



**SUPPLEMENTAL AGENDA ITEMS
FOR THE MEETINGS HELD
WEDNESDAY, DECEMBER 07, 2022**

SPECIAL MEETING OF COUNCIL

Page 05	Supplemental Information	Report – Request for Comment – Application for Mines Act Permit #1650897 – Daudet Quarry (1.4.2.18.4)
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COUNCIL REPORT

Date: 07 December 2022
File: 1.4.2.18.4
To: Warren Waycheshen, CAO – for Mayor and Council
From: Andrew Stewart-Jones - Planner
Re: Request for Comment – Application for Mines Act Permit #1650897
– Daudet Quarry



Recommendation

THAT the District of Kitimat submit Attachment A to the “Request for Comment – Application for Mines Act Permit #1650897 – Daudet Quarry” Report in response to the Mines Act Permit #1650897 - referral application for a Notice of Work (NOW) and Reclamation Program for Mineral Exploration (the “Application”).

Application

The District of Kitimat has been requested to comment on an application for Mines Act Permit #1650897 for Daudet Creek Contracting Ltd. (the “Application”). The area is located approximately ~3.5 km north of Forest Ave., Kitimat, BC, on Hwy 37. The site has direct access off the highway, the first right past the Kitimat landfill. The Application will be strictly for rock quarrying activities which includes both extractive and processing uses. The referral was received by the District on November 14th, 2022. Please see the report on the December 5, 2022 District of Kitimat Regular meeting agenda for the full application.

Background

At the December 5, 2022 meeting of Council, Council directed staff to report back with an amended Attachment A to capture the additional concerns raised during discussion of this item.

Attachment A has been amended and is attached to the report for Council consideration.

The deadline to respond to the request for comment from the Ministry of Energy, Mines and Low Carbon Innovation is December 14th, 2022.

Alternative Decisions

1. Another option as developed through Council debate.

Budget Implications

None.

"DR"

Dir. of Finance

Council Initiatives and Other Plans:

"Andrew Stewart-Jones"

Submitted by:
Andrew Stewart-Jones, Planner

"Warren Waycheshen"

Approved for Submission:
Warren Waycheshen, CAO

ASJ/

Attachment(s)	A. Comments on Application
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ATTACHMENT - A

Comments on – Application for Mines Act Permit #1650897 – Daudet Quarry dated December 7th, 2022

THAT the District has the following comments about the Application for Mines Act Permit #1650897 (the “Permit”) in relation to land use planning:

- the Kitimat OCP designates the area to be under the Permit as Parks and Recreation and Forestry License, which do not support extractive and processing uses
- the *Kitimat Municipal Code* zoning for the area proposed to be under the Permit is G5 Forestry, which does not permit extraction or processing uses,
- the Kitimat OCP includes policies that support quarry operations and reclamation as a Temporary Use within the G5 Forestry zone, as well as in accordance with provincial regulations and in an environmentally sensitive manner;
- the District intends on respecting the BC Court of Appeal's decision in *OK Industries v. Highlands* that its land use regulation authority is ousted by activities approved in a Mines Act Permit, for the area identified in that Permit,
- the applicant has not sought or obtained a Temporary Use Permit, and was not required to obtain one in light of the above,
- that staff's Report to Council on this matter be provided to the Ministry for information purposes.

THAT the District recommends that the following conditions be considered if a permit is issued with respect to the Application for Mines Act Permit #1650897:

- compliance with provincial and municipal regulations including all provincial safety and reclamation standards;
- Provincial License of Occupation in good standing;
- valid Business License;
- that Quarry excavation creates no depression and drains freely without impacting nearby water systems;
- that a landscape buffer, 15m wide or more, is maintained along edge of license area abutting Highway 37;
- access road must comply with provincial and municipal design standards;
- that road maintenance and impacts to the District of Kitimat be considered
- regular monitoring and clean up of dirt and gravel on the highway;
- posting a sufficient bond to the province be held for the term of the permit to ensure adequate mitigation measures are taken to eliminate debris tracked on the highway;
- that the applicant create a notification protocol to nearby properties, including those in the Cable Car subdivision, for blasting and other activity resulting in loud noises;
- that the Province require that the blasting be done between 8:00am and 5:00pm Monday to Friday to mitigate the overlap with recreational activities on evenings and weekends;

- that the Kitimat Cycle Network Plan and the Kitimat Active Transportation Plan be considered in the permit, which may include the option of connecting the Cable Car subdivision to the rest of Kitimat by using the access road to this site;
- that a shorter approval period than 25 years be considered, and that the application be reviewed every 5 years for compliance and to monitor and review complaints; and
- should Daudet Creek Contract apply for TUP renewal, a public notice period be incorporated into the process to gauge public feedback on first term (internal).