

The information on this form and any supporting documents are subject to the *Freedom of Information and Protection of Privacy Act*. The information requested on this form is collected and used for the purpose of administering the *Mines Act & Health, Safety and Reclamation Code for Mines in British Columbia*. The *Mines Act* of British Columbia also authorises the collection of the requested information on this form. The completed form is routinely available to the public. Questions about how the *Freedom of Information and Protection of Privacy Act* applies to the information collected on this form can be directed to the Information Access and Records Services Branch at (250) 952-0514; fax (250) 952-0739 or write to: PO Box 9325 Stn Prov Gov't, Victoria, British Columbia, V8W 9N3.



Application is for: ☒ **Sand and Gravel Mine** ☐ **Rock Quarry**

This application is for (check one):

☒ **Development** ☐ **Amendment to existing permit** Permit # \_\_\_\_\_

Application is being made by:

☐ **Owner** (Private property)

☒ **Operator/Agent** (Person or company making application on Crown land or on private property not owned by applicant)

Name c/o AC Eagle Ltd. E-mail Address: jeremy@aceagle.ca

Company (if applicable) Joint Venture between the Westbank First Nation and Canadian Aggregates Inc.

Address 1425 Pearson Place

City Kamloops

Bus. Phone (250) 372-2149

Province BC Postal Code V1S 1J9

Fax (250) 374-2129

### LOCATION INFORMATION - Maps are mandatory under Schedule A

Name of Mine (What will the operation be called when in production?):

JV between Westbank First Nation and Canadian Aggregates

Legal Description of Property: Portion of DL 3542

Street Address of Property, if applicable: n/a

Access route from nearest town to property: Located approx. 27km north of Kelowna on the Westside Road and just south of the La Casa Resort (see Figure 1, 2, 3, 4 and 6a, 6b and 6c - as per Schedule A request).

B.C. Geographic System Map Sheet Number(s) [i.e. TRIM 093L.006] 082L013

Northing: 5553650 Easting: 320200 UTM Zone: \_\_\_\_\_

or NTS Map Sheet Number(s) [i.e. NTS 093L/14E]: \_\_\_\_\_

Latitude: \_\_\_\_\_ °/ \_\_\_\_\_ '/ \_\_\_\_\_ " Longitude: \_\_\_\_\_ °/ \_\_\_\_\_ '/ \_\_\_\_\_ "

### OWNERSHIP (Complete a, b or c if the land is not privately held by applicant)

#### a) Proposed mine is on private land:

Name of property owner Crown Land - please note that FrontCounterBC has requested that this application be submitted at the same time as the Crown lease application. Detailed/expensive design work can only be done once the lease is granted.

Address Just South of L Casa Resort which is located at 6808 Westside Road, South Fintry, BC

City \_\_\_\_\_ Bus. Phone ( ) \_\_\_\_\_

Province \_\_\_\_\_ Postal Code \_\_\_\_\_ Fax ( ) \_\_\_\_\_

Signature of owner agreeing to the mining operation proposed in this application (or attach letter of authorization signed by owner):

Name: \_\_\_\_\_ Date: \_\_\_\_\_

#### b) Proposed mine is on Crown land:

Assets and Lands Corporation (BCAL) file reference number: FrontCounter BC requested that this application be submitted at the same time as the Crown Lease application was submitted \_\_\_\_\_

License of Occupation/Lease number: ? \_\_\_\_\_ Expiry date of Licence/Lease (y/m/d): ? \_\_\_\_\_

### MANAGEMENT

Correspondence regarding this application should be sent to: ☐ **Owner** or ☒ **Operator/Agent**

The mine manager (*Mines Act* Sections 21 and 22) responsible for management and operation of the mine will be:

Name: Tom MacKenzie Bus. Phone: (250) 319-2055

**LAND USE**

**1) Cultural Heritage Resources** *(A cultural heritage resource is defined as "an object, a site or the location of a traditional societal practice that is of historical, cultural or archaeological significance to British Columbia, a community or an aboriginal people". B.C. law requires the conservation of these resources. It is the responsibility of the applicant to identify these resources.)*

Are you aware of any cultural heritage resources present on the property?

- ☐ Yes - please attach a plan for the conservation of cultural heritage resources on the property  
☒ No - if cultural heritage resources are discovered while mining, you are required to report them to the Mining Division.  
***During the digging of site investigation permit test pits, a Wesbank First Nation Archaeologist was present.  
Westbank will also be a partner in this operation.***

**2) Soil Conservation**

Average depth of overburden (material, including topsoil, overlying sand, gravel and/or rock): 30 cm, or \_\_\_\_\_ m

Average depth of topsoil (Surface to maximum rooting depth of plants, plus 15 cm.): 100 cm, or \_\_\_\_\_ m

Measures to stabilize soil/overburden stockpiles and control noxious weeds: **Topsoil stockpiles will be removed to non-operational areas of the site and bermed with side slopes less than 1:2. These stockpiles will be seeded with a native seed mix agreed to with the Ministry of Environment representative**

Topsoil must be conserved for reclamation of the mine site. Removal of topsoil from the site requires written approval of the Inspector

**3) End Land Use**

Is the site within the Agricultural Land Reserve?

