

May 29, 2026

[Via Email to: Nicole.X.Jones@gov.ab.ca]

Nicole Jones  
Senior Inspector of Mines  
South Central Region  
Ministry of Mining and Critical Minerals  
Kamloops, BC

Dear Ms. Jones,

**RE: Mines Act Permit G-100000442 – Proposed Garnet Valley Road Pit**

---

With regard to this reconsideration by the Ministry of Mining and Critical Minerals (the “**Ministry**”) of *Mines Act* Permit G-100000442 for the Garnet Valley Road Pit, and in light of the Court’s comments in *Garnet Valley Agri-Tourism v. British Columbia (Ministry of Mining and Critical Minerals)*, 2026 BCSC 302, the District would like to **strongly recommend REFUSAL** for the reasons set out in this letter.

The District originally set out the basis for its opposition to the Garnet Valley Pit in its letter to the Ministry of Energy, Mines and Low Carbon Innovation (as it then was) dated January, 24, 2024 (the “**2024 Letter**”), a copy of which is attached. Although the issue of illegal tree cutting on the property by these proponents has now been remediated in accordance with a compliance action, the District’s overall position has not changed from the 2024 Letter. The purpose of this current letter is to provide additional information to supplement the 2024 Letter that is relevant for the Ministry on the reconsideration decision.

#### Environmental Issues and Landslide Risks – Additional Reports

Two of the issues raised by the Court that the Ministry must evaluate through this reconsideration are the risks to the local ecosystem (paras. 84-103) and landslide risks (paras. 119-134). The District confirms that our concerns raised in the 2024 Letter regarding damage to the local ecosystem and landslide risks associated with the proposed Garnet Valley Pit are still relevant.

By Nicole Jones’ email of May 1, 2026, the Ministry provided the District with copies of reports prepared on behalf of the applicant: a Geotechnical Monitoring Plan prepared by Holmes Mining Consultants dated September 23, 2024, and a Phase 1 Ecological Assessment prepared by Masse Environmental dated November 30, 2024. The Ministry’s email requested the District provide a response within 30 days. This is

insufficient time to provide a meaningful response to these reports, especially since the environmental and slope stabilization issues are to be key issues on the reconsideration. To properly understand the methodology and findings of these reports, the District should be afforded the time to obtain our own third-party technical advice.

Given the significant environmental concerns identified in relation to this application, as well as the uncertainty with respect to matters such as slope stability, the remediation security to be required as a condition of issuance, should a permit be issued at all, ought to be more significant than the nominal \$20,000 required for the first permit.

Finally, the District wishes to emphasize its agreement with the environmental concerns identified by the snPink'tn Indian Band in its May 11, 2026 letter. The District agrees with the assessment of snPink'tn that the mitigation measures proposed by the applicant are insufficient to address the significant impacts that this proposed mine will have on the environmental features of the property.

### Planning and Zoning

The 2025 Union of British Columbia Municipalities annual convention adopted Resolution EB57, which states:

*“Therefore be it resolved that UBCM request the Government of British Columbia to require Statutory Decision Makers to work with local governments to resolve conflicts prior to approving aggregate activities under a Mines Act permit whenever a proposed activity does not conform to existing local government zoning.”*

The Ministry of Mining and Critical Minerals responded as follows:

*Thank you for your resolution requesting that statutory decision makers under the Mines Act be required to work with local governments to resolve conflicts prior to approving aggregate activities that do not conform to local zoning.*

*Under the Mines Act, statutory decision makers (SDMs) are responsible for assessing permit applications to ensure compliance with provincial legislation and to protect public safety and the environment. While SDMs have authority to make permitting decisions independent of local zoning bylaws, they are expected to consider relevant provincial guidelines which encourage collaboration with local governments to minimize land-use conflicts.*

*The Ministry recognizes the importance of early engagement and coordination with local governments when aggregate activities are proposed in urban or populated rural areas. Current practice includes consultation with local governments during the permitting process, and SDMs are encouraged to incorporate local input where possible while balancing provincial interests such as resource availability and infrastructure needs.*

*The Province will continue to promote collaboration between SDMs and local governments to reduce conflicts and improve transparency in decision-making. We appreciate UBCM's commitment to strengthening these relationships and will review opportunities to enhance guidance and processes that support effective engagement.*

While the Ministry's response recognizes that mining is an area of primary provincial jurisdiction, it also recognizes the need to minimize land use conflicts, not only through engagement with local jurisdictions, but by consideration of land use regulations in effect at the local level.

