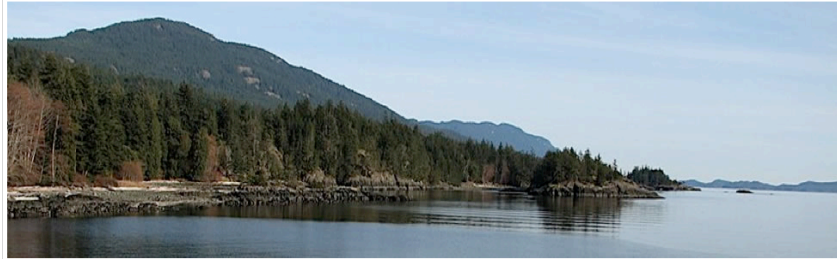


F R I E N D S O F D A V I E B A Y .



Hon John Baird,	Minister of Transport, Infrastructure, and Communities.
Hon Jim Prentice,	Minister of the Environment.
Hon Gail Shea,	Minister of Fisheries and Oceans.
Hon. Barry Penner,	Minister of Environment, BC
Hon Blair Lekstrom,	Minister of Energy, Mines and Petroleum Resources, BC
Hon. Steve Thomson,	Minister of Agriculture and Lands, BC
Hon Pat Bell,	Minister of Forests and Lands BC
Hon Randy Rawes.	Minister of State for Mining BC

March 8, 2010

Dear Ministers,

Texada South Quarry, Davie Bay, Texada. CEAR reference 09-01-4959

Friends of Davie Bay have filled material with Canadian and BC ministers and agencies giving substantial notice of the widespread harm which would occur to the Davie Bay area including the bio-diversity in the CDF zone, the caves and karst, the critical marine habitat, as well as to the socio-economic development of Texada itself. At our presentation to Transport Canada on Feb 10-2010 we filed reports by Vision Marine Consulting and Emerald Sea Research & Consulting. <http://www.daviebay.com/conservation/> A record of our presentation to Transport Canada is also available on our web site at. <http://www.daviebay.com/submissions/> There are a number of significant public interest issues raised in this application. (see *Request for Explanations and Information* November 17, 2009 <http://www.daviebay.com/submissions/>

- 1 The Supreme Court ruled unanimously (Red Chris Mine) that CEAA and its regulations require that the environmental assessment track be determined according to the project as proposed; responsible authorities cannot change that track using scoping decisions. Where a project as proposed is listed on the *Comprehensive Study List Regulations*, it must proceed by comprehensive study rather than screening, and public participation is mandatory per s. 21 of CEAA.

Lehigh Northwest Minerals Ltd seeks approval to construct a conveyor or ramp 433 meters in length, 7 meters in height, spanning the causeway across Davie Bay and tidal island at its crest. Clearance for the conveyor would be approximately 6 meters, and it would entail the building of several pylons to support the structure.

The applicant states that the conveyor would be 1.8 metres wide and concedes a loading rate of 2,500 tons per hour. [The ramp at Highland Valley Copper, with a belt 1.52 metres wide, is capable of loading at 6,000 tonnes per hour].

The application states the reserves are greater than 100m tonnes. At an extraction rate of 240,000 pa the reserves would be exhausted in 400 years, by the year 2410!

It is abundantly clear to most that the capacity of the facility is well in advance of conceded 240,000 tons annual production rate. The size of the quarry is to be substantial--Lehigh plans to quarry limestone over 36 hectares (with the works extending over 75 hectares). To be competitive, Heidelberg Cement, its parent, must seek economic rates of return by developing facilities with economies of scale; at 240,000 tonnes Heidelberg could not justify investment of this scale, particularly with TQL, the low cost producer, 10 kms up the coast. And HeidelbergCement bonds are rated CCC+, which indicates a high expected rate of default.

Based on just one shift operating for 8 hours per day, the quarry would have a production rate of 4.8m tonnes per year (8 x 2,500 x 5 x 48) assuming taking 4 weeks holiday in the summer.