- ☒ No ☐ Yes - authorization for soil removal from the Land Reserve Commission and Regional District must be obtained. Provide permit application number if available: \_\_\_\_\_

Is the site within the Forest Land Reserve?

- ☒ No ☐ Yes - authorization from the Land Reserve Commission must be obtained

Is the site within a Tree Farm Licence?

- ☒ No ☐ Yes - state the TFL number: \_\_\_\_\_

Name of TFL holder: \_\_\_\_\_

Does the local government have a Soil Removal Bylaw?

- ☒ No ☐ Yes - please be aware that a Soil Removal Permit may be required by the local government

Official Community Plan designation for the site is: **Crown land – used for ATV recreation** \_\_\_\_\_

Current land use zoning for the site is: **No zoning** \_\_\_\_\_

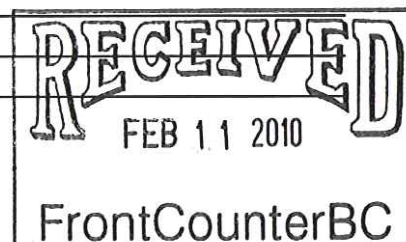
Proposed end land use is: **Forest** \_\_\_\_\_

**4) Reclamation of Site** *(If space provided below is insufficient, please attach separate sheet describing proposed reclamation)*

Reclamation measures and schedule proposed to achieve end land use objectives as per part 10.7.4 and 10.7.5 of the Health Safety and Reclamation Code for Mines in British Columbia (hereafter referred to as the Code): \_\_\_\_\_

**Shape/contour land to achieve aesthetics, minimum slopes, and erosion protection; spread top soils from stock piles evenly; plant tree and grass species as per recommendation of botanical expert and approved by Ministry of Environment**

If backfilling of pits or pit slopes is proposed in the final configuration for reclamation, provide details of materials to be used and placement procedure: n/a \_\_\_\_\_





**MINE DEVELOPMENT PLAN (Maps are mandatory - please refer to Schedule A)**

Unless otherwise required by the Inspector, complete the following mine development plan and prepare development maps and cross sections based on a period of 5 years or less. Mines operating for longer than 5 years, may be required to file updated Notices of Work every 5 years over the life of the mine at the discretion of the District Inspector.

Proposed start date (y/m/d): 2010/05/01

Proposed finish date (y/m/d): 2040/05/01 (projected)

The mining operation will generally be (check one)

☒ Continuous (operates throughout the year)

☐ Seasonal, usually operates from \_\_\_\_\_ to \_\_\_\_\_

☐ Intermittent (occasionally operates with extended periods of inactivity)

Estimate total mineable reserves over the life of the mine: 20 million \_\_\_\_\_ tonnes, or \_\_\_\_\_ m<sup>3</sup>

Estimated annual extraction from site: 245,000 to 249,000 tonnes/yr, or \_\_\_\_\_ m<sup>3</sup>/yr

Application must be made to the Environmental Assessment Office if estimated extraction for sand/gravel production is 500,000 tonnes/yr. or 1,000,000 tonnes over 4 years; or if estimated extraction is 250,000 tonnes/yr. for quarried product. Mineral quarries producing more than 1000 tonnes per year per claim require a mining lease.

Description of Work (Check appropriate boxes):

☒ Excavation of Pit Run

☐ Washing - please complete Schedule B

☒ Crushing

☐ Blasting - please complete Schedule C

☒ Mechanical Screening

☒ Timber Clearing \* - estimate volume of timber: 663 m<sup>3</sup>

\* Timber Clearing on Crown Land requires a Free Use Permit or License to Cut from the Ministry of Forests

Provide a brief description of operation, including proposed work schedule (i.e. hours, days of usual operation): \_\_\_\_\_

Up to 6-day week from 6am to 6pm. These times will be negotiated with local residents to limit impacts to peak house traffic (e.g. school bus times).

**Equipment List:** (Please attach separate list if space provided below is insufficient)

Type of Machine	Make/Model	Size/Capacity	# on Site
Jaw Crusher	Cedar Rapids	24" x 48"	1
Cone Crusher	Cedar Rapids	58"	1
Screening Plant	EL Jay	6 - 6' x 20" 3D	1
Stacker	Thorr	100'	1
Loaders	CAT 988,980	7yd, 5yd	2
Excavator	Volvo 210	2 tonnes	1

**Surface Disturbance** - Information provided must be documented in development maps submitted under Schedule A

(Note that 10,000 m<sup>2</sup> = 1 hectare)

Existing Disturbance (Work areas, unreclaimed areas, access roads, etc.) \_\_\_\_\_ m<sup>2</sup>, or \_\_\_\_\_ 0\_ hectares

Proposed Mining Disturbance (New work areas, settling ponds, access roads, buildings, etc. to be developed within the time frame of this Notice of Work) \_\_\_\_\_ m<sup>2</sup>, or \_\_\_\_\_ 22\_ hectares

Total Disturbed Area (Existing + Proposed Disturbance) \_\_\_\_\_ m<sup>2</sup>, or \_\_\_\_\_ 22\_ hectares

Will any portion of this disturbance be reclaimed within the time frame of this Notice of Work?