This is in line with what the Court found when it required that the Ministry consider the conflict between the applicant's proposed use of the land and the District's zoning and land use considerations (paras. 104-118). The District confirms the application's non-compliance with the District's Zoning Bylaw 2000-450 (the "Zoning Bylaw") and Official Community Plan (OCP) are still relevant. We also note that the Ministry's own Aggregate Management Principles (attached) envision efforts to reduce land use conflict in light of local government zoning which itself is a key tool of local government to help guide development and reduce conflict. The decision maker should have reviewed each individual principle, turning their mind to the intent of that principle and deciding in balance of all of them, together. This did not happen based on the Reasons for Decision issued (attached), but it most certainly should be the case upon reconsideration based on the guidance from the Court through the Judicial Review.

The District understands that, if a permit is issued for the pit, its Zoning Bylaw and OCP will be inapplicable to the mine site for the duration of the permit. However, the District submits that this makes it even more important to carefully evaluate and consider land use issues when assessing an application for a *Mines Act* permit. Land use issues, which affect the residents of Garnet Valley, as well as Summerland more broadly, should take a central role in the Ministry's decision-making process.

Currently, the subject property is zoned Forestry Grazing (FG) under the Zoning Bylaw. The purpose of the Forestry Grazing zone is to "accommodate forestry, grazing and conservation uses in areas of the community that are currently confined by the availability of water, roads or other infrastructure and service needs" (Zoning Bylaw, section 13.2.1) [emphasis added]. Accordingly, the only permitted principal uses in this zone are forestry, agriculture (limited to grazing only), and manufactured or single detached housing (Zoning Bylaw, section 13.2.1).

In addition to the proposed Garnet Valley Pit being inconsistent with the Zoning Bylaw, the applicant's proposed future use of the property is also inconsistent with the Zoning Bylaw. The application proposes that once the extraction is complete, the site will be used for "agricultural planting". As noted above, the only permitted agricultural use of the property under the Zoning Bylaw is grazing. Cultivating land is not permitted in the Forestry Grazing Zone. The existing zoning is based on many factors including, for example, that this parcel has much of its land is higher in elevation than the Garnet Valley reservoir which would result in limited water pressure and significant water delivery challenges.

The proposed Garnet Valley Pit site is designated 'Open Lands' in the OCP. One of the purposes of the Open Lands designation is to "retain open land areas to complement the rural image of the community" (OCP, section 7.3.1.4). Permitting a gravel pit to operate in this area is incompatible with the surrounding uses and is antithetical to the rural image of the community and its tourism potential, as it will bring noise, dust, additional machinery and vehicles, and significant alterations to the natural landscape. It is also inconsistent with the District's policy regarding the Open Lands area, which is to create protected ecosystems (OCP, section 7.3.1.17) which itself aligns with the overall purpose of the OCP to recognize the "importance of the natural environment, regional and community growth management, and the preservation and enhancement of Summerland's social character and sense of place" (OCP, section 1.1). This mine runs counter to the spirit and intent of our OCP.

The current OCP identifies a different area of the District (North Prairie Valley) for gravel extraction operations and those activities are occurring there. Good planning helps avoid land use conflict by placing industrial operations in areas appropriate for them. This principle is expressed in the Ministry's Aggregate Management Principles, which recognizes the need for "a reliable and economic supply of aggregate for the citizens of British Columbia".

We are not averse to gravel production, and we ourselves already serve the region through gravel extraction activities. While the maximum annual extraction for this application is 29,999 tonnes, the permit numbers G-4-205 and G-4-196 already have a combined annual maximum of 129,999 tonnes. Further, the pits that are operational in North Prairie Valley (which are compliant with the District's land use bylaws) continue to thrive and expand. In the immediate vicinity, but just outside of our borders, several other large pits also persist and continue to expand – also in places appropriate for them (including the large Westhills pit on Penticton Indian Band lands). These pits contribute to the regional supply of gravel in a significant way. The amount generated by the proposed pit in the highly sensitive area of Garnet Valley would be a relatively small supplement to other much larger volumes and productive existing pits. This militates in favour of denial of this application.

#### Jurisdictional Issues

The Court also noted that the Ministry must consider the dispute over which authority has jurisdiction over the site (paras. 111-114). The District confirms that the proposed Garnet Valley Pit site is within the District's own boundaries, and therefore the District's OCP and Zoning Bylaw apply. We attach a map showing the District boundaries, with the location of the proposed Garnet Valley Pit site marked for reference.

These comments were provided to District of Summerland Council at their regular scheduled meeting of May 26, 2026 for their consideration and Council voted to unanimously in support of this submission. A copy of the certified resolution from that meeting is provided attached to this correspondence.