British Columbia

The Environmental Assessment Office in British Columbia 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 Environmental Office has therefore determined that the proposed Texada South Quarry is therefore below the threshold of the Regulation, and is not a reviewable project under the Act.(see Reviewable Project. Letter from Karen Christie Feb 16, 2010 <http://www.daviebay.com/submissions/>)

Part 3 table 6 of the Reviewable Projects Regulation 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. As the Texada South Quarry will have a capacity during operations of 4.8m tonnes per year, regardless of the permitted production rate, the project is reviewable under the BC Environmental Assessment Act.

Canada

As the capacity of the Texada South Quarry falls within the definitions per The *Comprehensive Study List Regulations*, the CEAA must proceed by comprehensive study rather than screening, and public participation is mandatory per s. 21 of CEAA.

As indicated above and conceded by the applicant, the loading capacity of the ramp is 2,500 tonnes per hour thus the capacity of the project at approximately 4.8m tonnes pa with reserves of greater than 100m tonnes, exceeds test (g) and test (i)

Comprehensive Study List Regulations:

- (g) a limestone mine with a production capacity of 12 000 t/d or more;
- (h) a clay mine with a production capacity of 20 000 t/d or more;
- (i) a stone quarry or gravel or sand pit with a production capacity of 1 000 000 t/a or more; or

2 Substantial environmental concerns warrant a comprehensive EA

2-1 The central part of Texada around Davie Bay is a biodiversity hotspot. In the north end of Texada there exists enough aggregate rock available to quarry for 200 years; piles of aggregate ready for shipment enough for 20 years; and existing barge loading facilities in safer, deeper waters. The use of crown land at Davie Bay for a quarry is not the “highest and best use” for Davie Bay, for Texada, or for BC.

2-2 Davie bay is a biologically important and sensitive marine environment, already designated as a DFO Rockfish Conservation Area (RCA). There is no precedent in British Columbia for a barge loading facility, such as the one proposed by Lehigh, operating in an RCA. The environmental assessment completed by the marine environmental consultants for Lehigh was egregiously incomplete, missing at least one major designated DFO “species of importance”: eelgrass beds. *In Canada, eelgrass beds are protected as critical fish habitat under Fisheries and Oceans Canada “no-net” loss policy (Federal Fisheries Act).* The presence of eelgrass should have been enough to trigger further site assessment by DFO. In fact no further site evaluation was undertaken even when biologists from Friends of Davie Bay met with Scott Northrup from DFO in October 2009 and presented evidence of extensive eelgrass beds. Since October we have sought the services of other fisheries and marine ecology professionals to gather site assessment data that was ignored in the flawed environmental evaluation reports Lehigh submitted to and were accepted by DFO.

Friends of Davie Bay expect the DFO to conduct a full on-site assessment in light of these findings, as these show that the environmental assessment completed by the marine environmental consultants for Lehigh was egregiously incomplete. A current visit to consider these findings would be particularly appropriate considering the RCA zone is under threat.

2-3 Ramona C. de Graaf who works for Emerald Sea Education and Research (ESEAR), has provided evidence that Davie Bay is an important habitat for forage fish (5 page report is attached). According to Ms. De Graaf, “*the Davie Bay beaches have potential for spawning forage fish. Beach 2 looks appropriate for investigation of surf smelt spawning, and Beach 4 for both surf smelt and Pacific sand lance. The sand bar indicates potential spawning habitat for Pacific sand lance.*” Fisheries and Oceans Canada recognizes the need to obtain information on the habitat requirements of forage fishes.

2-4 Anna Hall, PhD candidate, Marine Mammal Research Unit, UBC has written to TC, Feb 8-10. “It has recently been brought to my attention that there is a proposal to significantly develop a portion of Davie Bay, on the west side of Texada Island with a quarry. The northern sections of Georgia Strait provide seasonal and year-round habitat for a variety of marine mammals including the federally listed resident killer whales, and harbour porpoise. The latter are a coastal species with strong ecological ties to the near shore environment. They are known to be sensitive to human activities that result in the degradation of habitat, both physically and acoustically. In several parts of the world, including the English Channel, the Baltic Sea and regions of the North Sea, harbour porpoise populations are declining as a direct result of human activity. As a consequence of their small size and cryptic nature, little is known of this species distribution, abundance and seasonal reliance on specific habitats for most of the British Columbia coast. However, significant insight has been gained from work I have conducted in southern British Columbia, which will contribute to habitat assessments in other regions.