☐ No

☒ Yes - state size of area to be reclaimed: \_\_\_\_\_ m<sup>2</sup>, or \_\_\_\_\_ 4 hectares

Estimated Cost of Reclamation: Applicant \$ 25,000 (will need to be confirmed in detailed design)

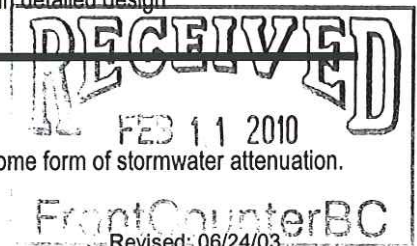
Mining Division \$ \_\_\_\_\_

Are settling ponds or other structures proposed to control sedimentation in surface run off?

☒ No

☐ Yes - please complete Schedule B

Note: Stock pile areas will be designed once a Crown Lease is granted. These areas will need some form of stormwater attenuation.



What is the average depth to the high groundwater table at the proposed excavation? Unknown - deep \_\_\_ m

Elevation of the groundwater table was determined from (check applicable boxes):

- ☐ Existing area wells      ☐ Test wells drilled for this purpose  
☐ Test pits      ☐ Other (describe) in detailed design phase once Crown Lease granted \_\_\_\_\_

Describe measures proposed to protect groundwater quantity and quality from potential impacts of the proposed mining activity (i.e. fuel management program, buffer above water table, etc.): Fuel will be delivered daily by Manager's truck. All operations relatively clean with the exception of potential equipment fuel and oil leaks. Although this gravel deposit is not expected to have a groundwater table in the excavation zones (very porous gravel materials), a petroleum spill cleanup kit will be held on site at all times and immediate remediation of spills conducted if they occur.

\_\_\_\_\_ **Note that excavations below the groundwater table may require special approval from the Inspector**

Will fuel/lubricants be stored on site? ☒ No ☐ Yes

If yes, handling, transportation and storage must adhere to B.C. Environment standards as detailed in "Summary of Environmental Standards and Guidelines for Fuel Handling, Transportation and Storage, 2<sup>nd</sup> edition"

Shortest distance between proposed excavation to nearest residence: 700 m, or \_\_\_\_\_ km

Shortest distance between proposed excavation to nearest residential water source: 700 m, or \_\_\_\_\_ km

Describe measures proposed to prevent inadvertent access of unauthorized persons on the mine site (i.e. fencing, vegetative barriers, berms, etc.): Gates at entrance off main road. Signs will also be posted to limit access and liability as per the Mines Act. Berms will be placed at strategic positions. Will work with the Ministry of Environment's Parks Section to control off road recreational traffic.

Are measures proposed to minimize noise impacts of the operation? (i.e. equipment selection, restrictions on hours of operation, noise barriers, etc.) ☐ No ☒ Yes - Please describe: Hours as noted above (out of peak traffic periods). The excavations are located in a large esker, hidden from view. The rise of land above the esker and tree cover will also limit views from across the lake as well as noise issues.

Are measures proposed to minimize dust impacts of the proposed operation? (i.e. apply dust suppressants, water sprays, wind breaks, vegetation, etc.) ☐ No ☒ Yes - Please describe: Apart from trees leaf capturing dust, water will be sprayed on the jaw crusher. A dust suppressant will be sprayed on the haul road down to Westside Road.

Are measures proposed to minimize visual impacts of the proposed operation? (i.e. vegetative barriers, berms, green belts, etc.) ☐ No ☒ Yes - Please describe: maintain border tree cover on higher lying areas around the pits; topsoil berms will be strategically placed; 3D modeling conducted as part of the planning stage has shown that the visual impact from the opposite side of the lake will be minimal in comparison to the existing LaCasa development.

### **OCCUPATIONAL FIRST AID**

*First Aid Supplies and communication at the mine site are required as per Parts 3.6.1 to 3.6.3 of the Code.*

Describe the means of communication from the mine site: Operators will have cellphones. Land lines are available at LaCasa approx 1,200m from the site by road.

Location of nearest hospital: Kelowna

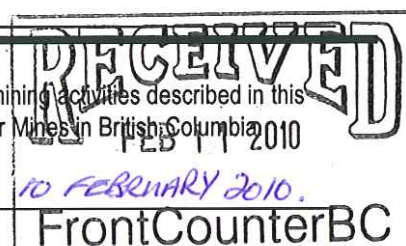
Travel time to hospital: 20 minutes Estimated number of employees on site (includes contractors): 2 plus truck drivers

Describe First Aid Level and supplies Both personnel will all be trained in First Aid. Medical supplies will be kept on site and up to date. Daily safety briefings will be held.

I, JEREMY COOKE, AS AN AGENT, hereby make application to undertake the mining activities described in this Notice, and in accordance with the *Mines Act* and the *Health, Safety and Reclamation Code for Mines in British Columbia*.

Applicant Signature \_\_\_\_\_

Date \_\_\_\_\_





**The following maps are attached:**

- Schedule A1 (compulsory):** Location map (1:50,000 scale)
- Schedule A2 (compulsory):** Local Features map (1:20,000 scale - TRIM map)
- Schedule A3 (compulsory):** Land Title map
- Schedule A6 (compulsory):** Mine Development Plan at 1:5,000 or more detailed scale

There will be no washing of aggregates (Schedule B) or blasting (Schedule C).