#### Procedural Concerns

Finally, the District wishes to urge the Ministry to engage in a full process for reconsideration of the permit, which would include all procedural steps undertaken at first instance. The Court found that the original public notice given contained a misstatement with respect to the ability of the Chief Permitting Officer to consider the proposed mine from a zoning or land use perspective (paras. 162-168). While this misstatement was not enough, on its own, to lead to the quashing of the permit, the permit was nevertheless fully set aside by the Court on reasonableness grounds, which included the failure to consider the very issue (planning and zoning) that was misstated on the notice. This having been the case, the District strongly urges the Ministry to engage in a full consultative process that includes an accurate public notice.

The Ministry's own Aggregate Management Principles envision meaningful public engagement inclusive of newspaper notices and proponent-led open houses and public meetings with the community. A clandestine approach to reconsideration of the permit will only sow confusion, and further mistrust. Local government is a representative, democratic institution. Its bylaws are reflections of the will of its citizens (see *Community Charter*, section 1). While the District is able to provide comments on its own behalf regarding planning and land use issues – and has done so above – the public will also be willing and able

to provide such submissions. The public's perspective appears to have been lost throughout the initial consideration of the permit, in which the Ministry specifically appeared to state that it did not want submissions on land use issues, which was a clear error.

Additionally, the applicant has submitted two new reports to the Ministry since the original decision to approve the permit (the Geotechnical Monitoring Plan and Phase 1 Ecological Assessment noted above). The Ministry will be considering these reports as part of the reconsideration decision. While we understand these reports have been provided to certain other parties, the Ministry should proactively share these reports with the general public and residents should be provided with an opportunity to review and provide comments on the reports. There may be other parties who will be affected by the reconsideration decision, and if they are not provided with an opportunity to comment on the new reports, the land use issues and the other issues relevant to the reconsideration, it may be that their participation would be "materially limited" in a way to "[affect] the issues placed before the decision-maker" (para. 171).

The Court's decision to quash the permit in its entirety, as opposed to remitting the permit with specific directions, allows the Ministry to remedy these problems. We request that the Ministry actively solicits public input for the reconsideration on the important issues set out in this letter, with a properly constituted notice that accurately describes the authority of the Chief Permitting Officer. Failure to do so may lead to further litigation if a permit is issued.

Kind Regards,



Graham Statt

CAO

Encls. Correspondence from District of Summerland to Ministry of Energy, Mines and Low Carbon Innovation – January 24, 2024  
Map of Proposed Mine within District of Summerland  
Aggregate Management Principles – Ministry of Mining and Critical Minerals  
Certified Resolution of Council – May 26, 2026  
Reasons For Decision – October 29, 2024

CC: Mayor and Council, District of Summerland  
ȷilmix<sup>w</sup>m (Chief) Greg Gabriel, SnPink'tn Indian Band  
MLA Amelia Boulton, Penticton  
Mark Pendergraft, Board Chair, Regional District of Okanagan-Similkameen  
Jim Zaffino, Chief Administrative Officer, Regional District of Okanagan-Similkameen  
Garnet Valley Agri-Tourism Association

January 24, 2024

Ministry of Energy, Mines and Low Carbon Innovation  
South Central Region, Kamloops, BC

**Attention:**

Nicole Jones, P.Eng, Inspector of Mines – Permitting

[Nicole.X.Jones@gov.bc.ca](mailto:Nicole.X.Jones@gov.bc.ca)

P: 250-645-9573

**Notice of Work (No. 2000391-2023-01)**

Tracking Number: 100430744

Mine Number: 2000391

Proposed Garnet Valley Road Pit

**Location:** 27410 Garnet Valley Road, Summerland, BC (Lot 8, Lot 4, and Lot 3 DISTRICT LOTS 3195 AND 3952 OSOYOOS DIVISION YALE DISTRICT PLAN 34376)

**Re: District of Summerland Referral Comments (Notice of Work No. 2000391-2023-01)**

With regards to this referral received by the District of Summerland from the Ministry of Mining, Energy, and Low Carbon Innovation, the District would like to **strongly recommend REFUSAL** with the following rationale comments provided below:

*Environmental*

- The property is subject to the District of Summerland's Environmental Sensitive Development Permit area. The subject property is a known highly environmentally sensitive habitat area. District staff have received reports from qualified professional biologists (QEPs) that the majority of the subject property is **highly sensitive habitat area (i.e. environmentally sensitive area ESA 1\*)**.
  - \*ESA-1 (High): Occurrence-based Critical Habitat, locally and provincially significant ecosystems, extremely rare and/or of critical importance to rare wildlife species. Meets a minimum of 4 of the above criteria or is a SARA listed critical habitat or listed on the BC Red List. eg. critical habitat for yellow-breasted chat or red listed ecological community.
- The landowners have proceeded with unauthorized works (tree-cutting) within an environmental sensitive development permit area in April, 2023 and have been subject to a **Stop Work Order** from the District. This enforcement file is still active.
- Eneas Creek is downstream/downhill of the proposed mining operation and located on the subject properties. The operation could have impacts to the existing riparian habitat area for this major creek/tributary. The property is subject to the District's Watercourse Development Permit area and the *Riparian Areas Protection Regulation*. A Section 11 *Water Sustainability*

Act approval would be required for any bridge construction over Eneas Creek for truck traffic.

