

BC Ministry of Energy, Mines and Low Carbon Innovation
Mines Competitiveness and Authorizations Division
Regional Operations Branch

Mines Act Permit: Mine Plan Update Policy

Version 1.0
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Mines Act Permit: Mine Plan Update Policy

Purpose and Scope

The purpose of this policy is to provide guidance to Ministry of Energy, Mines and Low Carbon Innovation (the ministry) staff, and to proponents of regional mines, on the process to address mine plan requirements as per part 10.4.1 of the Health, Safety and Reclamation Code for Mines in BC (the Code). This policy provides guidance on information requirements for a Mine Plan Update, and what is considered a material change that would trigger the requirement for a permit amendment and associated permit fees.

This policy applies to regional mines that are authorized for mining activities, other than reclamation, for more than five years at a time. It applies only to sand and gravel pits and construction aggregate quarries, and is not intended for major mines and industrial mineral mines.

The processes established by this policy replace previous processes which required Mine Plan Updates to be submitted to the ministry via a Notice of Work and where additional fees were assessed, regardless of whether there was a material change in the mine plan or not.

Regulatory Authority

A Mine Plan Update is a requirement under part 10.4.1 of the Code and is intended to keep the ministry apprised of the progression of mining activities on the site, including reclamation. Mine Plan Updates should make clear whether or not planned mining activities and any planned changes to mine operations are aligned with the existing permit in order to help determine if an amendment is required.

The requirement for a Mine Plan Update is outlined under part 10.4.1 of the Code as follows:

- (1) After commencement of operations, mine plans, including programs for reclamation and closure, shall be updated, at a minimum, every 5 years.*
- (2) Reclamation plans shall outline progressive reclamation activities for the 5 years following the date on which the plans are updated in accordance with subsection (1).*

Definitions

“Code” refers to the Health, Safety and Reclamation Code for Mines in British Columbia

“inspector” means a person appointed by the Chief Inspector as an inspector of mines

“code required report” an update required under the Health, Safety and Reclamation Code for Mines in British Columbia

“approval end date” means the date after which only reclamation activities may take place. It may also be referred to as the “authorization end date” in a condition of the permit.

“life of mine” means the length of time that the mine is anticipated to be in operation, based on the available resource and planned production rate.

“term of approval” is the duration of the authorization, defined by the date the permit is issued and the approval end date

Policy

Mine Plan Updates prepared by permittees may be provided to the ministry as simply a “Code Required Report” when there are no material changes to the approved mine plan. A material change is one that would require an amendment to the Mines Act permit. Where an updated mine plan includes material changes, and forms part of an application for an amendment to the *Mines Act* Permit, the application must be submitted as a Notice of Work, and will also meet the requirements of part 10.4.1 of the Code.

It is the permittee’s responsibility to understand the conditions of their *Mines Act* permit and when changes to their mine plan require an amendment. It is important that applications for amendments be submitted to the ministry with enough time for review and decision, to avoid interruptions in operations.

Applications for a permit amendment to extend the approval end date should be submitted via a Notice of Work, approximately one year ahead of the expiry date.

A Mine Plan Update with no material changes should explicitly confirm the following as part of the submittal letter and as part of the Executive Summary:

1. No expansions to the permitted excavation area and no substantial increase to the depth of excavation (i.e. no increased maximum excavation extents)
2. The annual extraction/production rates do not exceed the permitted tonnage (and associated fees) as defined in the Mines Fee Regulation, section 4(4) Table 2.
3. No changes to approved activities that would involve a substantial departure from the approved mine plan pursuant to part 10.1.18 of the Code. Substantial departures may include (but are not limited to):
 - a. Blasting, crushing, or washing if not previously approved,
 - b. Changes to approved bench configuration(s),
 - c. Changes to design in response to ground conditions,
 - d. Other changes deemed “substantial” by the Mine Manager or by an inspector.
4. No proposed changes to the approved end land use
5. No change to the approval end date

When preparing a Mine Plan Update, the permittee should assess whether the current and planned operations meet the above criteria. A self-assessment and declaration form is provided in Appendix A of this Policy. Depending on the outcome of that assessment, the following scenarios may apply:

1. If all the criteria can be confirmed, the permittee may proceed to submit a Mine Plan Update to the MineSpace portal (preferred) or directly to the appropriate regional office as a code required report (see below for links to regional contact information).
2. If any of the criteria indicate a material change, the permittee will need to apply for an amendment to their *Mines Act* permit via a Notice of Work. The changes requiring a permit amendment should be made clear in the application if the Mine Plan Update is included as part of the application.
3. If any of the criteria cannot be confirmed or are unknown, the permittee should confer with Regional Mines staff to determine an appropriate course of action. If the mine plan changes require new or updated permit conditions, then a Notice of Work application and appropriate Indigenous consultation will be required.

In cases where a Notice of Work application is deemed necessary, permitting fees will be applicable in accordance with the proposed production level as per the [Mines Fee Regulation](#).

