be 4 feet wide extending about 50 feet out into the ocean to enable 10,000 ton barges, 350 feet in length, to load. The conveyor has the capacity to load at 2,500 tonnes per hour.

A number of documents have been filed by Friends of Dave Bay with the BC provincial authorities, and I would be grateful if you could refer to our web-site at <http://daviebay.com/> I draw your particular attention to "Submissions", filed as follows:

Rare Plants around Davie Bay, Adolf Ceska, October 19
Friends of Davie Bay submission to DFO, October 14
Friends of Davie Bay submission to BC Government Ministers, September 28
Letter from David Perry to Hon.B.Penner, September 24

Motions carried by the Power River Regional District, September 24
Letter to Hon.B.Penner from Powell River Parks and Wilderness Society, September 22
Letter from Paul Griffith to Hon.B.Penner, September 16

I would be grateful if you could accept these documents as filings of objection to the application 09-01-49595, Lehigh Materials Ltd.

1 Long-Term Economic, Social and Environmental Costs.

The Powell River Regional District (PRRD) have concerns of the project on the long-term economic, social and environmental costs on the Texada community. The Friends of Davie Bay ("Friends") share this view. Opportunity cost of the Texada South Quarry on the community would be inordinately high, particularly when there are already 3 operating limestone quarries on Texada and Canada's largest, TQL, is situated just 15 km's up the coast, north of Gillies Bay, and is the low cost producer. See "Where Now for Texada? September, 2009"

2 Public Access

The PRRD has invited the BC government to address the threats to; public access to Davie Bay, the UREP on the north side of the bay, the 66ft of Crown land fronting the foreshore, and to the campground at Shingle Beach to the south. Currently the public has the right to enjoy the beach area in the bay because the Crown owns the 66ft of frontage. This would not otherwise have been the case, because the upland owner would have held title to the water's edge. Similarly there is a BC UREP situated at the north end of the bay, and the public should expect continued access and ability to enjoy the public amenity of the beach area and the UREP. It is highly questionable that safe use by the public of the beach and the UREP can be achieved --that a quarry and a public amenity area can peacefully co-exist.

3 Fish Habitat

By letter dated September 10, 2009 Friends of Davie Bay have requested the Department of Fisheries and Oceans ("DFO") to set in motion a full environmental assessment or otherwise deny the project for reasons given in that note. Please refer under Submissions to "Correspondence with the DFO Sept 10". Furthermore, we have had the opportunity to present to Scott Northrup, DFO on our concerns with respect to the conservation of the marine habitat in the Davie Bay area. I have attached a copy of our subsequent note dated Oct 19-09 to Hon Gail Shea, Minister of Fisheries and Oceans. A copy of the presentation is filed on our web site "Friends of Davie Bay. Submission to the DFO, Oct 14-09".

The barge loading facility is firmly within a rockfish conservation area ("RCA") as established by the DFO. The Province created a UREP in Davie Bay mindful of its value as a public shellfish picking reserve, which have sufficient natural stock to withstand public harvesting.

It would appear to us that the Texada South Quarry and the associated barge loading facility is a critical test case for the RCA in BC. The DFO have stated the RCA network will only work if the designated areas are kept in a somewhat pristine condition to ensure maximum productivity from those fish spawning within the closed areas and in order to maintain the high level of productivity, industrial activity such as those proposed should be avoided. Anyone familiar with this part of the Georgia Strait will appreciate that the prevailing south easterly wind blowing up the strait causes a widespread dispersion of limestone dust in the general and more immediate area.--one can witness this at the TQL quarry north of Gillies Bay--and efforts at mitigation would prove highly ineffective. Eelgrass beds are widespread in the Davie Bay area as we point out in the presentation of October 14-09. To our knowledge there are no permitted barge loading facilities located in RCA's in BC.

4 Barge movements

You should be aware that the actual production rate of Texada South Quarry is expected to be greatly in excess of the projected 240,000 tonnes per year, and hence the actual barge movements would be expected to exceed the application movements by a wide margin, with obvious implications for water quality.

Our legal counsel has made representations to the Hon B Penner, Minister of the Environment, BC, by letter dated September 24, 2009, on the inconsistency between the stated capacity of the Texada South Quarry (of 240,000 tonnes) and the capacity of the infrastructure the applicant intends to install as documented in the application. Our counsel makes the observation that Lehigh could meet its stated production in only 96 hours of operation a year. As such a modest quarry operation would not be economic, we have to anticipate that economic forces will prevail on the applicant to raise the production rate—hence expected barge movements would rise proportionately, thus further damaging the RCA habitat.