- The subject property has known land slippage and geotechnical stability concerns. A potential gravel operation could have significant land vibrations and lead to a hazardous event of land slippage/slide. There are existing residences that are located downslope from the proposed operation that would be at risk.
- Any potential slide/spill event from a gravel operation could create a damming situation on Eneas Creek and threaten life safety of the majority of residential properties in Summerland's Downtown area, which is downstream of this location of Eneas Creek.

#### *Administrative/Zoning*

- The subject property is designated Open Lands in the District's Official Community Plan (OCP). The intent of this designation is for forestry, grazing, open land recreation and conservation management. Natural Resource extraction is not a permitted use within the Open Lands OCP designation. **Therefore, this proposed application is not in conformance with the District's Official Community Plan.** Relevant policies in the OCP state the following:
  - S. 7.3.3.4 – Retain open land areas to complement the rural image of the community
  - S. 7.3.4.14 – Continue to restrict urban forms of development in open land areas, through considering subdivision of properties in these areas to those greater than 20.23 ha.
- The subject property is zoned Forestry Grazing (FG) in District of Summerland's Zoning Bylaw 2000-450. Forestry Grazing zoning does not allow for *natural resource extraction* operations as a permitted use. **Therefore, this proposed application is not in conformance with the District's Zoning Bylaw 2000-450.** As well, agricultural uses are limited to only grazing of livestock in the Forestry Grazing zone – so the creation of flat arable benches for the proposed end use of agricultural planting would also not be in conformance with District's Zoning Bylaw 2000-450.
- The applicant has quoted the incorrect municipality (Regional District of Okanagan Similkameen) and the incorrect Official Community Plan (Okanagan Lake West Greater West Bench OCP – Electoral Area "F"). The subject property is within the District of Summerland and therefore subject to the District's Official Community Plan.
- It is clear from the proponent's submission that the intent of the gravel operation is to "*develop flat, useable areas on the lands which can be later used for agricultural purposes*". The subject property should be considered for a potential rezoning application to the potential use of agriculture or residential (if desired), **prior to** the consideration of work to create usable areas for an unauthorized use in the District's Zoning bylaw.

#### *Infrastructure*

- Impacts to existing District infrastructure would be substantial if this gravel pit operation was to be approved. Garnet Valley Road is a rural road, with narrow sections and poor visibility around corners and will not be conducive to regular heavy truck traffic from gravel trucks and trailers, especially north of the intersection with Wildhorse road.
- A previously issued driveway access permit to the subject property (issued in July, 2020) indicated that the maximum driveway grade is 12% for driveways over 45 m in length, and the minimum width is 5.0 m. It is clear that the existing driveway does not meet these requirements of the District's Driveway Access Bylaw. Gravel truck traffic will not be able to access the site unless there are substantial improvements to the existing driveway access due to existing slope, grade and width.
- Summerland fire department access to the proposed operation site would not be achievable due to the substantial grade of the driveway access.

## Economic/Tourism

- The South Okanagan-Similkameen region has ample existing gravel operations that provides sufficient gravel supply for the area and region and for any foreseeable future projects requiring gravel. These existing gravel operations are in areas that are zoned appropriately, and have limited impacts on the surrounding community and environment. As an example, there are existing gravel pit operations in the District of Summerland that surround the District's landfill and these operations are located in an area far from surrounding agricultural residents, has less environmental impacts, and is correctly zoned as M4 – Resource Industrial to allow for *natural resource extraction*. There are two gravel crushers currently available in this area to provide local gravel supply.
- The District of Summerland has partnered with the Ministry of Agriculture and Food and Community Futures Okanagan-Similkameen on the establishment of the “Okanagan Food and Innovation Hub” which is proposed to be located at 26405 Garnet Valley Road. This Food Hub is part of the BC Food Hub network and will hold value-added processing equipment for local and regional food processors and farmers. The siting of an active gravel mining operation across the road from this facility could threaten the project's viability due to noise, dust, and traffic concerns.
- Garnet Valley is an upcoming agri-tourism destination within the District, and a number of new wineries, organic food producers, and agri-tourism operations have been established in close proximity to this proposed mining pit location. The cumulative economic benefit from these new businesses is much larger than any potential revenue from one gravel mining operation. The local economic investment from a developing agri-tourism industry could be threatened if this proposal was approved due to the impact of an active mine operation on the surrounding proposed food, vineyard, and other agriculture and visitation activities.
- Garnet Valley is the only viable option for the Summerland-to-Peachland section of the Trail of the Okanagans, a recreational hiking and biking trail being developed from Osoyoos to Sicamous. The proposed mining operation could threaten this world class multi-use trail connection if cyclists have to share the road with heavy truck traffic on the rural standard Garnet Valley Road.

