



## Land Use Operational Policy Aggregate and Quarry Materials

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<b>NAME OF LAND POLICY:</b>	Aggregate and Quarry Materials
<b>APPLICATION:</b>	All uses of Crown land for mining, quarrying, digging or removal of building, construction and other materials listed in the <i>Land Act</i> , Section 19. Includes ancillary activities of material sorting, crushing, stockpiling and washing, and the operation of a temporary portable asphalt plant on site. Applies to quarrying of abandoned tailings areas on Crown land.
<b>ISSUANCE:</b>	Assistant Deputy Minister, Rural Development, Lands and Innovation
<b>IMPLEMENTATION:</b>	Ministry of Forests, Lands, Natural Resource Operations and Rural Development
<b>REFERENCES:</b>	<i>Land Act</i> (Ch. 245 R.S.B.C, 1996) <i>Mines Act</i> (Ch. 293 R.S.B.C 1996)
<b>RELATIONSHIP TO PREVIOUS LAND POLICY:</b>	This policy replaces the previous Aggregate and Quarry Materials policy dated June 1, 2011.

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Operations and Rural Development

January 21, 2019

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Date:

APPROVED AMENDMENTS:		
Effective Date	Briefing Note /Approval	Summary of Changes:
June 17 <sup>th</sup> , 2022	BN 270324	Moved general insurance and financial security information to the Insurance and Financial Security Procedure. In addition, added minor clarification of secondary uses and management plan.

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## 1. POLICY APPLICATION

This policy applies to:

- all dispositions of Crown land for the mining, quarrying digging or removal of those building, construction and other materials listed in Section 19 of the *Land Act*.
- quarry materials located on Crown land provided that the primary purpose of the quarry material is for a non-forest use.
- removal of quarry materials located in river beds where the primary purpose of removing the materials is for public safety or flood mitigation.
- quarrying of abandoned tailings disposal areas on Crown land for which the material will be used for building or construction purposes.
- all activities on a quarry site which are part of a quarry operation which may include the ancillary activities of material sorting, crushing, stockpiling and washing, and the operation of a temporary portable asphalt plant on site.
- Secondary industrial or commercial use within the Aggregate Tenure area which are associated with, but not defined as, a “quarry operation.”

This policy is developed in consideration of:

- Sections 19 and 28 of the *Land Act* respecting quarrying land and royalties.
- the Ministry responsible for the *Mines Act*, is responsible for the approval of work systems and reclamation programs of quarry developments and the removal of materials not listed in Section 19 of the *Land Act*.

## 2. PRINCIPLES AND GOALS

For information on Crown land allocation principles see [Crown Land Allocation Principles](#).

The province acknowledges that an assured and continuous supply of quarry materials is vital to the long term viability of the construction industry. It also recognizes that for many areas of the province, Crown land is the only existing or potential source of supply for quarry materials used by industry, and that several government agencies have the right to obtain quarry materials from public lands for public works projects. Accordingly, the province will seek to ensure that appropriate Crown lands are made available to the quarry materials industry and government agencies provided that resultant quarry operations are undertaken in compliance with safety standards, are cognizant of land use compatibility, and have due regard for environmental sensitivities of the land.

### 2.1 Strategic Objectives

- To provide policy for the use of Crown land containing or potentially containing quarry materials required for commercial and industrial purposes.
- To enhance the viability of quarry operations by protecting and assuring a continuous supply of Crown land for quarry materials extraction by private and public sectors.

- To ensure an equitable allocation of quarry lands among private operators and public agencies.
- To ensure efficient use of Crown land containing quarry resources.
- To provide a fair economic return to the Crown for the extraction of quarried materials in a manner which is equitable to the quarry industry.
- To foster the safe and orderly development of quarry operations authorized on Crown land pursuant to programs and legislation administered by government.
- To promote administrative efficiency through the utilization of the technical expertise of other agencies involved in safety and reclamation of mining and quarry lands.
- To facilitate the operation of quarry activities in a manner which minimizes adverse environmental impacts on Crown land.
- To encourage the common use of quarry sites by private operators where small quantities of materials are required on an occasional basis.

### **3. DEFINITIONS AND ABBREVIATIONS**

For a glossary of definitions and abbreviations see [Glossary and Abbreviations](#).

