

COUNCIL REPORT

To: Mayor and Council

From: Administration

Date: November 19, 2024

Subject: Land Referral – Notice of Work Terus Construction

RECOMMENDATION:

THAT Council directs staff on how to respond to the referral request.

BACKGROUND:

The Sonic Pit is a 38.04-hectare sand and gravel operation near Mackenzie, BC, owned by Terus Construction, a division of Colas Western Canada. The notice of work (NoW) application is for an amendment to Mines Act Permit G-9-65 to operate and expand the existing footprint of their operation within their tenured area as well as an amendment application to extend the operational dates of the pit.

The most recent authorization under their Mines Act Permit G-9-65 to operate the mine expired on August 9, 2024. The Inspector of Mines – Permitting Northeast/ North Central Region office used to only issue 5-year approvals, meaning gravel pits would need to re-apply to operate every 5 years. That has recently changed, and gravel pits can apply for longer term authorizations and provide 5-year updates. The proponent is applying for a term of 83 years based on their life of the mine but has been advised that the authorization would have a shorter timeline than 83 years.

The applicant has also a Crown Land Licence of Occupation for the area #706804 (File #0292824) that will come up for review May 25th 2029.

The total proposed operation is 38.04 ha: 17.73 ha is proposed for excavation, 5.82 ha for processing stockpiles, 13.05 ha are under reclamation and 0.99 ha are used for the access road. The proposed maximum annual tonnage to be extracted is 19,999 tonnes (9,999 m³). The processing of stockpiles would include crushing, screening and washing. Progressive reclamation is ongoing with no more than 13.5 ha of unclaimed disturbance open at any given time. Full reclamation will also be required upon completion of the program. Full description and maps have been attached for convenience.

As required by the Health, Safety, and Reclamation Code for Mines in BC, the proponent would be required to provide an updated mine plan (including reclamation and closure) every 5 years.

The operation is seasonal, running from March to November, and supplies aggregate for local construction projects. With reserves estimated at 829,000 cubic meters and an annual production of around 9,999 cubic meters, the pit is projected to have a lifespan of 83 years. Parts of the property are already undergoing reclamation, and the final reclamation will involve planting seedlings and shrubs for forestry and wildlife restoration.

Reclamation Plan

The Sonic Pit Reclamation Plan aims to return the site to a pre-disturbance condition with a focus on forestry and wildlife habitat as the end land use. The plan follows guidelines from the HSRC and strives to prevent long-term environmental impacts, creating a stable environment that poses no risks to aquatic or terrestrial resources. After closure, the site will require no ongoing maintenance and will be safe and secure.

Key goals of the reclamation plan include minimizing public safety hazards, respecting cultural protocols of Indigenous Nations, protecting water resources, creating stable landforms, and minimizing post-closure monitoring. Reclamation will be progressive, taking place as mining reaches final grades and setbacks. Sections of the southern, eastern, and western mine boundaries are already under reclamation, covering 13.70 hectares.

Reclamation activities include stripping and stockpiling topsoil and overburden during operations, with erosion control measures like grass seeding to prevent erosion and weed invasion. Upon completion, all final slopes will be graded to prevent erosion, and the pit floor will be re-graded to allow for proper drainage. Topsoil and overburden will be spread over the pit floor and Processing Area, which will be replanted with native tree species. Full reclamation plan has been attached for convenience.

Additional Items:

The full referral package is available to review in centre table file, it includes the Noise and Dust Plan as well as the notice of work application.

STAFF REVIEW:

Zoning/OCP:

The Terus Notice of Work for extending the area of the gravel mine is within the bounds of their current Licence to Use Agreement and is consistent with both the zoning bylaw (A1 General Agriculture) and the Official Community Plan (OCP) as it aligns with the designated land use for resource extraction and supports sustainable development goals outlined in the OCP. The

zoning bylaw permits mining operations in the area, and the proposed extension of the mine's life ensures the continuation of resource extraction in a manner that minimizes environmental impacts by providing updates on remediation and closure every 5-years. However an authorization term of 83 years is excessive and staff will rely upon the Inspector of Mines – Permitting Northeast/ North Central Region office to make a recommendation on the renewal period.

Soil Permit:

Terus Construction has consistently complied with the requirements of Bylaw No. 768 by paying their dues on time, demonstrating a commitment to meeting local regulatory obligations. In addition, they have recently obtained and updated their soil permit for 2023, ensuring that all necessary permits and environmental controls are in place for continued operation. They have been proactive to maintain compliance with all applicable bylaws and regulations.

Budgetary Impact:

Over the past 5-years Terus Construction has paid \$9,807.96 to the District of Mackenzie in Gravel Royalties as per Soil Removal Bylaw No. 768.

STAFF'S RECOMMENDATION

Staff recommend Option #3: That the District of Mackenzie has no objections to the approval of the application, provided that the review period does not exceed 15 years or any other timeframe deemed acceptable by the Inspector of Mines – Permitting, Northeast/North Central Region office.

COUNCILS RECOMMENDATION:

Based on the information presented, Council is being asked by the Province to provide comment. The following options are available for comment:

1. The District of Mackenzie's interests are unaffected by the application.
2. The District of Mackenzie has no objection to approval of the application.
3. The District of Mackenzie has no objection to approval of application subject to specified conditions.
4. The District of Mackenzie recommends refusal of this application due to specified reasons.



COUNCIL PRIORITIES:

Environmental Sustainability

- The way we operate has an impact on the environment. We are committed to integrating sustainability and Environmental, Social and Governance factors (ESG) into our decision making and business practices.

RESPECTFULLY SUBMITTED:

Luke Thorne, Land and Environment Coordinator

Reviewed By: Corporate and Financial Services

Approved By: Chief Administrative Officer