

November 8, 2019



Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act* (File # NR-224-2019)

On October 24, 2019, the Department of Natural Resources received your request for access to the following records/information:

I would like a PDF copy of the September 2019 Meeting Note "Quarry Legislation Consultation Process"

I am pleased to inform you that a decision has been made by the Department of Natural Resources, confirmed by the Deputy Minister, to provide access to the requested records. The responsive records are attached.

We are providing access to the most information possible but have made redactions in accordance with Sections 29(1)(a) of ATIPPA, 2015 as follows:

29. (1)(a) The head of a public body may refuse to disclose to an applicant information that would reveal advice, proposals, recommendations, analyses or policy options developed by or for a public body or minister;

The Department of Natural Resources wishes to advise that the Schedule for the Quarry Legislation Review contained in Appendix A was a proposed draft schedule and the consultation meetings have not yet commenced therefore the dates are inaccurate. Furthermore, the questions contained in Appendix B were draft questions and as such are subject to change prior to the implementation of the aforementioned consultation meetings occurring.

As set out in section 42 of the Act you may ask the Information and Privacy Commissioner to review the department's decision to provide access to the requested information. A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the

Commissioner. Your request should identify your concerns with the department's response and why you are requesting a review.

The request for review may be addressed to the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P.O. Box 13004, Stn. A
St. John's, NL. A1B 3V8

Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500

Pursuant to section 52 of the Act, you may also appeal directly to the Supreme Court Trial Division within 15 business days after receiving the department's decision.

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Completed Access to Information Requests website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

For further details about how an access to information request is processed, please refer to the Access to Information Policy and Procedures Manual at <http://www.atipp.gov.nl.ca/info/index.html>.

If you have any questions, please feel free to contact me at 709-729-0463 or rhynes@gov.nl.ca.

Sincerely,



Rod Hynes
ATIPP Coordinator

Meeting Note
Department of Natural Resources
Quarry Legislation Consultation Process
Monday, September 30, 2019 at 11:30 am
7th Floor, Executive Boardroom


Attendees:

Hon. Siobhan Coady, Minister of Natural Resources
 Ted Lomond, Deputy Minister
 Diana Quinton, Communications Director
 Kevin Sheppard, Director, Mineral Lands Division
 Andrea Devereaux, Quarry Legislation Review Lead

Purpose of Meeting:

- To outline and to seek approval of the quarry legislation review public consultation strategy, the format and proposed dates, including the launch of the consultation.

Background:

- Ministerial authorization to pursue changes to the quarry legislation was obtained on March 1, 2018.
- Upon initiation of the legislation review, two Regional Partnership Planners were assigned by the Public Engagement Division (PED) for this project. All stages and review processes have been reviewed by the PED and planners will facilitate the engagement sessions.
- Provincial government departments and agencies have been consulted via the Interdepartmental Land Use Committee ("ILUC"). A discussion guide was submitted as a proposal to ILUC in March, 2019. The committee provided feedback via written submissions and a compilation of the feedback was received on June 28, 2019.
- Pre-consultation with the Heavy Civil Association, Pits and Quarries sub-committee was completed on March 5, 2019. This meeting was a four-hour facilitated session focused on topics outlined in the discussion guide.
- A number of process changes and policies have been initiated or implemented to help transition the program to align with updated legislation.
- Actions initiated from the review:
 - Identified gaps in legislation surrounding excavation related to the development of private land, specifically in unincorporated areas.
 - Development of improved rehabilitation guidelines and policies
 - Consultation with other government departments regarding various aspects of the legislation where amendments are being considered
 - 
- Actions implemented as a result of the review:
 - Jurisdictional review completed to understand existing legislative frameworks that would support establishing potential new policies and legislative language