These comments were provided to District of Summerland Council at their regular scheduled meeting of January 16, 2024 for consideration. District Council voted to unanimously support the submission of these comments to the Ministry of Energy, Mining, and Low Carbon Innovation. A copy of the certified resolution from this meeting is provided attached to this correspondence. A related correspondence regarding this mining application will also be sent directly to the Ministry of Energy and Climate Change Strategy.

Kind Regards,



Brad Dollevoet, MSc RPP MCIP  
Director of Development Services

cc: Mayor Doug Holmes, District of Summerland  
Chief Greg Gabriel, Penticton Indian Band  
MLA Dan Ashton, Penticton  
BC Wildlife Foundation  
Mark Pendergraft, RDOS Board Chair  
Jim Zaffino, CAO RDOS  
Laurel Nash, Assistant Deputy Minister, Ministry of Environment and Climate Change Strategy





October 29, 2024

## Reasons For Decision

**Mines Act Permit:** G-100000442

**Permittee:** 1440254 B.C. Ltd.

**Project:** Garnet Valley Road Pit

**Notice of Work #:** 2000391-2023-01

### INTRODUCTION

This is a record of my considerations and decision regarding the application for *Mines Act* Permit G-100000442. In the application, 1440254 B.C. Ltd. was seeking a permit to produce 29,999 tonnes/year. A permit was issued with conditions.

This document provides a summary of what I considered in reaching my decision, including the information provided in the application and inputs from the technical review, the public review and comment process and consultation with Indigenous Nations. As a summary, it does not capture all the information I have reviewed, but it addresses the most heavily weighted and consequential considerations.

### REGULATORY AUTHORITY:

#### **Legislative Authority:**

The Province regulates mining operations under the *Mines Act* RSBC 1996 c.293 (as amended up to August 14, 2020), and the associated *Health, Safety and Reclamation Code for Mining in British Columbia* (the "Code"). The Act and the Code seek to protect the health and safety of the public and mine workers, and encourage responsible mining which minimizes impacts to the environment and cultural values. Section 10 of the *Mines Act* requires a mine owner or operator to submit an application and allows the Chief Permitting Officer to issue a permit for mining activities if the application is considered satisfactory and with conditions that the Chief Permitting Officer considers to be suitable in achieving the objectives noted above.

#### **Delegation:**

I am an Inspector of Mines appointed pursuant to Section 5 of the *Mines Act* by the Chief Inspector of Mines. I also have the delegated authority of the Chief Permitting Officer to issue a *Mines Act* permit for this application. As the designated statutory decision maker, I have a duty to use my judgement and discretion and to make an independent decision that is consistent with the statutory powers being exercised.

## APPLICATION REVIEW PROCESS

The Application was subject to a comprehensive review, administered through the Southcentral Regional Office of the Ministry of Energy Mines and Low Carbon Innovation (EMLI).

To inform my decision, I have reviewed all relevant background information on the project, the application package (including the supporting plans and figures), agency referral comments, public review comments, and a summary of Indigenous consultation undertaken by the Province. I have also reviewed how key issues are addressed in the application and how recommended permit conditions could mitigate issues of concern.

I am aware of the many concerns that have been expressed in relation to this application. These concerns and my consideration of them are described below.

### **WATER MANAGEMENT, EROSION AND SEDIMENT CONTROL**

Potential impacts to Eneas Creek were common concerns raised through public comments.

I consider effective erosion and sediment control measures to be of utmost importance in managing potential impacts from the operations. I acknowledge the robust plans for erosion and sediment control that have been submitted by the Proponent. An Erosion and Sediment Control Plan was developed by qualified persons, as defined in the *Mines Act*. These plans include the provision for the installation of erosion and sediment control devices, and frequent inspections and maintenance of the drainage ditches and settlement ponds.

Based on my review of this material, it is reasonable to conclude that the proposed operations present a lower risk of negative impacts to water quality as long as the recommended practices in the management plans and additional permit conditions are adhered to. Also, there are no watercourses within the permitted mine area boundary.