In your dealings with the proposed quarry project, I ask that you please ensure that the Species At Risk Act animals which live in this region are evaluated using sound scientific protocols, and that the habitats which may be critical for these animals very survival be protected. This will serve to ensure the inherent biological value of the northern Strait of Georgia flora and fauna not be lost or degraded”

2-5 Mark Biagi, from Vision Marine Consulting Ltd., carried out an environmental review of the Davie Bay area and Stromburg Creek on February 4, 2010 (11 page report is attached). According to Biage, *“The lower intertidal flat of the eastern bay has a distinct and well established bed of Dwarf Eelgrass (Zostera japonica). The sandspit is part of the intertidal zone that is going to be used as a barge terminal. The sandspit supports a 660 m² eelgrass meadow that must be protected. The effects of the pylons on the stability of the spit is of great concern. The spit will also be used as an ATV road. This will have negative effects on the stability of the beach and should not be allowed under any circumstance. There was also ample evidence along the beaches of the presence of Zostera marina.”*

2-6 The bathymetry of the area around the proposed barge site is problematic. *“Given the stormy conditions prevalent in Sabine Channel the possibilities of a barge or tug grounding in Davie Bay is a concern”*, according to Mark Biagi.

2-7 The proposed quarry will result in damage to 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. Adolph and Oluna Ceska, botanist and mycologist from Victoria, performed a plant survey of the Davie bay islands and the upland cave and karst area in July 2009. Dr Ceska observed that the quarry would have an immense impact on the area in the middle of Texada Island and threaten blue listed species (Dr. Ceska’s letter is attached).

2-8 The caves and karst in and around Davie Bay have been observed to be the most extensive and well decorated of all known karst caves along the BC Mainland Coast between Washington and Alaska. Speleological specialist, Paul Griffiths, has made the Cave and Karst issue centre stage at the ILMB. A 35 hectare Map Reserve has been established to protect the major cave openings. The extensive karst area is still unmapped and unprotected. We are still waiting on the BC government to authorise a full cave and karst assessment using dye tracing techniques to map the size and extent of the cave and karst body. A GAR order to protect the cave and karst features in the area is being drafted at the present time.

2-9 Water Quality issues are a major concern. Quarry activities will result in first and secondary priority pollutant substances (Environment Canada designation), such as respirable particulate matter less than or equal to 10 microns and equipment crankcase oil, entering the upland and marine watershed. According to speleological specialist Paul Griffiths, the extensive karst/caves system at Davie Bay acts as a water pipe that can *“carry pollutants unbuffered from the upland to riparian and marine environments”*. In the marine environment, these pollutants will result in turbidity and toxins which will injure the eelgrass and forage fish habitat. According to Ramona de Graaf, *“threats to forage fish (smelt and sand lance) eggs include contamination from acute oil spill events and chronic oiling which can result in 100% mortality of surf smelt eggs. Oiling from vessel operations near beaches can potentially cause mortality of incubating forage fish eggs (herring, sand lance, and surf smelt)”*. In the riparian environment, cutthroat trout and other salmonids will be threatened. The barge loading facility will also create direct turbidity and toxins in the marine environment.

2-10 The level of potential destruction to the natural habitat, the CDF zone, the substantial cave and karst and the critical marine habitat in Davie Bay, warrants intervention. Future barge movements in exposed waters will be much greater (by a factor of 20 times) than conceded by the applicant. This project and its impacts must be evaluated on its actual capacity rather than the stated capacity, which is reported by the proponent to be just small enough to avoid triggering more rigorous evaluation.

