

Approval Process; Tracking the Sechelt Carbonate Project

A summary report for the Sunshine Coast Conservation Association website

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The purpose of this paper is to describe the application and environmental assessment processes for Pan Pacific Aggregates' large scale industrial open-pit mining project and to track the community's efforts to have their views appropriately represented in these processes. Three organizations working together took the lead in providing information and leadership to the public. These were

- The Friends of Sechelt Peninsula (FOSP) from the West Porpoise Bay area of Sechelt. An ad hoc citizens group, FOSP built a large membership, hosted a website, coordinated public events, undertook research and helped coordinate meetings with local governments and officials in several agencies.
- Save Our Sunshine Coast operating out of Halfmoon Bay north of Sechelt also hosted a website, organized locally and regionally, hosted events and helped monitor PPA's activity on British stock exchanges.
- Sunshine Coast Conservation Association added to the communication network, provided writing and editing services, help with publicity, events and public relations. The SCCA also provided help securing legal research funding and assisting with FOI requests.

As well, numerous other organizations participated in the community effort; Sandy Hook Community Association, Twuanek Ratepayers Association, Sechelt Community Associations Forum and the Pender Harbour and District Wildlife Society all pitched in at different times.

Brief History

In 2005 a newly formed junior mining company, Pan Pacific Aggregates, purchased existing mining claims, and subscribed to new claims resulting in ownership of 103 mining claims, covering over 29,000 hectares on crown land on the Sechelt Peninsula. The company announced its intention to reach production of 6 million tonnes per year of aggregate with the Sechelt Carbonate Project in the north site. Though exploration has taken place on a small scale in sections of these claim sites in past years, actual mining has not occurred with the exception, in the south site, of a very small amount of Wollastonite in 1990. The north site proposal, referred to as the Sechelt Carbonate Project, is now with federal and provincial Environmental Assessment Offices. [note; PPA has withdrawn from the EA as of September 2007]

Community Reaction

There was an immediate and negative response from Sunshine Coast communities for the following reasons:

- Unresolved air and noise pollution issues remain from a large sand and gravel operation in Sechelt
- The mining proposal would put in jeopardy many lakes, fish bearing streams, nesting sites, and animal habitat
- The source of drinking water for many residents could be contaminated as a result of the mining activities
- Mining in itself is an exclusionary activity, making it difficult if not impossible to allow growth in other economic areas. For example, tourism is considered to be one of the new economies for the Sunshine Coast, and would be hindered by the scarring and pollution associated with mining activities
- “Any business is good business” mentality translates into a reluctance on the part of the governments to take an inventory of existing socio-economic benefits for the community, and to measure the impact of another large-scale mine on these non-mining business and recreational activities.
- Changes to local bylaws would be required (or forced) to enable a load-out facility
- There is a growing concern about the lack of transparency and consultation from one level of government to another
- This lack of transparency is also of concern when non-local companies intend to make a large imprint on the community

Community Action

The public was immediately aware that, with the submission of this proposal, the key government agency for the pre-mining stage was the Environmental Assessment Office. It quickly became essential for the community groups to understand the processes for this particular government office.

Provincial Environmental Assessment Office

The Environmental Assessment Act was legislated in 1996, establishing an Environmental Assessment Office with the responsibility to review projects within in the province if they *may have a significant adverse environmental, economic, social, heritage or health effect, taking into account practical means of preventing or reducing to an acceptable level any potential adverse effects of the project.* The Office determines the scope of the assessment, and forwards its final report to the Minister of the Environment and in this case, as it is a mining activity, to the Minister of State for

Mining. The Ministers will approve or not approve the application for an Environmental Assessment Certificate.

Some projects may involve federal jurisdictions, and in such cases, there is a harmonization agreement between the 2 levels of government. Agreement from the federal ministers, in this situation, Environment, Transport Canada, Oceans and Fisheries Canada, and the provincial ministers would be conjointly reached.

Stages:

a) Pre-application. The proponent prepares and submits its Terms of Reference (TOR), which is a general outline of the information that will be required for the application stage for the project, to the Environmental Assessment Office (EAO). A working group is formed consisting of agents from involved government agencies, and representatives from local government to work with the EAO to examine the issues to be addressed and the information to be provided by the Proponent in the pre-Application. When the TOR is deemed prepared, it is posted online and written public comments (your concerns, your additions, and suggestions for studies to examine more thoroughly the items listed in the TOR) are welcomed for a period of 30 days. All written comments are posted on the Project Information Centre on the EAO web site within 7 days of submission. A public information meeting, attended by both PPA and the EAO, will be held before the conclusion of the public comment period for the Terms of Reference.

b) Canadian Environmental Assessment Office (CEA). If there are agencies at the federal level involved, then a scoping document is done by these agencies after examining the draft Terms of Reference. When the scoping document is released, the tracking stage starts for the federal government. A call for public comments and applications for funding, if available, are made at this time. All written comments responding to this document are put into a public registry. The CEA has no time lines but, if possible, they like to harmonize and make their public comment periods in conjunction with those of the BCEAO. The CEA comments are separate from the BCEAO comments but both Offices have access to all written comments. Recommendations are made to the federal Minister of the Environment who will determine the type of review (screening, comprehensive or panel) that the federal agencies will conduct, and the decision for the total amount of funding, as well as the recipients, are then announced.

c) Proposed studies. EAO examines the comments, and determines the issues that are within the scope of the Environmental Assessment, and to which the proponent must respond. The EAO may request that the proponent provide additional information and/or undertake studies that will clarify and resolve issues, which could result from the project in question.