It is expected that water management practices will be continually monitored and improved upon as needed throughout the life of the mine.

I am satisfied that these conditions, including the buffers along Eneas Creek and lack of year-round watercourses on the property, provide adequate protection from erosion and sediment resulting from the proposed operations.

### **TERRAIN STABILITY**

Consideration of slope stability is normal practice in the planning and review of mining applications, particularly where benches are being proposed. Concerns about landslides and their potential impact on the environment and safety were also raised through public comments.

I am aware that a debris flow occurred on the boundary of the proposed development property and that an analysis identified the source of the failure to be "*water flowing down the historic access road*". The submitted water management plan, which was accepted and incorporated into the permit, includes mitigation measures for the management of surface and groundwater and the movement of sedimentation.

The EMLI geotechnical reviewers recommended permit conditions that would attempt to mitigate the risk of further geotechnical incidents, including a monitoring plan to be developed by a qualified professional which I have accepted. In addition, permit conditions around mine design and storage of overburden can also address stability issues and concerns raised. The Code also includes regulations for designing roads, and the permit requires regular mine plan updates. Any new information from the monitoring plan or other sources can be evaluated to determine if changes to the permit are required.

Based on all of the required professional plans, and combined with the regulatory requirements of the Code, I am satisfied that the highly qualified technical experts from EMLI's review team have conducted a comprehensive review of the application, and that the permit conditions provide enough requirements to ensure that the stability of the site is carefully managed and the risk is reduced.

### **NOISE, DUST, AND HOURS OF WORK**

Numerous public submissions expressed concerns related to the adverse impacts of noise that the operations may generate. Nearby residents expressed concerns about the prospect of noise impacts affecting their enjoyment of their homes and property and impacting tourism and other businesses.

I have considered that successful coexistence requires a certain amount of accommodation and respect between parties and have attempted to find a balance between the needs of a commercial enterprise that requires a certain level of efficiency with operating hours and the needs of nearby residents for peaceful enjoyment of their homes and properties.

I therefore have included the following permit conditions regarding approved hours of work:

- Excavations, crushing and screening, and maintenance may only occur between 7:00 a.m. and 5:00 p.m. Monday to Friday.
- No operations are allowed on a Saturday, Sunday, or a Statutory Holiday.

The permit also requires the mitigation and monitoring plans for noise and dust, that are outlined in the Noise and Dust Plan, to be implemented on site as part of the permit.

### **USE OF LAND**

I am aware of the concerns raised in relation to visual impacts, property values, and general land use.

I am not aware of any provincially established Visual Quality Objectives at this location. However, I have also noted and considered that the Proponent has taken steps to mitigate the visual impacts by reducing the amount of disturbance open at any point in time.

The issue of property values is outside the scope of the decision under the Mines Act.

I am aware of the concerns raised regarding the density of gravel pits in the local area. However, my authority as a mines inspector is restricted to reviewing each application on its own technical merits and without bias. As such, I did not consider the issue of overall gravel supply in the area, in my decision.

### **TRAFFIC AND ROAD SAFETY**

I considered the many concerns that were raised regarding traffic and safety on Garnet Valley Road. To address these concerns, I limited the area that can be mined at any one time to 6 hectares, which limits the volume of truck traffic that will be generated from the operation. As well, I restricted the operating hours to Monday to Friday, from 7AM to 5PM. No work will be permitted outside of these hours, including on statutory holidays. This restriction further limits the amount of traffic that will be generated on Garnet Valley Road, in consideration of the residents and recreational users.

#### **IMPACTS TO VEGETATION AND WILDLIFE**

I acknowledge the concerns expressed regarding the removal of vegetation and the impact on wildlife and wildlife habitat. To address these concerns, permit conditions have been incorporated which require wildlife and vegetation surveys to be conducted by a Qualified Professional and mitigation measures to minimize impacts

As well, the permitted mine area boundary includes a buffer from Eneas Creek. Also, the permit restricts the amount of disturbance to 6 hectares at a time, with a requirement for progressive reclamation to be completed prior to further disturbance.

#### **RECLAMATION AND RECLAMATION SECURITY**

Based on the reclamation plan submitted by the proponent, I used the provincial Bond Calculator to determine a reclamation security value of \$20,000. I also considered that the property is privately owned and this security rate is consistent with the other gravel pits in the surrounding Summerland area.