### **4. APPLICANT ELIGIBILITY**

For standard policy information on eligibility see [Eligibility and Restrictions](#).

### **5. FORM OF LAND ALLOCATION**

For standard policy information on forms of allocation see [Form of Crown Land Allocation](#).

Refer to Appendix 1 for a summary of the forms and terms of Crown land allocation available for quarry operations.

#### **5.1 Permission**

Aggregate testing (or investigation) may be carried out without the need to acquire a Crown land tenure subject to meeting the requirements and conditions described in the [Permissions Policy](#).

#### **5.2 Temporary Licence**

The maximum term for a temporary licence is 2 years.

A temporary licence may be issued where the applicant requires a small quantity of quarry material over a short term period, or where aggregate testing / investigation does not meet the requirements of the Permissions Policy.

#### **5.3 Licence of Occupation**

A licence of occupation is the normal form of tenure for quarry dispositions during the promotion (capital raising), physical development and production stages.

The standard term for an initial license is five years, but where need is proven (e.g. quarry operator has long-term obligations as a supplier), a longer-term tenure may be acceptable.

A replacement licence may be issued with a term of up to 30 years subject to the quarry operator having diligently used the site, and where continued use is expected for the term.

## **5.4 Lease**

The standard term is five years for an initial tenure, but where need is proven (e.g. quarry operator has long-term obligations as a supplier,), a longer-term tenure may be acceptable.

A replacement lease may be issued for a term of up to 30 years subject to the quarry operator having diligently used the site, and where continued use is expected for the term.

## **5.5 Sale**

Pursuant to Section 19 of the *Land Act* Crown land used for quarrying purposes will not be disposed by Crown Grant except through Ministerial Order.

## **5.6 Withdrawals**

A Section 16 or 17 *Land Act* withdrawal can be used to support a provincial or federal government objective, such as the Ministry of Transportation and Infrastructure's development of aggregate quarries to support highway projects.

A Section 16 *Land Act* withdrawal may also be used to authorize a government agency "to place, construct, maintain or operate any works, structures or other improvements on the land withdrawn". Withdrawals can also be established to allow a government body to remove stream or river aggregates as part of flood mitigation projects. Refer to the [Reserves, Withdrawals, Notations and Prohibitions Policy](#) for more information.

## **6. PRICING POLICY**

For information on pricing see the [Pricing Policy](#).

For information on application and service fees see the [Crown Land Fees Procedure](#).

## **7. ALLOCATION PROCESSES**

For detailed standard information on allocation processes see [Allocation Procedures - Applications](#).

Additional and special requirements for aggregate allocations are provided below.

Applications for quarry operations will be considered based on a number of factors, including, but not limited to:

- scarcity of aggregates and quarry materials in the region;
- potential demand for aggregates and quarry materials for public need;

- length of tenure term proposed;
- existing demand or likelihood of demand for aggregate and quarry materials by other operators; and,
- amount of proponent investment in site investigation and development.

## 7.1 Competitive Process

Except as noted in 7.2, Crown quarry resources should be disposed of by public competition for:

- “known deposits”: a quarry deposit is not in active use, or a prior tenure or reserve not currently tenured or reserved;,
- “new deposits”, in situations when quarry resources are in high demand and there is strong known competition for the resource.

Marketing procedures for public tender of quarry resource land are to be based on royalty bids. Authorizing Agency review and approval of royalty rates set above minimum rates at public tender is not required.

## 7.2 Direct Offer

A direct offer is used in response to an application, when:

- a replacement tenure is being issued; or,
- provincial staff, through advertising, referral processes or other means, have determined that there is limited competition for the resource; or
- a new quarry deposit has been identified through independent initiative and the following applies:
  - the investigative work was carried out under the appropriate authorization (Temporary Licence, Permission);
  - the proponent provides evidence of identifying a new quarry deposit through independent initiative (e.g. written statement outlining the details of the independent investigation work, quantitative survey, engineer report etc.); and
  - the proponent provides evidence of related costs related to independent initiative.

## 7.3 Application Package

### Management Plan

Standard information on management plans can be found in the [Allocations Procedures – Applications](#) and [Land Use Management Plans webpage](#).

