

**“REVIEWABLE PROJECT”**

**From:** Christie, Karen L EAO:EX **Sent:** Tuesday, February 16, 2010 9:32 AM **To:** ['dperry@singleton.com'](mailto:dperry@singleton.com) **Cc:** Minister, SMIN SMIN:EX; Minister, EMPR EMPR:EX; Minister, ENV ENV:EX; Minister, AL AL:EX; Bronstein, Ron EMPR:EX; ['fletch@huges.net'](mailto:fletch@huges.net); Hamblin, Gerry EAO:EX **Subject:** Texada South Quarry

REF: 99528

Dear Mr. Perry:

Further to the October 27, 2009 email from Honourable Randy Hawes, Minister of State for Mining, I am responding to the concern raised by you on behalf of the Friends of Davie Bay, and by Mr. Richard Fletcher, regarding the proposed Texada South Quarry, and the stated production capacity which was used to determine whether the proposed project is reviewable under the BC *Environmental Assessment Act* (Act).

Part 3 of the Reviewable Projects Regulation (Regulation) specifies the criteria for proposed mine projects that are reviewable under the Act. The proposed Texada South Quarry is a new industrial mineral quarry, for which the threshold is a production capacity of  $\geq 250,000$  tonnes/year. Lehigh Northwest Materials Limited. (Lehigh) has stated in the Notice of Work application (NOW) submitted to the Ministry of Energy, Mines and Petroleum Resources that the production capacity would be 240,000 tonnes/year; 10,000 tonnes/year less than the Regulation threshold.

A truck and conveyor system is also proposed by Lehigh to move crushed material from upland processing and storage sites to barges for marine transport. You have noted that Lehigh's lease application for the associated barge loading facility on Crown land in Davie Bay proposes a conveyor system, which if operated at maximum capacity, could move crushed material in quantities that would exceed the stated 250,000 tonnes/year Regulation threshold for an industrial mineral quarry. The capacity of the proposed conveyor system is not inconsistent with the production capacity of the proposed quarry stated in the NOW, and does not trigger an environmental assessment under the Act.

The Environmental Assessment Office interprets the “production capacity of a mine facility” under Part 3 of the Regulation as the production which would be authorized by the *Mines Act* permit, should one be issued. The production authorized by a *Mines Act* permit is the production capacity specified in the NOW, which for the proposed Texada South Quarry is 240,000 tonnes/year.

The proposed Texada South Quarry is therefore below the threshold of the Regulation, and is not a reviewable project under the Act.

Yours truly,

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