

Central Okanagan Aggregate Committee

Terms of Reference

(Adopted January 15, 2010)

The objective of the Committee is to develop a comprehensive management strategy for the industry within the Central Okanagan in order to make efficient use of aggregate [the resource], minimize land use conflicts by balancing the need for long term supply with environmental and community values, and avoid the sterilization of the resource due to urbanization by establishing land use designations, consisting of red, yellow and green land designations, to be incorporated in the Regional Growth Management Strategy and Official Plans of member municipalities and electoral areas.

Considerations:

1. This committee has the mandate to bring forward recommendations on red, yellow and green land designations concerning aggregate activities in the RDCO balancing the need for long term supply with environmental and community values.
2. Establish sufficient aggregate reserves to 100 years and identify areas where gravel extraction may and may not occur in that period by establishing a region-wide framework of 'Red, Yellow and Green' land designations for aggregate operations, including a consistent mapping approach, with appropriate Zoning and OCP designation at the local government level. Red areas – lands unsuited to industrial aggregate operations due to irresolvable conflicts and incompatible uses; Yellow Areas – would include complex and varied issues, extraction and processing of aggregate would be permitted subject to specific regulation, and manufacturing may be possible under specific conditions; Green Areas – where extraction, processing and manufacture would be permitted.
3. Sand and gravel (hereafter 'aggregate') are essential components of most major infrastructure and capital projects, and therefore constitute a valuable resource.
4. The aggregate industry is an important economic component of the RDCO, with increasing delivered costs of aggregate a factor in increasing taxes and costs of construction of government infrastructure and private development.
5. The permitting process for aggregate activities can result in provincial approval of aggregate operations that may be in conflict with local government objectives
 - a. Alternate: The permitting process for aggregate activities can result in Provincial approval of aggregate operations that may to some degree be in conflict with local government objectives, including but not limited to those regarding land use and the quality of life and public health concerns of residents.
6. Any recommendations of the Committee must have consensus approval within the Committee prior to be included in final report.
7. The regulatory process for reviewing aggregate operations in RDCO will continue under the existing administrative processes.

8. Make recommendations on an improved decision making model regarding aggregate management and an improved communication protocol between MEMPR, industry, and RDCO.
 - a. Alternate: Make recommendations on an improved decision making model regarding aggregate management including an improved communication protocol between MEMPR, industry, RDCO, member municipalities and First Nation.

Implementation Plan:

1. A meeting to review terms of reference to be held in December 2009
2. To facilitate support for the project, communication will occur with regional industry and business associations, relevant government agencies, resident associations, other stakeholders as identified by the committee, and the general public.
3. Expert advice on issues and recommendations will be sought.
4. Meeting dates to be determined by the co-chairs with confirmation of meeting times, locations, agendas and minutes managed by RDCO.
5. Meetings will be open to the public except in cases where normal in-camera protocols are triggered (e.g. land, legal, personnel matters).
6. The general public will be invited to participate at:
 - a. Preliminary workshop to identify concerns, information resources and gaps
 - b. Open house to review maps, preliminary management strategies, and provide comment
 - c. At the beginning of each meeting members of the public will be allowed to provide input/comment to the Task Force for a maximum of 15 minutes, and a maximum of three (3) minutes per person, before deliberation of the meeting agenda
7. The role of the MEMPR is “ex officio” to facilitate the Aggregate Project in a supportive capacity and offer recommendations based on experience in other jurisdictions.
8. Target recommendation reporting date on red, yellow, and green land designations to the Minister of State for Mining and RDCO board is March 31, 2011.