2-11 Weaknesses in the application and the negative socio-economic impacts on Texada have been highlighted by Friends of Davie Bay. Go to: *Economic Progress or Economic Vandalism, June 1, 2009* http://www.daviebay.com/maps_and_documents/ *Request For Explanations and Information, Nov 18, 2009* <http://www.daviebay.com/submissions/>

3. Public Safety.

The application by Lehigh for the Texada South Quarry dated May 20, 2009 indicated that public use areas such as picnic/camping areas and hiking trails would NOT be within 1km of the blasting area. However the ILMB has drawn up a provisional Section 16 map reserve of 7.8 hectares in the centre of DL 589 to protect the sensitive karst. Lehigh has now withdrawn all of DL 589 from its application. The result is that public use areas will be about 300 meters from the blasting areas, in fact the nearest cave opening is 300 meters from a blasting area. Further blasting will have seismic impacts on the protected caves and karst and threaten public safety and amenity.

4 Alternative, more economic resources

Lehigh could obtain rock on Texada of the type they propose to mine at Davie Bay more economically using one or more of alternative sources, where an existing loading dock is available:-

4-1 The waste rock stockpiles of the existing limestone quarries on Texada. This is a low capital cost source for Lehigh as the stockpiles consist of many millions of tonnes of mined rock resting on the land surface over many hectares of land adjacent to the 3 open and 1 closed mines on the northern part of Texada. The stockpiles are within a kilometre or so of 3 operating barge loading docks and 2 that are closed down now, but might be reopened after renovation. At a rate of production of 240,000 tonnes per year these stockpiles will last for more than 50 years.

4-2 By purchases of suitable rock from the operating quarries on Texada. One of these, the Blubber Bay quarry of Ashgrove Cement, has sufficient unused capacity to mine and load onto barges more than one million tonnes per year. This option would involve very minimal capital investment by Lehigh or the company from which the rock is purchased.

4-3 Lehigh have extensive land holdings on Texada and at Blubber Bay. These holdings have substantial reserves of limestone and other rocks. Their derelict dock at Bubber Bay can be rebuilt and used to load the aggregate from a new quarry. The reconstruction of the dock and the development of a new quarry and crushing facilities would involve capital expenditures similar to those required for the Davie Bay project.

5 Plans for public use and conservation.

There are alternatives for Lehigh's private land if they use the existing aggregate rock on Texada. There are alternative use plans to develop Davie Bay as a marine park, to protect the caves and karst, and create a caves/karst educational center destination site. Afterall, Davie Bay is a most picturesque area of Texada with access to the water, and before purchased by Lehigh the foreshore and bay areas hosted a community campground and public amenities. There would be considerable interest in securing the Davie Bay area for public and community use.

Given the scale of the Texada South Quarry and the public interest issues raised since May 2009 by the Powell River Regional District, concerned citizens and Friends of Davie Bay, we look forward to a full and comprehensive environmental study, including economic justification for the project and impacts, to be conducted under the CEAA.

Richard Fletcher
Friends of Davie Bay

March 8, 2010

<http://daviebay.com/>
rickyfletch@gmail.com

Distribution by e-mail

Rebecca Reid,	Regional Director, Oceans, Habitat and Enhancement Branch Pacific Region
Linda Sullivan	Senior Environmental Officer, Transport Canada.
Robert Sisler	TC
Kristie Trainor	EC
Scott Northrup	DFO
Tammy Mayani	DFO
Karen Christie,	Project Assessment Director, Ministry of Environment
Eddy Taje	EMPR
Ross Douglas.	ILMB
Nicholas Simons	MLA
Scott Fraser	MLA
Paul Griffiths	
Tzaporah Berman.	
Daniel Bouman,	Executive Director, Sunshine Coast Conservation Association
Kevin Stanway	
Lizzie Milward	
Adolph and Oluna Ceska	
Anna Hall	
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David G Perry, Singleton Urquhart LLP	
James Mack	
John Dove	
Friends of Davie Bay	

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Friends of Davie Bay are supported by:

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Adolph Ceska Phd. Botanist
Ramona Degraaf Marine Biologist