## WESTBANK FIRST NATION

Suite 301-515 Highway 97 South, Kelowna, B.C. V1Z 3J2  
Telephone: (250) 769-2440 – Fax: (250) 769-2036

**August 26, 2008**

**FrontCounter BC  
Suite 210, 310 Victoria Street  
Kamloops, BC V2C 2A3**

**To Whom It May Concern**

### **LETTER OF AGENCY: WESTSIDE ROAD NORTH GRAVEL QUARRIES, KELOWNA, BC**

We hereby appoint AC Eagle Enterprises Ltd. (JC Cooke, PEng) of 1425 Pearson Place, Kamloops, BC, V1S 1J9 to represent the WestBank First Nation (WFN) and Canadian Aggregates (CAI) in applying for Crown Land Tenure (Gravel Quarry Lease).

This forms part of a joint venture partnership with Canadian Aggregates Inc.

AC Eagle Ltd. will assist the WFN and CAI in obtaining Crown land tenure for the two proposed aggregate quarries located approximately 27km north of the Kelowna-Westbank Bridge on the Westside Road.

The term of appointment will extend until the point at which the Crown Lease document is issued.

As per the attached application our contact details are as follows:

Raf De Guevara

#301 – 515 Highway 97 South, Kelowna, BC V1Z 3J2

Tel (250) 769-2440

Sincerely,

Raf De Guevara

Manager: Intergovernmental Affairs

Westbank First Nation



# **CANADIAN AGGREGATES INC.**

**1795 Versatile Drive  
Kamloops, B.C. V1S 1C5  
Phone 250-374-2447; Fax 250-828-0029 (office)**

**August 19, 2008**

**FrontCounter BC  
Suite 210, 310 Victoria Street  
Kamloops, BC V2C 2A3**

**To Whom It May Concern**

## **LETTER OF AGENCY: WESTSIDE ROAD NORTH GRAVEL QUARRIES, KELOWNA, BC**

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As per the attached application our contact details are as follows:

**DA Taylor**

**1795 Versatile Drive, Kamloops, BC V1S 1C5**

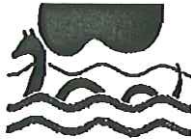
**Tel (250) 374-2447**

Sincerely,



**DA Taylor  
President**





NO. IC012309-05

THE CHIEF AND COUNCIL OF WESTBANK FIRST NATION

DATED THIS 23rd DAY OF January, 2009

The undersigned Chief and Councillors of Westbank First Nation do hereby certify that the following is a resolution that was duly moved, seconded and approved by a majority of the Council at a duly convened meeting held at the administration offices of the band at 515 Highway 97 South, Tsinstikeptum Indian Reserve No. 10, Kelowna, B.C.

**WHEREAS:**

- A. Westbank First Nation asserts Territorial ownership of the Fintry area, located approximately 27 kilometres north of the William R. Bennett Bridge along Westside Road ("the site");
- B. Canadian Aggregates Inc. has a claim on the mineral tenure over a portion of this area and has entered into a Joint Venture with Westbank First Nation to extract commercial aggregate materials from various pits to be constructed in future;
- C. Westbank First Nation and Canadian Aggregates are applying for Crown Lease Tenure over an approximately 50 hectares portion of this area.

**BE IT HEREBY RESOLVED AND AGREED THAT:**

Westbank First Nation Chief and Council support an application for Crown Lease Tenure ("the application") over approximately 50 hectares of the site and authorize Chief Robert Louie to sign the application on behalf of Westbank First Nation. Chief and Council also authorize the ability of Westbank First Nation to enter a tenure arrangement if the Province of British Columbia approves this tenure lease in the future.

Chief Robert Louie



Councillor Larry Derrickson

Absent from Meeting  
Councillor Brian Eli

Councillor Mike De Guevara

Absent from Meeting  
Councillor Loretta Swite



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**INFORMATION REGARDING THE COMPLETION  
OF THE  
NOTICE OF WORK AND RECLAMATION PROGRAM FOR A  
SAND & GRAVEL/QUARRY OPERATION**

The information on this form and any supporting documents are subject to the *Freedom of Information and Protection of Privacy Act*. The information requested on this form is collected and used for the purpose of administering the *Mines Act & Health, Safety and Reclamation Code for Mines in British Columbia*. The *Mines Act* of British Columbia also authorises the collection of the requested information on this form. The completed form is routinely available to the public. Questions about how the *Freedom of Information and Protection of Privacy Act* applies to the information collected on this form can be directed to the Information Access and Records Services Branch at (250) 952-0514; fax (250) 952-0739 or write to: PO Box 9325 Stn Prov Gov't, Victoria, British Columbia, V8W 9N3.

This form is to be filled out in **black ink**, either **typed** or **printed**.

This form is to be completed and signed by a company official or individual planning to commence operations for the extraction of sand and gravel and/or quarry materials; or planning to amend an existing operation; or providing an updated mining plan for an existing operation. Keep one copy and forward the original to the Inspector of the Regional Mining Operations office.