Other Considerations & Information:

1. The Province will provide Maps and photos indicating locations of permitted gravel pits and quarries within the RDCO area. The Province will also provide Ministry of Energy, Mines, and Petroleum Resources (MEMPR) staff to assist the technical committee. At this time the Province has not budgeted for any funds to assist in the work of the committee.
2. Mining permits are an approval of a works system for mining and reclamation of the land surface in accordance with Section 10 of the Mines Act. Permits outline both general and specific conditions required to operate their works, protect and reclaim land surfaces and water courses. Reclamation of depleted sections prior to starting new mining activity on neighbouring sections (progressive reclamation) can be a condition of a mining permit.
3. Royalties are collected by Integrated Land Management Bureau (ILMB) for pits and quarries on crown land.
4. Licensees may not 'swap' permitted lands with unpermitted lands without applying for a new permit.
5. Industrial production pits are not differentiated in the Mines Act from smaller excavations to enhance a property. The Ministry would be open to proposals on legislative changes, however in the meantime permit conditions may be used to differentiate the scope of these projects.
6. First Nations can apply for a Mines Act Permit.
7. A local government may, by bylaw, regulate or prohibit the removal of soil or deposit of soil on any land in the regional district (see Local Government Act Sec. 723) and can impose fees for the removal or deposit of soil . Generally the fees in the Fraser Valley are in the \$.50 per cubic meter range (1 cubic metre is roughly equivalent to 1.5 tonnes of loose, dry gravel). RDCO does not currently have a Soil Removal Bylaw.
8. The Central Okanagan Growth Management Strategy – Aggregate Supply & Demand Study (EBA Engineering, June, 2000) involves an inventory and assessment of aggregate supply and demand projections over a 20 year period. The data is now 10 years out of date so that estimated volumes and demand would require reanalysis. For example, in June of 2000 the total estimated aggregate supply under permit was approximately 39 million tonnes. The report assumed a population growth rate of 1.5% over 20 years which yielded a consumption rate of 2.65 million tonnes per year requiring a total of 53 million tonnes over 20 years. This report should be used as a baseline for the update study. Updated growth projections would be used yielding a more accurate demand estimate.
9. The estimated cost of updating the RDCO Growth Management Strategy – Aggregate Supply & Demand Study could be anywhere between \$60,000 and \$100,000.
10. Project falls within the boundaries of the Central Okanagan Regional District, including all (federal, provincial, private) lands within municipalities and un-incorporated areas
11. Improvement and/or amendments to the decision-making processes so that decisions are timely, efficient and less contentious, and recommendations to Government on the management of gravel extraction sites and off-site issues.

Membership:

The Honourable Randy Hawes, Minister of State for Mining has requested Norm Letnick, MLA for Kelowna Lake Country to lead a committee comprised of representatives from the Aggregate Producers Association of BC (APABC) and the Central Okanagan Regional District (RDCO). MLA Letnick has invited Robert Hobson, the RDCO Chair to join him as the co-chair of the committee.

Other members include:

- Three elected representatives from RDCO including co-chair Hobson
- Three appointed local representatives from the BC Aggregate Producers Association
- Four members of the public at large proposed by RDCO
- A representative from the Okanagan Nation Alliance or WFN

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Kerry Leong kerry@arthon.com Arthon Contractors Inc.

Roy Bertram rbertram@okanagan.net Westlake Paving and Aggregates Ltd

Grant Lawrence - Chair of ORCAP grant.lawrence@telus.net

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Bernie Bauer - Chair OBWB Stewardship Committee b.bauer@ubc.ca

Ted Thomas – Joe Rich citizen Ted@tedthomas.ca

Keith Fielding – Mayor Peachland mayor@peachland.ca

Jim Edgson - Central Okanagan West Electoral Area Jim.Edgson@cord.bc.ca

Raf deGuevara - Westbank First Nation Appointee

Robert Hobson – RDCO Chair rhobson@cord.bc.ca

Norm Letnick – MLA & Chair Okanagan Caucus norm.letnick.mla@leg.bc.ca

Technical Committee Membership:

The work of the committee will be assisted by a separate non-voting technical committee comprising of:

- Dan Plamondon RDCO, Manager of Development & Environmental Services
- Doug Allin Director of Operations – District of Peachland
- Brian McEwan District of Lake Country
- Ron Westlake Director of Regional Services, City of Kelowna
- Jenna Strachan Westbank First Nation
- Brent Magnan Environmental Planner, District of West Kelowna
- TBA MEMPR staff from Kamloops Office
- Non-government experts invited on an as needed basis (e.g.: Interior Health Authority)