Information Requirements for Code Required Reports

Mine Plan Updates are to include the following information, preferably in PDF format:

- The permittee's self-assessment and declaration form that confirms the mine will be operated in accordance with the approved mine plan for the next five years, or the remainder of the approval if shorter.
- Information on the current status and future plans for the mine, and for reclamation obligations; information to include:
 - o A brief description of the mining operation
 - o Proposed production rate in tonnes/year
 - o The estimated date of completion of mining activities
 - o Summary of reclamation activities from the previous 5 years
 - o Planned reclamation activities in the next 5 years
- A geospatially referenced plan view map and geospatial files of the mine at the appropriate scale showing:
 - o The permitted mine area boundary and property boundaries
 - o Current and proposed disturbance, including boundaries of any mine phases and reclaimed areas, showing buffer zones and setbacks (as per parts 10.5.8 or 10.5.11 of the Code) where applicable
 - o Locations of all stockpiles, mine infrastructure and equipment, roads, and traffic patterns
 - o Physical features including watercourses and elevation contours in meters

- Cross and longitudinal section traces
- Cross and longitudinal sections that:
 - illustrate current as-built status
 - show planned status in 5 years or end of mine life, whichever is sooner
 - provide at least 1 longitudinal and 1 lateral (or more if requested) cross sections at 1:5000 or greater scale

Ministry Review of Code Required Reports

Upon review of the Mine Plan Update, ministry staff may request additional information that is not listed above. An evaluation may be conducted to determine if previously approved measures for protection and reclamation of land, watercourses, and cultural heritage resources meet current regulations. The ministry may also consider whether the mine and reclamation plan were provided to impacted Indigenous nations in conjunction with previous permitting decisions.

Following assessment of the Mine Plan Update, the ministry may determine that a permit amendment is required, in which case the permittee will be asked to submit a Notice of Work application.

Reclamation Security Review

During review of the Mine Plan Update, the ministry may reassess the appropriate value of reclamation security for the site, as per section 10(5) of the *Mines Act*.

Extensions to Approval End Date:

As noted earlier, requests to extend the approval end date cannot be applied for through the Mine Plan Update submitted as a code required report. Rather, a Notice of Work must be submitted as an application to amend the permit. It is recommended that the request be submitted approximately one year ahead of the approval end date.

Permittees are encouraged to apply for a term of approval that reflects the anticipated life of mine, based on the available resource and planned production rate. Time extensions are anticipated to require Indigenous consultation and possibly public advertising. Providing the life of mine information upfront is anticipated to result in greater certainty for the mining operation.

Compliance and Enforcement

On-site and desktop inspections will be used to verify information provided in the Mine Plan Update submitted by the permittee. Permittees or owners found to be operating in a manner inconsistent with the approved *Mines Act* permit and Mine Plan Update will be out of compliance with their permit and may be subject to actions pursuant to the *Mines Act*



and the ministry's Compliance and Enforcement Policy, including but not limited to administrative monetary penalties.

Failure to submit a Mine Plan Update pursuant to Part 10.4.1 of the Code is a non-compliance and may be subject to compliance and enforcement actions.

Related References:

Health, Safety and Reclamation Code for Mines in British Columbia

https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/mineral-exploration-mining/documents/health-and-safety/code-review/health_safety_and_reclamation_code_2017_rev.pdf

BC Mines Fee Regulation


https://www.bclaws.ca/civix/document/id/crbc/crbc/54_2015

Regional Reclamation and Closure Plan Guidance

[Regional Reclamation and Closure Plan Guidance Document.pdf](#)

Regional Office Contacts:

[EMIL Regional Office Contact Information](#).

Approved by:  Date: July 18, 2022
George Warnock
Chief Permitting Officer

Appendix A

Mine Plan Update Self-Assessment and Declaration Form

Mines Act Permit No: _____

criteria	In Comparison to the Previously Approved <i>Mines Act</i> Permit:	confirmed	change indicated
1	There are no expansions to the permitted excavation area or substantial increases in the depth of excavation (i.e. no increased maximum excavation extents)		
2	The annual extraction/ production rates do not exceed the permitted tonnage (and associated fees) as defined in the Mines Fee Regulation, section 4(4) Table 2		
3	There are no changes to approved activities that would involve substantial departures from the approved mine plan pursuant to part 10.1.18 of the Code. Substantial departures may include (but are not limited to): <ol style="list-style-type: none"> Blasting, crushing, or washing if not previously approved Change in approved bench configuration Change to design in response to ground conditions Other changes deemed “substantial” by the Mine Manager or by an inspector 		
4	There are no proposed changes to the approved end land use		
5	There are no changes to the approval end date		

- If all of the above conditions can be confirmed, and if there are no other material changes that require an amendment to the current permit, the permittee may proceed to submit the Mine Plan Update and this completed form with the following declaration:

I declare that the information provided above is accurate and confirm that the mine will be operated in accordance with the approved mine plan for the next five years or the remainder of the approval if shorter.

Permittee Signature _____ Date: _____

- If any of the criteria indicate a material change, the permittee must apply for an amendment to the permit via a Notice of Work application
- If any of the conditions above cannot be confirmed or are unknown, the permittee should consult with the Regional Mines office and/or submit a Notice of Work application as appropriate.