This form provides notice pursuant to Section 10 of the *Mines Act* and must be submitted to the Inspector for review and approval prior to commencement of work. This notice of work will be referred to other agencies for their comments and the applicant may be required to advertise and gazette his/her intention to open a sand and gravel pit and/or quarry.

The notice of work form must be accompanied by suitable maps, including detailed plans and sections of the proposed work area. Maps required are detailed in schedule A of this application.

**The application will be returned if it is not accompanied by legible and suitable maps.**

The applicant should attach all other approvals to the application, such as a Soil Removal Bylaw permit or Land Reserve Commission approval.

The applicant should allow for a 45 day review time in a standard situation, but a longer review time may be required in more sensitive sites.

Notices of work that are faxed to the Mining Operations office will be accepted. Please forward the **six copies** by mail.

## REGIONAL OFFICES

Ministry of Energy and Mines  
Northwest Regional Office  
3793 Alfred Avenue  
Bag 5000  
Smithers, British Columbia V0J 2N0  
Ph: (250) 847-7383  
Fax: (250) 847-7603

Ministry of Energy and Mines  
Northeast Regional Office  
2275A Quinn Street  
Prince George, British Columbia V2N 2X4  
Ph: (250) 561-5600  
Fax: (250) 561-5622

Ministry of Energy and Mines  
South Central Regional Office  
162 Oriole Road  
Kamloops, British Columbia V2C 4N7  
Ph: (250) 371-6051  
Fax: (250) 371-6070

