

A graphic consisting of a thin black line that curves from the top left, goes horizontally to the right, and then curves downwards to the right, framing the text "VIA E-MAIL".

VIA E-MAIL

Our File: 59039.002

September 24, 2009

**Via Email: Barry.Penner@gov.bc.ca**

Honourable Barry Penner  
Minister of Environment  
PO Box 9047  
STN PROV GOVT  
Victoria, BC V8W 9E2

**Via Email: blair.lekstrom.mla@leg.bc.ca**

Honourable Blair Lekstrom  
Minister of Energy, Mines and Petroleum  
Resources  
PO Box 9060  
STN PROV GOVT  
Victoria BC V8W 9E3

Dear Sirs:

**Re: Environmental Review for Lehigh's Proposed Quarry**

We represent the Friends of Davie Bay, a community group based on Texada Island. The Friends of Davie Bay are concerned with Lehigh Northwest Minerals Ltd.'s ("Lehigh") proposal to operate a limestone quarry in the Davie Bay area of Texada Island, British Columbia (the "Quarry").

As such I would like to bring your attention to part 3 table 6 of the Reviewable Projects Regulation (the "Regulation")<sup>1</sup>. This section requires an environmental assessment of a new Construction Stone and Industrial Mineral Quarry to be conducted if during operations the quarry will have an annual production capacity of greater than or equal to 250,000 tons per year of quarried products.

Lehigh states in their Texada South Quarry Mine Plan (the "Mine Plan") that the capacity of the Quarry will be 240,000 tonnes per year.<sup>2</sup> However, Lehigh intends to install infrastructure which has the ability to significantly exceed Lehigh's stated output.

Specifically, Lehigh has represented in their Lease Application for Barge Loading Facility on Crown Land Davie Bay Area, Texada Island (the "Lease Application") that the proposed conveyor system used to move rock will be capable of a loading rate of 2500 tonnes per hour.<sup>3</sup> Further Lehigh states in the Mine Plan that they intend to use 100 tonne trucks in their quarry

<sup>1</sup> Reviewable Projects Regulation, B.C. Reg. 370/2002, part 3 table 6.

<sup>2</sup> Mine Plan at para 1.

<sup>3</sup> Lease Application at para 2.5 a).

operations.<sup>4</sup> Based on the capability of the conveyor system Lehigh could meet their stated production in only 96 hours of operation.

Based on these statements by Lehigh, the Friends of Davie Bay are concerned with the inconsistency between Lehigh's stated capacity of 240,000 tonnes per year and the capacity of the infrastructure that Lehigh intends to install.

It is our submission that this inconsistency, when viewed in the context of the stated capacity of the Quarry being only 10,000 tonnes below the trigger capacity in the Regulation, is sufficient evidence to trigger an Environmental Assessment under part 3 of the regulation. Moreover, completing such an assessment is a legal duty under the Environmental Assessment Act<sup>5</sup>.

We look forward to your response.

Yours truly,

Singleton Urquhart LLP

*"David G. Perry"*

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<sup>4</sup> Mine Plan at para 4.2.3.

<sup>5</sup> Environmental Assessment Act, S.B.C. 2002 c. 43 s. 8.