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Sent: Wednesday, July 22, 2026 3:52 PM

To: Graham Statt <gstatt@summerland.ca>

Subject: Mine No. 2000391 Garnet Valley Road Pit

Dear Mr. Statt,

I wanted to provide an update on the process for reconsidering the Garnet Valley aggregate permit under the Mines Act, to verify that you have received all of the most up-to-date information and inform you that we are providing Summerland community members an opportunity to review the new information and provide additional feedback if they wish.

The Court decision determined that the Garnet Valley Road Pit decision was unreasonable due to three factors:

1. Risks to the local ecosystem: there was no clear explanation linking the concerns raised and the final decision;
2. Conflict between the mine and regional land-use planning: lack of explanation how land-use considerations were weighed; and
3. Landslide risks: absence of transparent and accessible justification

The following is a summary of the process being followed and information gathered to address the reconsideration:

1. The proponent has completed an ecological assessment. The assessment has been shared with the District of Summerland. I have considered the input provided by Ecosystems; however, my review incorporated additional information and relevant considerations that were not addressed in the Ecosystems assessment. The ecological assessment submitted by the proponent was prepared by a qualified professional and constitutes competing expert evidence. In my view, this assessment provides a reasonable basis for decision-making and satisfies the standard of reasonableness established by the Court.
2. The Court decision indicates that there was confusion as to which district had the authority to assert bylaws. The proposed mine lies completely within the Corporation of the District of Summerland and the Regional District of Okanagan-Similkameen. In British Columbia, municipalities handle local services for urban areas while the regional districts provide regional governance, inter-municipal services and act as local governments for unincorporated rural areas. As the District of Summerland is the municipality, it is responsible for local land use. The proposed mine is on the border of the regional district and could impact regional planning. The Supreme Court decision *O.K. Industries Ltd. v. District of Highlands* 2021 BCSC 81 determined that municipal bylaws do not apply to a mine site. The bylaws will be re-engaged when the mining activities are complete. The proponent must adhere to the District of Summerland's bylaws and land use plans once mining is complete. The final end land use will be treed grazing land or compatible with the current land use zoning by the District of Summerland. If the District wishes to propose any specific conditions that may better align with local zoning objectives, I am happy to consider those.
3. A geotechnical monitoring plan was completed by the proponent. This information has been reviewed by a technical expert within the Ministry of Mining and Critical Minerals. The proponent has submitted a

response to the information requested. The information is available from the link below or I can send it by email if you prefer.

The documents that have been submitted after the original permit was issued and are part of the reconsideration process can be found on British Columbia Mine Information:

<https://mines.nrs.gov.bc.ca/mine/6a56bd640f5128f67b2f86bf/overview>. You may provide this link to anyone that requests. All comments pertaining to those documents will be considered as part of this process. I have received a couple of requests for the documents which have been provided and a number of emails that reiterate the previous concerns that were raised and mitigated in the original review. Concerns outside of the ones identified by the Court are only being considered if they are unique from the original review.

I am happy to engage with you further if the District has any proposed mitigations or permit conditions that I may consider as a part of my decision that will reduce the impacts of the project. If the District of Summerland would like to discuss further mitigations for these issues, a virtual meeting can be arranged.

Regards,

Nicole Jones, P.Eng

Senior Inspector of Mines - Permitting

South West Region

Ministry of Mining and Critical Minerals

250-645-9573

Note: On March 31, 2025, use of email to submit reports or receive permits for regional mines will cease. MineSpace will be the only accepted method after that date. Sign up for MineSpace to submit reports and receive permits.