#### **CONSULTATION WITH INDIGENOUS NATIONS**

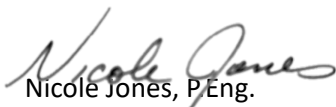
I am aware of the consultation process that has occurred with each of the potentially impacted Indigenous Nations and consider that the process has been reasonable and appropriate. I believe that the Province has consulted sincerely and I have made efforts to mitigate any concerns that can be addressed under the *Mines Act*, through permit conditions

#### **THE DECISION**

After careful consideration and review of all of the information and feedback associated with this application, and based on my rationale discussed above, I have made the decision to approve the application and to issue a *Mines Act* permit.

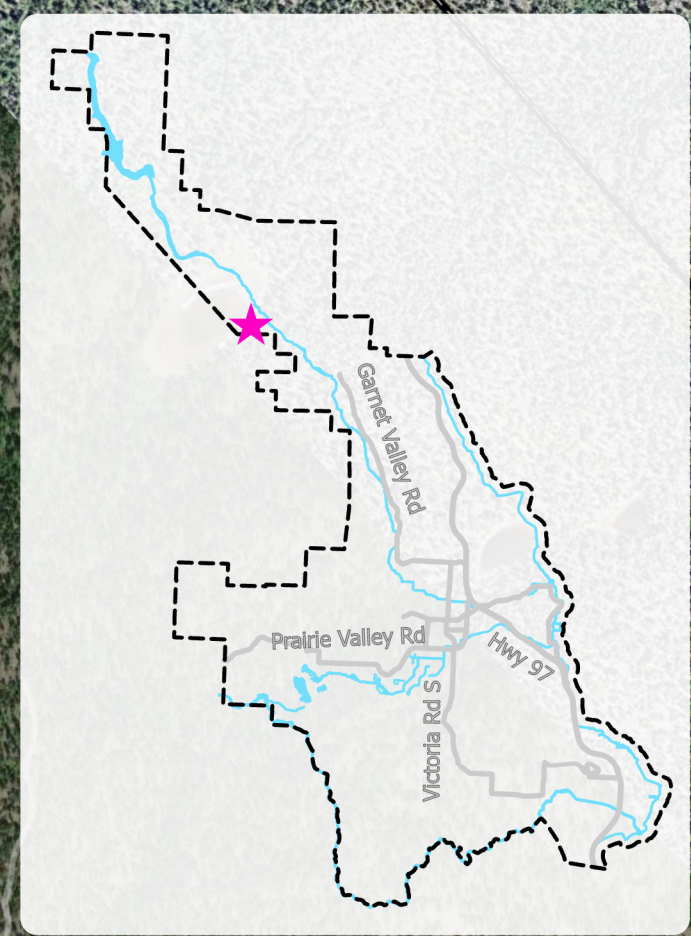
I am satisfied that the application has been prepared and submitted in accordance with Section 10 of the *Mines Act* and with adherence to the *Health, Safety and Reclamation Code for Mines in British Columbia*. I am satisfied that the legislated process described in the *Mines Act* and in the *Health, Safety and Reclamation Code for Mines in British Columbia* was followed. I have exercised my delegated authority granted to me by the Chief Permitting Officer to issue the permit and to establish permit conditions that I deem necessary.

Sincerely,





Nicole Jones, P.Eng.

A/ Senior Permitting Inspector, Southcentral Region




27410 GARNET VALLEY RD

Subject Property

 Subject Property  
 District Boundary

Meters  
0 125 250 500



# AGGREGATE MANAGEMENT PRINCIPLES

Mining and Minerals Division  
Ministry of Energy, Mines and Petroleum Resources  
November 2009



The Ministry of Energy, Mines and Petroleum Resources (MEMPR) acknowledges the critical importance of a reliable and economic supply of aggregate for the construction of private and public infrastructure, including roads, schools, hospitals, factories and residential homes. Approximately 70% of the aggregate consumed annually in British Columbia's populated areas is used for the maintenance and replacement of the province's existing infrastructure.

MEMPR seeks to ensure that aggregate activities are undertaken in compliance with health and safety standards and environmental protection requirements.

## Principles

The following principles will be considered whenever aggregate activities are approved under a Mines Act permit:

1. Facilitate a reliable and economic supply of aggregate for the citizens of British Columbia.
2. Ensure that both aggregate applications and approved activities meet the health and safety standards and environmental protection requirements contained in the Mines Act and the Health, Safety and Reclamation Code for Mines in British Columbia (the Code).
3. Ensure that the applicant has incorporated efficient extraction of the aggregate resource and appropriate reclamation of the land and watercourses.
4. Work with local governments to reduce potential conflicts that can develop when aggregate activities are proposed in urban and populated rural areas.
5. Seek, consider and accommodate wherever possible the concerns and interests of communities respecting aggregate activities.
6. Consult with First Nations about any potential Aboriginal rights or title that may be adversely impacted by aggregate activities, and accommodate for impacts as appropriate.