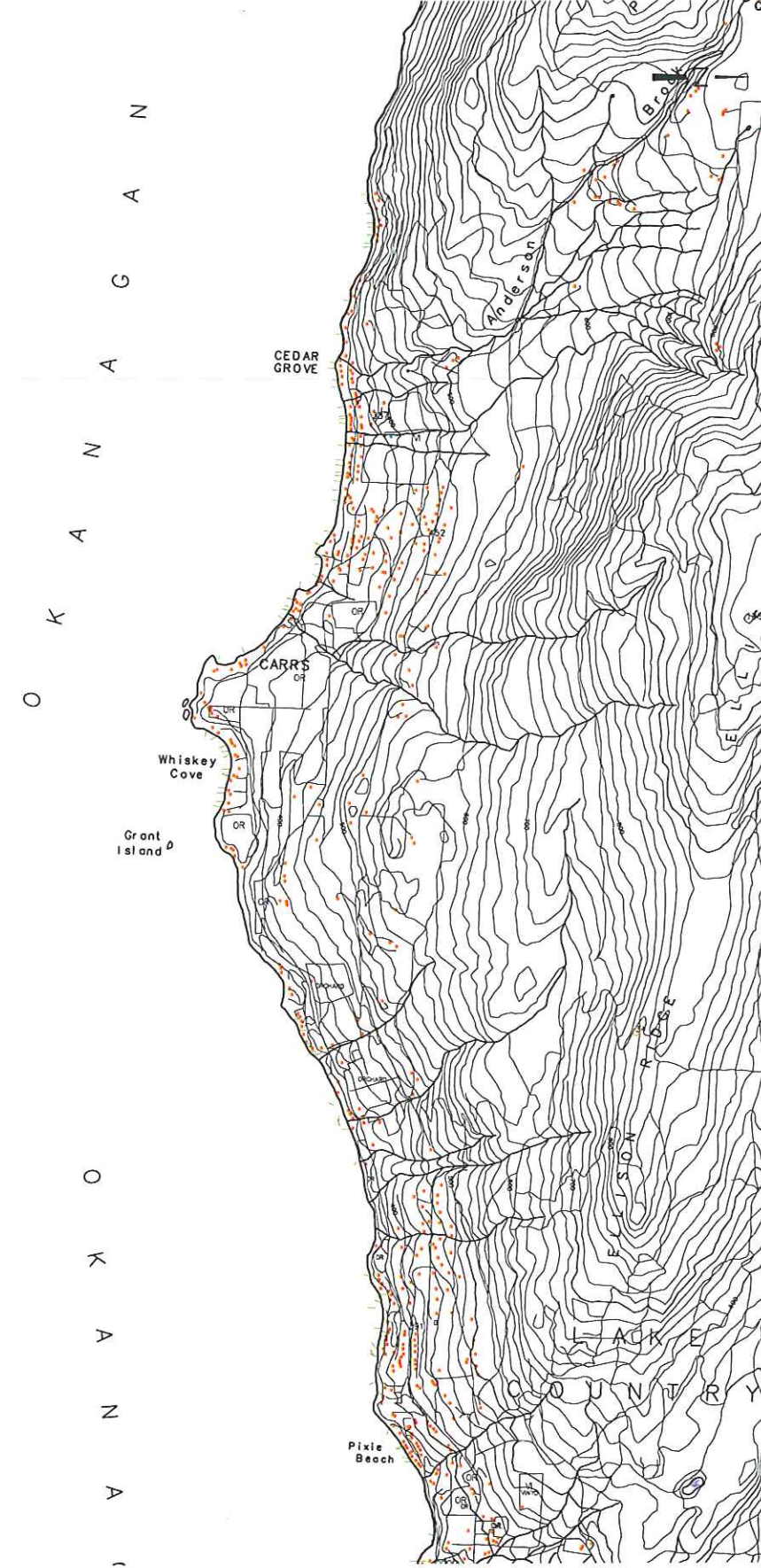
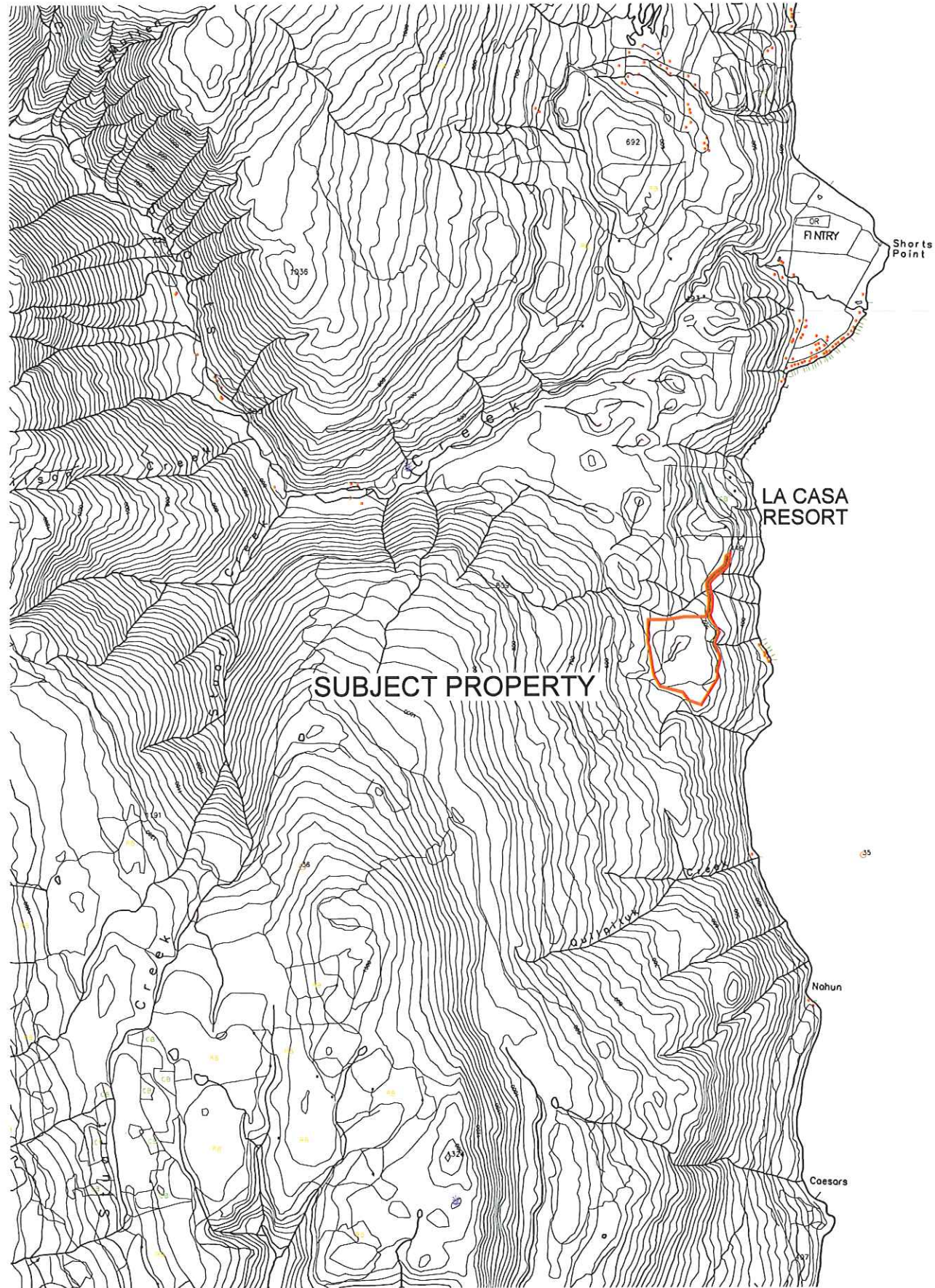
Ministry of Energy and Mines  
Kootenay Regional Office  
2nd Flr., 42 - 8th Avenue S.  
Cranbrook, British Columbia V1C 2K3  
Ph: (250) 426-1557  
Fax: (250) 426-1652

Ministry of Energy and Mines  
Vancouver Island & Lower Mainland  
PO Box 9320, Stn Prov Govt  
4th Flr., 1810 Blanshard Street  
Victoria, British Columbia V8W 9N3  
Ph: (250) 952-0495  
Fax (250) 952-0481









General Notes

**RECEIVED**  
FEB 11 2010  
FrontCounterBC

PRELIMINARY  
**acEagle**

No.	Revision/Issue	Date

DESIGNED BY	D.K.A.
DRAWN BY	C.J.B.
CHECKED BY	J.C.C.
APPROVED BY	D.K.A.

