

BRIEF REGARDING VEDDER MOUNTAIN SLIDE OF 2017

TO CHIEF INSPECTOR OF MINES, MR. AL HOFFMAN

March 18, 2017

1. **Introduction & History** – A number of residents affected by the Vedder Mountain slide on February 18, 2017 have expressed their concerns to me. They are concerned about public safety and environmental issues related to their properties; they are not opposed to gravel extraction **within legally permitted** parameters. We also note that Crown Land has been affected by the slide as well as the Vedder FSR, a historic logging rail bed scheduled to be developed into a recreational trail by the City of Chilliwack, and private property.

We (under Vedder Mountain Preservation Group) have previously corresponded a number of times with the Inspector of Mines (Mr. Taje at the time) c. 2011, the Ministry of Natural Resources (at the time), and the Ministry of Energy & Mines regarding **our concerns with aggregate operations** by Kirkness Pacific Holdings/Western Explosives (Permit No. Q-7-76) at his Parmenter Road quarry. Mr Kirkness is cavalier at best, with many permit requirements.

2. **Previous Application to Expand Extraction** – In December 2009 Kirkness applied to expand his permit to mine gravel on two lots off Vedder Mountain Road (44100 and 44300). His plan was to create by blasting a 3.7 hectare (9.2 acres) loading area and to excavate 127,000 cubic meters (275,590 Tonnes) of materials from the mountain side. A citizens group, and an 800+ signature petition opposed that development for reasons that will now be clear to you; these lots are directly below the current slide. Mr Kirkness eventually withdrew the application but only because, as we pointed out, he would be required to go through the environmental assessment process. The propose expansion should not be allowed to be reactivated in the future.
3. **Slope Instability** – We point out that slope instability has been know historically and several slides have previously occurred on the north slope of Vedder Mountain. It was an issue in June 2004 when Kirkness applied for Permit Q-7-76. Page 3 of the permit states that a geotechnical report by Chehlis Consulting Ltd was attached. The title “Effect of Blasting on Slope Stability of Vedder Mountain”. Further, Clause 15(f) states that “at the completion of one full year of operation the Manager shall have a Geo Technical evaluation undertaken of the North of Vedder Mountain.” In 1999 the City of Chilliwack placed a covenant restricting the use lot 44100 because of slope instability before Kirkness purchased it from them. A slide previously destroyed a house on that lot; fortunately the residents were absent. Blasting under the conditions they did when this much is known about north slope instability seems irresponsible.

We would like to obtain a copy of the report required in Permit Q7-76 (Clause 15(f)). If done as stipulated, it should be in your files. Did Kirkness follow all the appropriate mining protocols?

4. **Exceeding Mining Permit** – Blasting in the quarry is done to loosen material to be sold. Permit Q-7-76 states that Kirkness shall not “exceed 245,000 Tonnes” (or 113,190 cubic meters) annually.

Through FOI we were able to obtain records from the City of Chilliwack that confirmed that he exceeded that limit in 2008, 2009, and 2010 (e.g. in 2010 he removed 317,753 cubic meters--nearly 3 times the maximum in his permit). So far we have been denied the records of subsequent years (Kirkness has been allowed to oppose the release of information by the City of Chilliwack), but we have appealed to FOI and that is in process at this writing.

A stop work order was issued on the quarry on January 10, 2011 after we brought evidence of over-mining to the Inspector's attention. Kirkness was required to file a remediation plan and required to have a **volumetric survey done twice a year** by a registered land surveyor. This was done to allow "a check on the aggregate production and for comparison with scale tickets."

We request confirmation for 2011 – 2016 that the volumetric survey order was followed, and that the comparisons to scale tickets did confirm that he was within his permit limit, or if he exceeded it.

5. **Soil Removal Permit** – The City of Chilliwack has a Soil Removal and Deposit Bylaw 1989, No. 1313 which requires Kirkness to report monthly scale tickets for aggregate removed from the quarry at Parmenter Road. The City receives \$.50 per cubic meter. The bylaw requires Mr Kirkness's mining permit to be attached which states that his maximum is 245,000 Tonnes. The evidence clearly shows that the City continues to purchase aggregate for its own projects even when this limit is exceeded (example in #4 above). The problem with this collusionary practice is that there are pecuniary benefits both to the City and to Kirkness, each knowing what the other is doing. The City pleads ignorance of the situation when their computer records clearly show a violation of the Ministry's permit and then profits \$.50 per cubic meter as well. Kirkness has profited immensely from over-mining; violating Ministry regulations appears to pay very well.

