

**SUBJECT: Crown Land Aggregate
Resource Policy**



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**Approval: Tom MacFarlane, Deputy Minister, Natural Resources
and Energy Development**

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1.0 Policy

1.1 Policy Statement

Purpose It is the policy of the Department of Natural Resources and Energy Development (DNRED) to protect and optimize the use and availability of quarriable substance resources situated on Crown lands.

1.2 Background

Quarriable substances provide raw materials to build the infrastructure necessary for New Brunswick's continued economic growth. A natural consequence of the geological history of the province, this non-renewable mineral resource varies across the landscape both in quality and quantity. Because quarriable substances are site specific, they must be well managed to ensure their continued availability.

The protection of the natural and social environments is also of importance to the people of New Brunswick. High demand for quality quarriable substances usually coincides with areas of high population density, thus increasing the potential for nuisance and conflictual situations. Noise, dust, drinking water quality and public safety are common elements of concern. In some instances, site restoration is not adequately addressed, leading to aesthetic and public safety concerns. Careful planning can ensure the continued availability of quarriable substances while minimizing the adverse effects of any quarry operation.

Created in 2004, this policy recognizes the importance of quarriable substances and defines specific measures to ensure that the social and natural environments are considered in planning the development of these resources.

1.3 Policy Objectives

The objectives of this policy are:

- To identify, classify and ensure the availability of quarriable substances to meet present and future needs;
- To minimize adverse effects of aggregate extraction operations on neighbouring communities and on the natural environment; and
- To maintain a departmental system of permitting and standards that ensures the consistent application and implementation of the policy.

In addition:

- DNRED will assess applications, under the guidance of the Department of Indigenous Affairs, for leasing and licensing of Crown lands in accordance with the Government of New Brunswick Duty to Consult process and any other applicable legislation. If the development requires DNRED to engage any First Nations in consultations, applicants may be required to participate in an effort to mitigate or accommodate any impacts to Aboriginal and treaty rights; and
 - Any information, including personal and confidential information, will be collected and used by DNRED in accordance with the *Right to Information and Protection of Privacy Act* and other applicable legislation.
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1.4 Definitions

The following definitions apply to terms when used in this directive:

“**Crown lands**” means all or any part of the lands vested in the Crown that are under the administration and control of DNRED.

“**RDB**” means the Resource Development Branch of DNRED.

“**Quarriable substances**” means ordinary stone, building or construction stone, sand, gravel, peat, clay and soil.

“**Quarry**” means a place where quarriable substances have been or are being removed by means of an open excavation. The term includes sand and gravel quarries as well as rock quarries.

“**Regional office**” means the appropriate authority of a DNRED office at the regional or district level.

2.0 Scope and Application

2.1 Application

The legal framework for this policy is established under the *Quarriable Substances Act* and *General Regulation*.

2.2 Authority

This policy applies to:

- all Crown lands as defined under the *Quarriable Substances Act*;
 - all quarriable substances located on Crown lands except peat; and
 - any person, corporate body, contractor, municipal or provincial government agency who engages in quarriable substances extraction activities on Crown lands.
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2.3 Aggregate Supply

DNRED ensures that current and potential sources of quarriable substances are considered in all planning processes. Sources of quarriable substances on Crown lands are identified, mapped, characterized and classified using the most appropriate methods.

2.4 Allocation of Rights

DNRED administers three forms of tenure for quarries: lease, permit and written authorization.

2.5 Reclamation of Quarries

- Quarry Lease: the lessee is required to submit a reclamation plan and to propose progressive rehabilitation where feasible. A security deposit is required as a guarantee.
 - Quarry Permit and Written Authorization: Users are responsible for final reclamation and closure of permitted sites.
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2.6 Natural and Social Environments

- Careful planning will ensure that aggregate extraction operations are conducted in a manner that will minimize adverse effects on the natural environment.
 - The operation and abandonment of extraction sites is managed in accordance with the need to protect the public and to minimize adverse effects on the social environment and subsequent use of the Crown lands.
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3.0 Allocation of Rights

3.1 General Requirements

- No person shall operate a quarry or related activity unless they are the holder of a valid quarry lease, quarry permit or written authorization relative to that quarry. Reclamation activities may be exempted of this requirement.
 - DNRED reviews all quarry applications and may issue a lease, permit or written authorization for the extraction of quarriable substances on Crown lands.
 - A quarry lease, permit or written authorization for the extraction of quarriable substances shall be valid for the term specified in such lease, permit or written authorization
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3.2 Written Authorization

A written authorization allows for the extraction of quarriable substances from existing quarries for tonnages less than 1,000 tonnes for a period not exceeding 30 days.

- An application, subject to a fee, for a written authorization is made at a district office or directly at the RDB.
 - The district office may issue a written authorization on the day of application. The applicant is required to pay a non-refundable royalty payment for the total amount of quarriable substance required at the time of issue.
 - The applicant has 30 days from the date a written authorization is issued to extract the required quarriable substance. At the end of 30 days the authorization expires and if the quarriable substance has not been extracted during this period, the applicant may re-apply.
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3.3 Quarry Permit

A quarry permit allows for the extraction of quarriable substances from new or existing quarries during the time period specified in the permit.