**acEagle**  
AC EAGLE ENTERPRISES LTD.  
1425 Pearson Place  
Kamloops, BC V1S 1J9  
Tel (250) 372-2149  
Fax (250) 374-2129  
www.aceagle.ca

CANADIAN AGGREGATES INC. AND WESTBANK FIRST NATION

CROWN LEASE

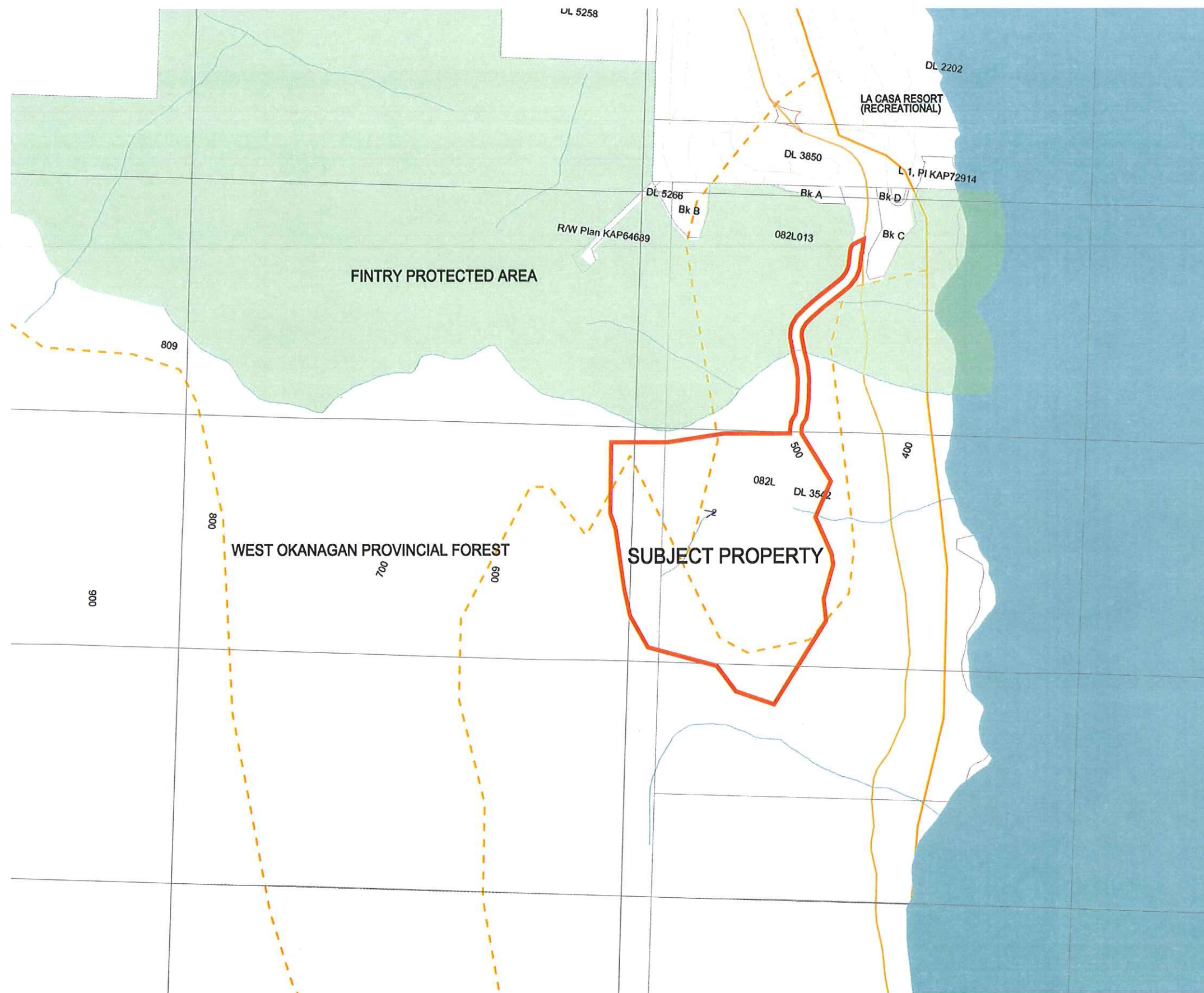
SCHEDULE A2  
TRIM MAP 82L013



Job Number	1021-001-01	Sheet
Date	2010-01-21	A2
Scale	1:20000	

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PRELIMINARY  
**acEagle**

No.	Revision/Issue	Date

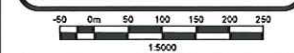
DESIGNED BY:	D.K.A.
DRAWN BY:	C.J.B.
CHECKED BY:	J.C.C.
APPROVED BY:	D.K.A.