## Tenure Acquisition

Appropriate tenure is a prerequisite for applying for a permit under the Mines Act.

If a proposed operation is sited on fee-simple land (private property), the land owner must grant approval before a permit can be issued. Resource tenure is acquired from the Crown Lands Division of the Ministry of Agriculture and Lands for aggregate activities on Crown land.

## Application of Principles

The Aggregate Management Principles apply to the blasting and extraction, screening, washing and crushing of sand, gravel and quarry rock for all aggregate mines as defined in the Mines Act, on both Crown land and private land, with the following exceptions:

- Specified development sites approved and managed under approvals issued by other agencies (i.e., local government).
- Aggregate sites exempted from the requirement for a permit by the Chief Inspector of Mines under section 10(2) of the Mines Act.
- Aggregate activities carried out on private land with extracted materials being used exclusively within the boundaries of that specific private property.

## **Application Review Process**

A completed application in accordance with Section 10(1) of the Mines Act and Part 10.1 of the Code must be accepted by MEMPR in order for a project to be reviewed. Application forms are available at <http://www.empr.gov.bc.ca/Mining/Permitting-Reclamation/ApplicationForms>. Completed forms may be submitted to any MEMPR or FCBC office for processing.

In addition to the above requirements, proponents may also be required to submit additional studies and information in support of related issues, including engineering, roads and traffic, and water and air quality during the application review process.

An application may be referred to the local Regional Mine Development Review Committee (RMDRC) for multi-agency discussion. RMDRC s provide recommendations to MEMPR for consideration by the Chief Inspector of Mines. Representation can also include the federal Department of Fisheries and Oceans, First Nations and local governments.

## **Application Referral**

An application may be referred by MEMPR to other provincial and federal agencies for input on the project's potential impacts and how these impacts might be reduced, and to advise on whether or not any additional permits and approvals from the referral agencies are required.

Referrals are sent to the relevant government (i.e., federal, provincial and local) agencies and First Nations, which are asked to respond within 30 days.

## **First Nations Consultation**

Government consults with First Nations on proposed aggregate activities that may adversely impact Aboriginal rights or title and, as appropriate, works with the proponent and affected First Nation(s) to develop accommodation options. Aggregate applications are referred to First Nations for review and input to ensure that MEMPR is well informed about First Nations interests and concerns.

Potential aggregate developers are encouraged to meet with the appropriate First Nations early in the application process to begin to build a working relationship for the benefit of both parties through the life of the project.

## **Public Involvement**

Applicants may be required to advertise their proposals in local newspapers and to seek public comment. They may also be required to hold open houses or public meetings to provide local community residents with opportunities to discuss potential issues, concerns and solutions.

Early and ongoing consultative work by operators with local communities is encouraged and required by MEMPR in order to identify and accommodate local issues and concerns wherever possible.

## **Site Inspections**

Once an application is approved and a permit issued, MEMPR ensures that the operator and the operation are in compliance with the terms and conditions of the Mines Act permit and with the Code. Regular site inspections are carried out by Mines Inspectors.

Operations out of compliance with permit conditions, the Mines Act, or the Code will be ordered by the Inspector of Mines to comply within a specified time frame. Operations can be issued with a stop work order by the Inspector of Mines where there are urgent health and safety or environmental infractions.

## **Site Reclamation**

As a condition of their permits, aggregate operators are required to post a reclamation security in the amount specified by the Chief Inspector to reclaim the site in a prescribed manner once operations have concluded. A permit is not issued until the reclamation security is received by MEMPR.

The amount of a reclamation security for an approved aggregate operation within the Agricultural Land Reserve is administered by the Agricultural Land Commission.

Returning the site to an appropriate end land use can involve the monitoring of air and water quality, the replacing of topsoil, revegetation and ongoing maintenance to ensure that reclamation techniques are and continue to be successful.

May 29, 2026

**CERTIFIED COPY OF COUNCIL RESOLUTION(S)**

4.1 Garnet Valley Gravel Pit Response

**C-2026-40**

***THAT the Chief Administrative Officer be directed to provide a response to the Garnet Valley Gravel Pit (Mines Act Permit G-1000000442) application;***

***AND FURTHER THAT Council authorize the release of the response letter and attachments from in camera once the response has been sent to the Ministry of Mining and Critical Minerals Senior Inspector of Mines - Permitting. .***

CARRIED

I HEREBY CERTIFY the foregoing to be a true and correct copy of the resolution(s) adopted by the Municipal Council of the Corporation of the District of Summerland Closed Session #2 Meeting held on May 26, 2026.



---

Kendra Kinsley, Director of Corporate Services  
District of Summerland

