

**Industry, Energy and Technology
Matters the Minister May Consider When Issuing a Quarry Instrument Policy¹**

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Responsibility:	Mining and Mineral Development, Mineral Lands Division
Policy Cross Reference:	N/A
Legislative Reference:	Quarry Materials Act, 1998

PURPOSE

To ensure that the development of quarry resources considers various social, environmental, and resource management criteria in determining whether or not to issue an instrument for quarry development.

BACKGROUND

The Department of Industry, Energy and Technology (the Department) regulates quarry materials in the province under the **Quarry Materials Act, 1998** (the Act) and **Quarry Materials Regulations, 1996** (the Regulations) and **Mining Act, 1999**. Quarry materials (aggregates) are non-renewable resources that include sand, gravel, rock, clay and soil in their natural state and used in the construction and agricultural industries. The vast majority of aggregates produced in Newfoundland and Labrador are mineral aggregates such as sand, gravel, crushed stone and blasted rock used for construction. In most cases, quarry materials are extracted and processed from either unconsolidated surficial formations or consolidated bedrock formations.

The main instruments to acquire land tenure under the Act are via quarry permits and quarry leases. Quarry permits and quarry leases afford a proponent exclusive rights to extract and remove aggregate from a site for commercial sale.

Quarry Permits and Quarry Leases are issued under sections 5 and 8, respectively, of the Act, where in each instance, the minister has discretion (“may”) on whether or not to issue these instruments. Section 3(1) of the Regulations also states that applications for quarry permits and quarry leases shall be in the form required by the Minister. Currently,

¹ Quarry Instrument is defined as a quarry permit or quarry lease under the Act or a similar authorization that may be defined in future quarry legislation.

the requirements to obtain either of these instruments focuses mainly on the completion of a relatively basic form.

Section 8(9) of the Act provides a variety of criteria that the Minister may consider in deciding whether a quarry lease, rather than a quarry permit, will be required for a proposed quarry or a quarry already authorized under a quarry permit. Further, although Sections 25(a) and (g) of the Act note that the minister may make regulations “prescribing the information that may be required for applications made under the Act” and “respecting information, priorities, prerequisites and other requirements necessary when applying for subsequent permits”, the Regulations are generally silent with respect to Section 25 of the Act.

As the current application criteria are limited in terms of facilitating the Minister’s ability to review applications to determine whether or not to issue a quarry permit or quarry lease, additional criteria need to be established in policy to provide a larger breadth of information to consider. Having additional criteria for review would enable the Minister to better manage the province’s quarry material resources. Additional considerations are currently being contemplated as part of the new quarry legislation following the completion of public consultation for the review of the Act.

The Mineral Lands Division has expanded on criteria that would meet the individual subsections of Section 8 of the Act regarding the issuance of a Quarry Lease. Additional criteria should apply to all quarry applications with the goal of:

1. Managing non-renewable quarry resources more effectively, including with respect to such matters as ensuring:
 - a. equitable access to quarry resources;
 - b. that materials quarried are suitable for their intended application;
 - c. that higher quality materials are quarried for higher value applications;
 - d. the efficient use of land to meet demand for quarried materials; and
 - e. that lands with high mineral potential or known mineralization are not quarried without prior condemnation work

2. Reducing or mitigating the social and environmental impacts of quarry resource development, including with respect to such matters as:
 - a. Suitability of quarry materials for their intended application (e.g., road construction specifications);
 - b. Long-term land use planning considerations; and
 - c. The intensification of land use in an area.

POLICY

The Minister shall have regard for any of the following in determining whether a quarry instrument will be issued:

1. the status of a person² with the province who submits an application under the Act (e.g. registered and in good standing with Companies and Deeds Online (CADO));
2. the applicant's current status of compliance with the Act, if a permit or lease has been issued to the applicant under this Act.

² Under the **Interpretations Act**, a "person includes a corporation and the heirs, executors, administrators or other legal representatives of a person".