S.29.1.a

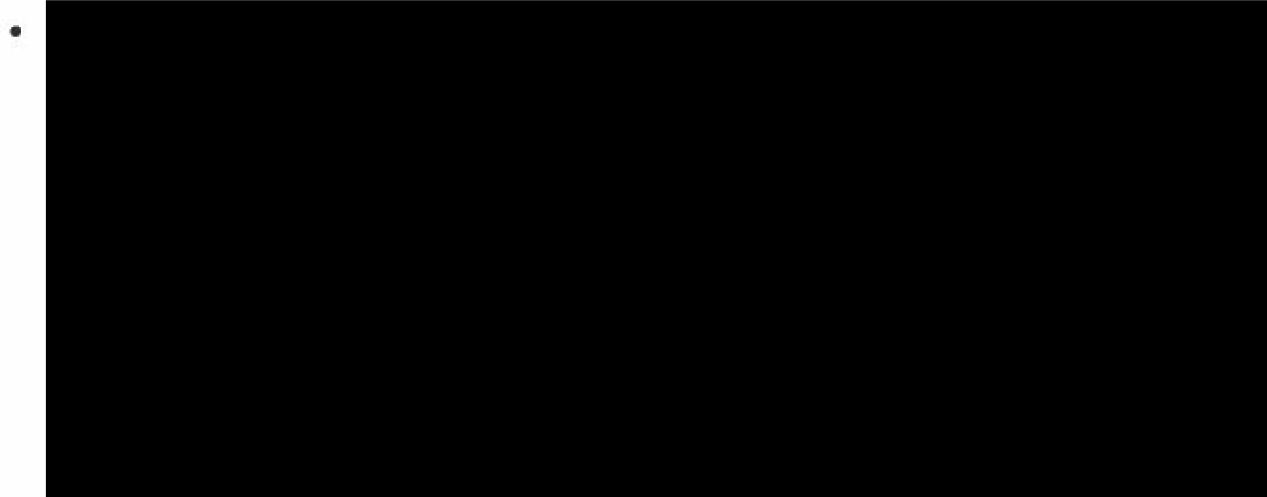
- New compliance inspection reporting form implemented to standardize the inspection process, increase compliance and ensure consequences for non-compliance
- Implemented a revised quarry permit application form with more stringent screening criteria to address internal government feedback on quarry permit applications

Agenda item #1 (Quarry Legislation Review – Public Consultation Strategy)

- Description of how the consultation strategy will advance.

Analysis

- Documentation has been drafted in preparation for the public engagement sessions and are attached including:
 - Consultation Plan
 - Discussion guide
 - Questionnaire
 - EngageNL website landing page
- Details on the proposed consultation process are outlined in the Quarry Legislation Review Consultation Plan and Preliminary Privacy Impact Assessment checklist.
- The proposed public consultation plan consists of a combination on an online engagement platform (i.e., EngageNL website) and a series of in-person engagement sessions.
- The online portion will consist of a landing page on the EngageNL website, the posting of a discussion guide for written submissions and an online questionnaire.
- A series of in-person engagement sessions, facilitated by NR staff and the PED, are proposed to be held in various locations across the province throughout October and November, 2019. Invitations will be sent to stakeholder and public advisories will be issued regarding the sessions.



S.29.1.a

- An engagement session at the Mineral Resources Review in November has been scheduled (tentatively) to engage with conference attendees with an interest in quarry materials (e.g., Anaconda Mining, Pennecon Ltd., local prospectors and geologists, etc.).

- Another engagement session at the Municipalities of Newfoundland and Labrador (MNL) Conference and Trade Show in St. John's is scheduled (tentatively) to engage with municipalities that have quarries operating within their boundaries and/or hold quarries for town-related maintenance and construction projects.
- A draft schedule of the consultation sessions is shown in Appendix A.
- Each session (with the exception of the MNL conference session) is anticipated to be approximately 2.5 hours in duration and will consist of introductory presentations by the Minister or NR designate followed by a series of polling and discussion questions. An event scenario has been drafted by PED (see Appendix B).
- Feedback from the online questionnaire, written submissions and the in-person sessions will be summarized in a "What We Heard" document and posted on the EngageNL website.

Potential Speaking Points

- As outlined above.

Proposed Actions

- Authorize proposed public consultation process.

Prepared/Approved by: NR: A. Devereaux / K. Sheppard / D. Quinton / PED: J. Fitzpatrick / G. Dominaux

Deputy Minister Approval:



September 25, 2019



APPENDIX A**Schedule - DRAFT
Quarry Legislation Review**

Session	Proposed Date	Location
1	October 7 or 8	Happy Valley-Goose Bay
2	October 16 or 17	Labrador West
3	October 16 or 18	St. Anthony
4	October 21	Clarenville
5	October 25	Marystown
6	October 30 or November 1	St. John's
7	November 8	Mineral Resources Review, St. John's
8	November 14	Municipalities NL conference, St. John's
9	November 18	Stephenville
10	November 19	Deer Lake
11	November 5 or 21	Grand Falls-Windsor

APPENDIX B

Event Scenario – DRAFT Quarry Legislation Review

Event name: Quarry Legislation Review Consultations

Organized by: Department of Natural Resources/Public Engagement and Planning Division

Public Engagement Facilitator: Greg Dominaux or Jamilee Fitzpatrick

Date: TBD

Expected duration of event (Approximate): 6:00 p.m. – 8:30 p.m., 2.5 hours

Location: TBD

Ministers/MHAs should arrive: 5:45 p.m.