- A quarry permit application is made at a district office or directly at the RDB.
 - A quarry permit application shall require a location map and/or geographic coordinates if it is a new site.
 - The application, subject to a fee, is reviewed by the regional office in conjunction with the RDB.
 - Once approved by the RDB, a quarry permit is valid for the time period specified in the permit but in no case shall it exceed the 31st day of December of the year for which it is issued.
 - Where warranted, the RDB will delineate a perimeter based on the characteristics and future extraction potential of the deposit. The regional office will mark the perimeter accordingly.
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3.4 Crown Timber Licence Road Right of Way Quarry Permit

A Crown Timber Licence Road Right-of-Way (CTLRRW) quarry permit is a special quarry permit that allows forest companies to excavate, transport and use aggregate material within approved Crown timber licence road rights-of-way for the sole purpose of building access roads.

- A CTLRRW quarry permit application is made at a regional office or directly at the RDB.
 - The road construction activity must comply with all standards as per the approved Operating Plan.
 - Once approved by the regional office and by the RDB, a CTLRRW quarry permit is valid for the time period specified in the permit but in no case shall it exceed the 31st day of December of the year for which it is issued.
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3.5 Quarry Lease

A quarry lease gives exclusive rights to quarriable substances located on a specific area located on Crown lands.

- A Quarry lease application is available at the RDB in Fredericton.
 - To obtain a quarry lease the applicant must be able to demonstrate the need for exclusive use.
 - The term of a quarry lease can vary up to a maximum term of ten years.
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3.6 Quarry Lease Approval Process

Application, Review and Obligations

After a quarry lease application has been submitted, the following steps must be completed:

- The RDB coordinates the review process. The lease applicant is requested to submit detailed information pertaining to the development, operation and final reclamation of the proposed quarry site. This information generally includes but is not limited to the following:
 - Location Map
 - Development Plan
 - Operating Plan
 - Environmental Protection Plan
 - Reclamation Plan

Before being issued a quarry lease, the successful applicant is required to:

- submit a legal survey of the subject Crown land parcel;
- pay a first-year land rental fee;
- submit a reclamation security; and
- a certificate of general liability insurance.

To be eligible for a quarry lease, whether through a new lease or through a renewal thereof, the prospective lessee must have no outstanding delinquent financial claims with the Province of New Brunswick.

4.0 Procedure in Case of Violation of Terms and Conditions

4.1 General Statements

Penalties for violation of the Act and regulations are provided for in section 37 of the *Quarriable Substances Act*. Authority for the Minister to cancel or suspend a quarry lease, permit or written authorization is found in section 16 of the Act.

4.2 Responsibility

The regional offices have the primary enforcement responsibility for Crown land quarries.

4.3 Investigation Procedures

The issuance of a stop work order and cancellation or suspension of a lease, permit or authorization for a violation of the terms and conditions shall be in accordance with the following procedure:

- A violation of a term or condition of a quarry lease, quarry permit or written

authorization by the holder or persons working for the holder of the lease, permit or authorization shall result in an order from the Minister or designate for the immediate stoppage of work. RDB shall be notified as soon as possible of a work stoppage.

- Upon completing an investigation of the violation, a warning may be issued and documented by the regional office. Once a problem or situation has been resolved to the satisfaction of the regional office, site work may be allowed to resume.
- If, after considering the circumstances of the violation and other factors, including any previous violation record of the individual, a warning is felt to be inappropriate, the regional office shall consult with RDB to determine what appropriate penalty to apply.
- The penalty may include another documented warning, the cancellation or the suspension of the lease, permit or written authorization. Consultation between the Regional office and RDB will take place to determine the length of suspension or the cancellation of the lease, permit or authorization.
- RDB will administer the issuance of any ensuing cancellation or suspension.

The person whose lease, permit or authorization has been suspended or cancelled may apply to the Minister requesting a review of the circumstances of the case. Upon review the Minister's decision shall be final.

5.0 Guidelines

Operating Guidelines

Quarry Operating Guidelines were designed to minimize the impact of extracting quarriable materials on the natural and social environments.

Closure Guidelines

Quarry Closure Guidelines designed to assist in achieving successful site reclamation.

Note: These guidelines are available upon request by contacting the RDB.

6.0 References

[Clean Air Act](#)

[Air Quality Regulation, Clean Air Act](#)

[Clean Water Act](#)

[Wellfield Protected Area, Clean Water Act](#)

[Crown Lands and Forests Act](#)

[Quarriable Substances Act](#)

7.0 Policy Evaluation Plan

7.1 General Statement

Within the framework of any good policy design and implementation plan, a comprehensive evaluation procedure is essential in determining the effectiveness of the policy and in providing the basis for future decision-making. The evaluation plan must consider how the policy objectives can be accurately and effectively measured and how the evaluation data collected will be used as a basis for decision-making. The evaluation process consists of looking at the policy in practice, both in terms of objectives and means employed.

7.2 Data

Data that will be collected and compiled on an annual basis:

- Comments received from landowners and from the general public concerning adverse effects of quarry operations located on Crown lands.
 - Environmental violations resulting from quarry operations located on Crown lands.
 - Violations of a term or condition of a quarry lease, quarry permit or written authorization.
 - Complaints received from the aggregate users and producers regarding the application and implementation of the permitting process.
 - Number of quarry permits and written authorizations issued.
 - Number of quarry leases and their operational status.
 - Tonnage of quarriable substances extracted from Crown lands for basic categories of products.
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7.3 Responsibility

Data collection responsibility

- The Aggregate Resource Specialist is responsible for the collection of data.
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8.0 Inquiries

8.1 Resource Development Branch

Inquiries may be directed to the Aggregate Resource Specialist, Resource Development Branch, Department of Natural Resources and Energy Development:

P.O. Box 6000
Fredericton, NB
E3B 5H1
Phone: 506-453-3826
Email: geoscience@gnb.ca