It is important that the Management Plan include any requirements for those uses not included in the *Mines Act* permit, in addition to any remediation requirements that exceed those set out in the *Mines Act* permit.

The approved Management Plan will also act as the basis for monitoring performance requirements such as diligent use of the tenured area.



In reviewing the size and configuration of an application area, the Authorizing Agency must be satisfied that the Management Plan (including site plan):

- relates to the type of materials being removed;
- relates to the quantity of materials being removed;
- relates to the location and nature of improvements and equipment being used;
- relates to a schedule of proposed development;
- relates to access routes;
- demonstrates the need for the estimated quantity for removal is concurrent with the proposed area of disturbance;
- minimizes potential conflicts with other users of Crown land (including the public); and,
- includes other information as necessary (e.g. stockpile area, sorting areas).

To properly evaluate a final Management Plan, studies or assessments may be required (at the applicant's expense).

A Management Plan is not required for section 16 *Land Act* withdrawals established on behalf of the Ministry of Transportation and Infrastructure for quarry operations.

## 7.4 Issuing Documents

### Approval of Work System and Reclamation Permit

*Land Act* dispositions for quarry purposes (excluding those for soil and peat extraction) are subject to the applicant obtaining a *Mines Act* permit through MEMPR's Notice of Work and Reclamation Program. The site reclamation program is to reflect the post-extraction land use specified and approved by the Authorizing Agency.

### Soil Removal Permit

*Land Act* dispositions for quarry purposes are subject to issuance of a soil removal permit under the *Soil Conservation Act* from the Provincial Agricultural Land Commission or appropriate approving agency for the removal of soil from Crown land within an Agricultural Land Reserve.

### Surface-Subsurface Rights Conflict

A quit claim, registerable quit claim or indemnity agreement is not required when the subsurface tenure holder and the applicant for *Land Act* tenure are the same party.

## 8. TENURE ADMINISTRATION

For standard tenure administration information see the [Tenure Administration Procedure](#).

Additional and special requirements for aggregate allocations are:

## **8.1 Security/Financial Guarantee**

See the [Insurance and Financial Securities Procedure](#).

## **8.2 Tenure Replacement**

At expiry of the temporary licence, the tenure holder may reapply through Virtual FrontCounter BC. The tenure holder should supply the previous file number and upload a revised Investigative Plan. If it appears that there is a conflict with what the application is for and what the tenure holder/applicant intends to do in the Investigative Plan, or the term seems substantially longer than 2 years, a standard licence of occupation may be required at market rent.

## **8.3 Monitoring and Enforcement**

For quarry operations in which the annual estimated production exceeds 50,000 cubic metres, the Authorizing Agency may require the operator to file a quantity survey on each anniversary date of the tenure. The quantity survey is to specify specific amount of quarry material removed during the preceding year, and is to be certified by a professional engineer or B. C. land surveyor.

For any aggregates lease or licence tenure, the Authorizing Agency may require the operator to install scales for the purposes of maintaining accurate records of material removal, and to make such records available for inspection by the Authorizing Agency at any time.

## **8.4 Annual Report**

In circumstances where royalty payments or land rentals are waived, operators are required to submit an annual report stating quantity of material removed and end use of material.

## **8.5 Audit of Municipal Quarries**

The province reserves the right to audit the use of a quarry on Crown land issued under this policy to a municipality or regional district.

## **8.6 Review of Management Plan**

Management Plans are to be reviewed no less than every five years, or at the request of either party.

## **8.7 Reclamation Inspection**

The Authorizing Agency will participate in reclamation advisory committees of the MEMPR to promote reclamation and subsequent coordination of inspection of reclamation sites.

Upon quarry tenure expiry the Authorizing Agency contacts MEMPR to arrange a site inspection. The inspection will determine if reclamation work has been completed to the satisfaction of the agencies and if the return of performance guarantee funds is warranted at that time.

## 9. VARIANCE

Variances to this policy must be completed in accordance with the [Policy Variance Procedure](#).

## Appendix 1. Aggregates Policy Summary

TENURE	TERM	METHOD OF DISPOSITION
Licence of Occupation	5 years (initial term) 30 years (maximum)	Competitive Process or Application
Lease	10 years (normal)  20 years (maximum)	
Temporary Licence	2 years	Application
Reserve	N/A	Proposal