



November 15, 2002

IN THE MATTER OF:

**Compensation for Access
Quarry License #925
Russell Redi-Mix**

DECISION OF THE MINING BOARD

Participating Board Members:

Roy McPhail - Presiding Member
Barbara Sherriff - Deputy Presiding member
Ernie Guiboche – Member
Harvey Slobodzian - Member

DECISION

The Board sets compensation at \$20,000, with the following conditions:

1. quarrying shall not take place within 100 feet of the established tree line;
2. work shall be completed within ten weeks from the start date of September 20, 2002;
3. a maximum of 27 acres of land shall be disturbed;
4. rehabilitation to be requested, in accordance with the Mines and Minerals Act, with the view to having the Mines Branch schedule the work for the spring of 2003.

REASON FOR DECISION

Section 157(2) of the Mines and Minerals Act directs the Board to consider the following in determining compensation:

(a) the value of the parcels of land, in respect of which mineral access rights are granted to the applicant, for the purpose for which it is used by the owner, irrespective of the existence of minerals on, in or under the land;

- (b) the amount of the parcels of land, in respect of which mineral access rights are granted to the applicant, that might be permanently damaged by the mining operations of the applicant;*
- (c) the adverse effect on the remaining portion of the parcels of land, in respect of which mineral access rights are granted to the applicant, of granting mineral access rights to the applicant;*
- (d) the costs to the owners of the parcels of land, in respect of which mineral access rights are granted to the applicant, that might result from the grant;*
- (e) the compensation to be paid by the applicant to the owners of the parcels of land, in respect of which mineral access rights are granted to the applicant, for the nuisance, inconvenience or noise that might be caused by, or arise from or in connection with, the mining operations of the applicant; and*
- (f) such other factors as the board considers proper, relevant or applicable.*

In reaching this decision, the Board considered each factor listed within the Act.

Based on evidence presented at the hearing, the Board is of the view that rehabilitation of the land can take place in the spring and summer of 2003 and has fixed the amount of compensation on that basis.

The Board expects Quarry Lease Holders to be as sensitive as possible to the attachment that surface rights holders have to their land. The Board acknowledges the particular significance that disturbance of the "home quarter" has had in this case.



Roy McPhail
Presiding Member
On behalf of the Board