A copy of our legal submission is attached on <http://www.daviebay.com/submissions/> “Letter from David Perry to Hon.B.Penner, September 24 “

Based on our research in the Davie Bay area it would be a challenging exercise to maneuver a 10,000 tonne barge in and out of the confined but unprotected waters in Davie Bay and the underwater hazards there present.

5 Conservation

Texada South Quarry is situated in a unique area of outstanding natural beauty. Davie Bay and islands are part of the Coastal Douglas-Fir (“CDF”) zone. Just 1% of the CDF zone in the lower mainland is relatively untouched, and preservation of the zone is a conservation challenge due to the limited size of the zone and the unique flora and fauna that inhabit it. The coastline shelters many species of waterfowl, and the offshore islets are havens for colony-nesting species such as the glaucous-winged gull and Brandt’s cormorant. This zone is home to the greatest diversity of wintering birds found anywhere in Canada.

Friends of Davie Bay forwarded a note dated Oct 12, 2009 to the Hon B Penner, Minister of the Environment, BC, prepared by Adolf Ceska <http://pipl.com/directory/people/Adolf/Ceska> Please refer to “Rare Plants around Davie Bay, Adolf Ceska, October 19”. He observes that the proposed quarry would have an immense impact on the area in the middle of Texada Island. He has identified two BLUE-listed species tracked by the BC Conservation Data Centre (*Juniperus maritima* & *Senecio macounii*) and demonstrates the need for more detailed botanical and vegetation surveys. Those surveys should be conducted in spring and early summer months (open areas and forests) and in summer & early fall (wetlands) in order to accurately assess vegetation values of the impacted areas.

6 Caves and Karst

Paul Griffiths has written to the BC Minister of the Environment by letter dated September 15, 2009 with the observation that even the documented caves in the vicinity of the project are the most extensive and well-decorated of all known karst caves along the BC Mainland coast between Washington and Alaska. He argues that given the exceptional values of these cave resources and the usual degree of surface-subsurface connectivity in karst that the Texada South Quarry Project be accorded “reviewable” status in the public interest, and that a karst assessment be done by qualified and competent resource professionals, a view shared by the PRRD. For this note please refer to <http://www.daviebay.com/submissions/> Letter from Paul Griffiths, September 16th.

7 Social License

The Texada South Quarry does not meet the Texada Official Community Plan (“OCP”) standards with respect to environmental, economic, social and heritage objectives; the protection against coastal development, and the protection of recreation and UREP designated areas. Correspondence indicates a high level of concern, and some of these concerns are addressed in the PRRD recommendations to the BC government. Given the level of public concern on Texada it is evident that the Texada South Quarry does not have a social license to proceed. The PRRD wants BC to weigh the long term economic, social and environmental cost of this project on the community, to assess the karst and caves, and to ensure continued public access is assured. There is a strong prima-facie case that the Texada South Quarry is incompatible with these community rights and objectives.

8 Provincial and Federal Policy.

There is strong prima-facie evidence on a number of counts to conclude that the Texada South Quarry does not meet the tests required under BC government policy in the allocation of Crown Land.

There is a direct challenge to the DFO in the protection of the RCA zones, and in the protection of endangered marine life.

There is a challenge to BC Environment in the protection of endangered species, the protection of the UREP, and the conservation of the karst and cave system in the Davie Bay area, which are the most extensive and well-decorated of all known karst caves along the BC Mainland coast between Washington and Alaska

The PRRD has concerns on the opportunity cost to the Texada community in economic, social and environmental terms, including access to the foreshore.

Jointly the federal and BC authorities have a responsibility to ensure the public interest is preserved and protected. The Texada South Quarry cannot be justified economically. It threatens a number of quite critical interests where attempts at mitigation would prove worthless. This project should be rejected; it is a poor project in the wrong place at the wrong time.

We look forward to your response.

Yours truly,

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

Attachment:

Texada South Quarry and Barge Loading Facility. CEAR 09-01-49595. Letter dated Oct 19-09 to Hon Gail Shea

cc by e-mail

Hon Gail Shea, Minister of Fisheries and Oceans.

Robert Sisler, Regional Manager, Environmental Services, Transport Canada.

Scott Northrup DFO

Hon Barry Penner, Minister of the Environment, BC

Karen Christie, Project Assessment Director, Ministry of Environment, BC.