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CANADIAN AGGREGATES INC. AND WESTBANK FIRST NATION

CROWN LEASE

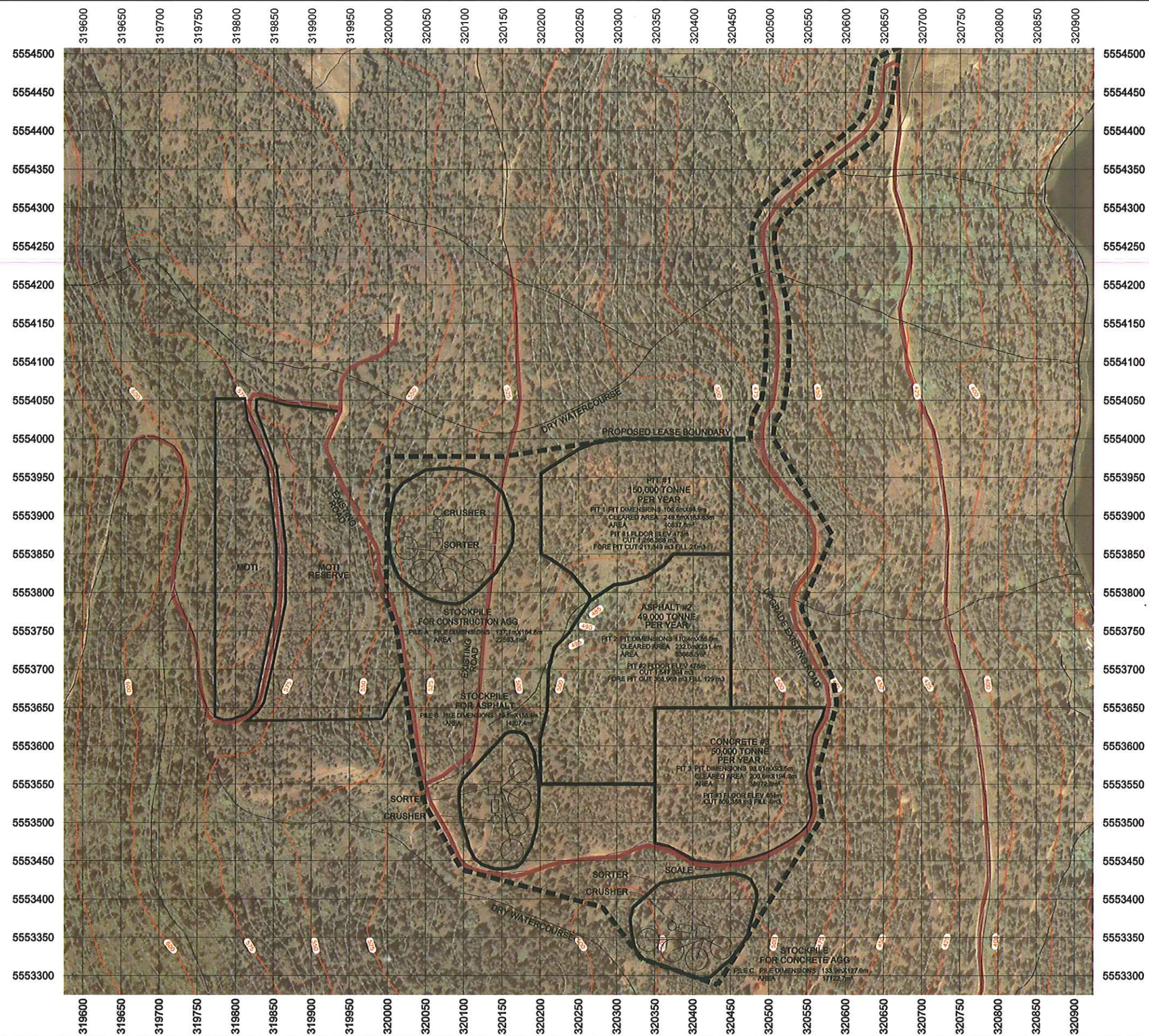
SCHEDULE A3  
LAND TITLE MAP



Job Number 1021-001-01	Sheet A3
Date 2010-01-21	
Scale 1:5000	

REDUCED TO 11 X 17





2

General Notes			
BOUNDARY AREA 343202m <sup>2</sup>			
PIT 1	PIT DIMENSIONS CLEARED AREA AREA	106.6mX64.9m 249.6mX163.63m 40837.8m <sup>2</sup>	
PIT 2	PIT DIMENSIONS CLEARED AREA AREA	110.4mX85.0m 232.0mX231.4m 53668.3m <sup>2</sup>	
PIT 3	PIT DIMENSIONS CLEARED AREA AREA	93.01mX93.5m 200.6mX194.3m 38972.8m <sup>2</sup>	
PILE A	PILE DIMENSIONS AREA	137.1mX164.8m 22993.1m <sup>2</sup>	
PILE B	PILE DIMENSIONS AREA	89.7mX158.4m 14207.4m <sup>2</sup>	
PILE C	PILE DIMENSIONS AREA	133.9mX127.9m 7122.2m <sup>2</sup>	

**RECEIVED**

FEB 11 2010

PRELIMINARY Freight Counter BC

ac Eagle

No.	Revision/Issue	Date

	DESIGNED BY
	D.K.A.
	DRAWN BY
	C.J.B.
	CHECKED BY
	J.C.C.
APPROVED BY	
D.K.A.	

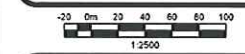


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www.aceagle.ca

CANADIAN AGGREGATES INC. AND WESTBANK FIRST NATION

CROWN LEASE

DEVELOPMENT PLAN



Job Number 1021-001-01	Sheet
Date 2010-01-22	A6a
Scale 1:2500	

REDUCED TO  $11 \times 17$