We would like to see the Ministry of Mines require the City to notify the Ministry when permits are exceeded. It should also be mandatory for a local government to stop purchasing aggregate when the permit limit is exceeded.

6. **Geotechnical Report by WSP Canada March 1, 2017** – We are in possession of this geotechnical assessment requisitioned by the City of Chilliwack following the Vedder Mountain slide on February 18, 2017. We are concerned especially with the impacts on a) Crown owned land within FVRD, b) Vedder Forest Service Road (a.k.a. railway grade trail), c) 43920 Vedder Mountain Road, and d) an unnamed watercourse located within 43920 Vedder Mountain Road.

The WSP report concluded that the following factors (p.8) likely contributed to the landslide on February 18, 2017 (slightly condensed for purposes of this report):

- a. A material stock pile up to about 3 m high on the edge of the north slope
- b. An old road/trail having failed due to perched fill on the trail
- c. A bedrock failure due to moderate fracturing
- d. Above average rainfall and snowfall within the previous 3 weeks
- e. Blasting conducted immediately prior to landslide initiation

- f. Overloading the top slope with blast rock material while blasting was taking place about 10 meters to the south were likely the main contributing factors

Please inform us on how Kirkness will be held accountable for the damage done to Crown Lands, the Vedder FSR, 43920 Vedder Mountain Road (a private property), and the unnamed watercourse located within got 43920 VMR.

7. Letter From Rich Coleman, Minister, of August 9, 2011

We have a copy of letter, dated August 9, 2011, from Rich Coleman, Minister to then Chilliwack-Hope MLA Barry Penner regarding permit violations and required remedies. This letter was copied to Mr Ed Taje, Senior Inspector of Mines as well as to the Minister of Forests, Lands and Natural Resources.

The letter confirms:

- a) that Kirkness did extract more gravel from his quarry than allowed by his permit in 2008, 2009 and 2010,
- b) a stop work order was issued pursuant to Section 15 of the Mines act,
- c) an acceptable remedial plan was required,
- d) a volumetric survey was required twice a year

In the concluding remarks the letter states: “the directive allowing the resumption of work contained a caution advising the operator that further violation of this condition or directive may result in a prosecution in accordance with Section 37 and/or a court order as per Section of the Mines Act. . . . Further action may be considered if appropriate in the future.”

We suggest that if further violations have occurred, further action is appropriate.

CONCLUSION & SUMMARY

In the Chief Inspector of Mines’ annual report we note that the office “works with industry, workers, and communities to ensure that mineral exploration and **mining activities are conducted responsibly. Protection of workers, the public and the environment is always at the top of our minds.**” We would like the Chief Inspector, Mr Hoffman to address the issues presented in this brief and respond to the following questions:

- 1) We request a copy of the report pertaining to Vedder Mountain stability required of Kirkness in his Permit Q- 7-76 (Clause 15(f)). If done as stipulated, it should be in your files. Did Kirkness follow all the appropriate mining protocols in conducting the blasting that caused the slide on Vedder Mountain?
- 2) We request confirmation for 2011 – 2016 that the **volumetric survey** ordered was followed, and to be informed whether the comparisons to **scale tickets** confirm that he was within his permit, or if he exceeded it and by how much.

- 3) We request to be informed how Kirkness will be held accountable for the damage done to Crown Land, the Vedder FSR, 43920 Vedder Mountain Road (a private property), and damage to the unnamed water course on lot 43920.
- 4) We request that the Ministry of Mines order the City of Chilliwack to notify them when permits are exceeded. It should also be mandatory for a local government to stop purchasing aggregate when the permit limit is exceeded.
- 5) We suggest that further action as indicated in the Rich Coleman letter may be appropriate when your investigation is completed and if further violations are identified. We request to be apprised of actions taken by the Chief Inspector of Mines regarding public safety and protection of the environment with regards to the operation of the quarry.

Prepared by Victor Froese,

43815 Vedder Mountain Road,

Chilliwack, BC, V2R 4C5,

vsf@telus.net

604-823-7335

REFERENCES – available upon request