d) Application. When the requested studies are completed, the proponent submits its detailed application to the EAO for an Environmental Assessment Certificate. The Application stage has a 180-day review period, unless there a need identified for information additional to that required by the approved TOR. The review can then be temporarily suspended to allow for completion of the study. During the Application stage, there is another public comment period regarding the Application and the CEA Agency Report.

e) Submissions to Ministers. When the EAO has determined that the proponent has responded satisfactorily to the relevant public comments concerning the Application, and the working groups has finished the technical review, then an assessment report is referred to the provincial ministers, and the CEA Agency Report is sent to the federal ministers involved who make the decision to approve or not approve the application for an Environmental Assessment Certificate. Once the proponent receives this certificate, it is then free to apply for other permits, which will actualize the project.

Community Involvement in the EAO process

The Project Assessment Director and Project Assessment Manager were accessible and helpful, responding to our questions either by phone and e-mail, and demonstrated a genuine willingness to meet in person with us when we initiated the first meeting. On several occasions they would let us know when they would be in Sechelt and offered to meet with us if we wanted. We never refused. The rapport with the EAO has been positive and trusting.

The community groups forwarded to the EAO Director and Manager, all clippings, i.e. letters to the Editor, articles, and advertisements in the Coast Reporter connected to the company activities, as a means of demonstrating in an ongoing manner, the concerns of people living on the Coast. Although the provincial government does have a clipping service, not all articles from the smaller newspapers make the cut.

Community groups organized a petition to forward to the federal Ministry of the Environment, securing over 5000 signatures asking for a full comprehensive review.

Community groups organized a visit for the EAO director and manager to tour the north mine site with some of the community members and a guide.

Community groups, while demonstrating that large numbers of residents were involved, also established community contact persons, helping to make communication between the EAO and community function smoothly.

Though community advocacy groups met in small numbers with EAO director and manager, the proponent was obligated to call larger forums and information meetings.

The proponent established a Community Advisory Committee (CAC) with selected community members to meet periodically. Members of the advocacy groups maintained contact with CAC members, and at times, requested clarification by the EAO of information gathered from these meetings.

As soon as federal agencies announced their intention to be involved in the EA process, community groups made contact with the federal agent for Environmental Assessments, and, for this project, agents for Transport Canada, and Oceans and Fisheries Canada.

Community groups applied for and received funding from the Environmental Dispute Resolution Fund (EDRF) for a legal opinion on community rights regarding mining issues. A second legal opinion was also obtained in regard to regional and municipal rezoning applications.

Community groups are presently preparing a letter-writing guide for public comments to the EAO, and are organizing a guest presentation and field tour on sensitive Karst topography on the Sechelt Peninsula.

Observations and Developments:

In less than a year both the EA director and manager were moved into other projects or departments, making it necessary to reintroduce us, and wait for the replacements to become familiar with the project. It is probable that the present director and manager will be replaced before the assessment is completed. It is unlikely that these moves are anything more than usual staff deployment within government agencies, but it has been frustrating and time consuming

As department agents often handle 4 to 5 project cases at the same time, we believe that the data we provided from public comments, information concerning the proponent, and our own research were significant. With the enrichment of material made easier for them, the EAO was able to have a broader understanding of and respect for the community's concerns.

After many delays, the proponent announced it was ready to submit the Terms of Reference, and a meeting was scheduled in Sechelt for the working committee, federal agents, and the EAO to review the TOR, ground water study, and the federal scoping document. The EAO and federal agents were to meet with representatives from community groups as well. A month before this scheduled meeting, the proponent announced it was considering a new design for the project, and has not yet submitted the TOR. The proponent has since met with the Ministry of Mines and the Sechelt Indian Band. This new design has yet to be shared with the EAO. The federal and provincial agents immediately stopped work on this project until the changes are complete and submitted to their office.

This turn of events initiated by the proponent does emphasize the need for community groups to maintain contact at many different levels of government. Local governments must be aware of how deeply the community feels about the issue and the community must strongly support them when regional bylaws are being undermined. Below is a list of government ministries and agencies that the SCCA/FOSP/SOSC working group maintained a liaison with. Also listed are the media outlets, community groups and universities that were kept informed.

Provincial government

Ministry of Energy, Mines and Petroleum Resources

- Minister
- Minerals and Mining Division
- Minister of State for Mining
- Sustainability Branch

Ministry of the Environment

- Integrated Land Management Bureau

Local Governments

- Sunshine Coast Regional District
- District of Sechelt
- Sechelt First Nation

Federal Government

- Environmental Assessment Office
- Ministry of the Environment
- Department of Transport
- Department of Oceans and Fisheries

Universities

- Laurentian University
- University of British Columbia
- Malaspina College

Newspapers

- Coast Reporter
- The Local
- Vancouver Sun
- Brochure: The People Versus Pan Pacific Aggregates

Radio

- CKNW
- CBC

Television

- Channel 11
- Video

Web sites

- FOSP
- SCCA
- SOSC

Community group liaison

- Sechelt Community Associations Forum
- Sandy Hook Community Association
- Tuwanck Ratepayers Association
- West Porpoise Bay Community Association
- Halfmoon Bay Community Association
- Pender Harbour and District Wildlife Society
- Friends of the Caren
- Sargents Bay Society
- Egmont Community Club

Tours of Mine Sites – these were for both public and government representatives.