

Informational Notice: 2023 - 001

Date: July 28, 2023

UNAUTHORIZED REMOVAL OF QUARRY MINERALS

The objective of this informational notice is to provide a quarry operator details as to what defines unauthorized removal of quarry minerals and the consequences of unauthorized removal.

Non-compliance occurs when an operator violates The Mines and Minerals Act (C.C.S.M. c. M162), the Quarry Minerals Regulation (M.R. 65/92) or the terms and conditions of the quarry mineral disposition (quarry lease, quarry permit, or registration certificate) issued under The Mines and Minerals Act.

Unauthorized removal of quarry minerals is a type of non-compliance. It occurs when an operator:

- commences production of a quarry mineral without a valid quarry mineral disposition (e.g., quarry lease, quarry permit, or registration certificate)
- produces more quarry mineral than authorized on the quarry mineral disposition
- produces quarry mineral for own use when quarry mineral disposition is issued for public agency use as defined in subsection 1(1) of The Mines and Minerals Act). A separate quarry mineral disposition is required if removing for use other than public agency use
- continues to operate with an expired quarry mineral disposition
- operates while quarry mineral disposition is in PENDING status
- continues the operations beyond the boundaries of the legal land description of the quarry mineral disposition
- removes from a stockpile unless authorized (see Informational Notice 23-002)
- produces from a quarry mineral disposition without a signed agreement with the surface owner or lease holder
- does not have a valid work permit for that location
- does not have a valid park permit for that location if it falls within a park
- starts operations prior to approval of a mine closure plan for non-aggregate quarry minerals

Consequences of unauthorized removal:

- A letter of non-compliance will be sent to the operator.
- No new quarry mineral dispositions or renewals will be issued, and existing quarry mineral dispositions will be suspended or cancelled until the non-compliance is rectified.
- No removal on **any** quarry mineral disposition can occur when in non-compliance with any single disposition.
- In addition to operational disruptions, an operator that is in non compliance is subject to a fine of up to \$100,000 per section 232 of The Mines and Minerals Act.
- Violating the terms and conditions of The Mines and Minerals Act, the Quarry Minerals Regulation, or the terms and conditions of any single disposition could result in termination of all quarry mineral dispositions held by the operator.

Authorized removal occurs when a disposition and operator are in good standing and includes the following:

- Has a valid quarry mineral disposition.
- Removal occurs in the location indicated on the permit.
- Removal is not more than the quantity allowed on the permit.
- The applicant has received the required permissions and submitted to the Quarry Recorder office a signed copy of agreement for surface rights when others have a vested interest in surface land, i.e., privately held land, other leases issued for occupation (agriculture lease).
- Operator has a valid work permit or park permit issued for the same location.

Note: A valid disposition consists of receiving documents through Canada Post or electronically from the Mines Branch email account (mines_br@gov.mb.ca). There are no verbal approvals. Status updates in iMaQs are not valid authorizations. No other government agency has the authority to grant quarry mineral disposition authorization under The Mines and Minerals Act.

For details about the above requirement, please refer to the following:

- [The Mines and Minerals Act](#)
- [Quarry Minerals Regulation, 1992, M.R. 65/92](#)

Director of Mines

If you have any questions, please call 204-945-1119 or email mines_br@gov.mb.ca.