Order of Events (all times are approximate):

- | | |
|------------------|--|
| 5:58 p.m. | Facilitator asks participants to take their seats
Review housekeeping items |
| 6:00 p.m. | Introduction of Minister or NR designate – Facilitator-Public Engagement Division (5 min) |
| 6:05 p.m. | Welcome – Minister or NR Designate (15 min)

Presentation – Minister or NR Designate <ul style="list-style-type: none"> • Overview of Quarry Legislation • Purpose and objectives of session |
| 6:20 p.m. | Overview of Session Process – Facilitator – Public Engagement Division (5 min) <ul style="list-style-type: none"> • Describe objectives, process and agenda for session • Review roles of staff in the room (facilitators, note takers, etc.) |
| 6:25 p.m. | Demographic Polling – Public Engagement Division (5 min) <ul style="list-style-type: none"> • Polling Questions |
| 6:30 p.m. | Discussion Topic #1 – <u>Industry Support</u> (25 min) <ul style="list-style-type: none"> • Facilitator introduces the first discussion topic |

- Polling Questions:
 1. What types of materials should be included as a Quarry Material under the Act? (select all that apply)
 - a. construction aggregates
 - b. peat used for agricultural purposes
 - c. peat used for industrial purposes
 - d. dimension stone
 - e. gemstone
 - f. beach sand and cobbles
 - g. materials used for crafts
 - h. no input
 2. Under the Act, quarry permits can be issued for up to one year. Should quarry sites be approved for longer than one year at a time?
 - a. Yes, I typically require quarry sites for longer than one year.
 - b. Yes, I wish to hold quarry sites for many years to support my business's long term needs.
 - c. No, I typically require each site for one year or less.
 - d. n/a
 3. When government is evaluating a proposal for a quarry, what criteria should be used to determine the application standards/requirements?
 - a. size of proposed quarry (e.g., area)
 - b. anticipated annual production volumes
 - c. type of material to be extracted (e.g., sand and gravel, rock, etc.)
 - d. type of activity (e.g., pit run removal, drilling & blasting, etc.)
 - e. term/duration of quarry
 4. An applicant should be required to justify why a specific quarry is required.
 - a. Strongly agree.
 - b. Agree
 - c. Neither agree or disagree
 - d. Disagree
 - e. Strongly Disagree

- Table Discussion Question #1 (20min):

How can the legislation be improved to ensure it supports equal opportunities for everyone?

- For each of discussion the recorder at the tables captures ideas and comments without attributing names or personal information;
- Facilitator provides a time check at 5 and 10 minute marks

6:55 p.m.

Discussion Topic #2 – Monitoring and Enforcement (25 min)

- Facilitator introduces the second discussion topic
- Polling Question
 1. Which of the following quarry-related issues are of greatest concern to you?
 - a. effects on water resources (streams, wetlands, water supplies, etc.)
 - b. effects on forests and vegetation in the quarry area
 - c. effects on fisheries and fish habitat
 - d. noise and vibration impacts (through equipment operation, blasting and traffic)
 - e. air quality impacts (e.g., dust)
 - f. visual and landscape effects
 - g. impacts on cultural heritage including archaeological and paleontological resources
 - h. impacts on agriculture
 - i. impacts on traffic and safety concerns on haul routes including bridges
 - j. indiscriminate dumping in quarry sites by locals and/or quarry operators
 - k. use and occupation of active and abandoned quarry sites by recreational vehicles (e.g., campers, atv's)
 - l. safety concerns regarding excavation faces and proximity to other land uses (e.g., trails)
 - m. approval of quarries on private land (i.e., lands not registered with the Department of Fisheries and Land Resources, Crown Lands Division)

- n. impacts on other land uses in an area (e.g., tourism, agricultural uses, renewable energy development, etc.)
 - o. other
2. How confident are you in the effectiveness of the current regulation of quarry operations?
 - a. Very confident
 - b. Somewhat confident
 - c. Neutral
 - d. Somewhat unconfident
 - e. Very unconfident

 3. Of the following, which are the most effective for enforcing compliance with the Quarry Materials Act and Regulations?
 - a. Directives
 - b. Stop Orders
 - c. Fines and/or imprisonment
 - d. Repossession of equipment
 - e. Cancellation of quarry tenure
 - f. Impact ability of company/individual to obtain other quarry sites
 - g. Other

- Table Discussion Question #2 (20min):

What would increase your confidence in effectiveness of the regulation of quarry operations?

- For each of discussion the recorder at the tables captures ideas and comments without attributing names or personal information;
- Facilitator provides a time check at 5 and 10 minute marks

7:20 p.m.

Discussion Topic #3 – Rehabilitation (25 min)

- Facilitator introduces the third discussion Topic
- Polling Questions
 1. How does the presence of abandoned, un-rehabilitated quarry sites impact you?
 - a. Negative visual impact
 - b. Pose safety concerns
 - c. Water quality impairment
 - d. Indiscriminate dumping

- e. Unauthorized occupation (e.g., campers, atv's, etc.)
- f. Biodiversity concerns
- g. Negatively affects my company's reputation
- h. Other
- i. no impact

2. All quarry sites should require bonding to ensure funds are available to rehabilitate a site should a company/individual fail to do so.
 - a. Strongly agree
 - b. Somewhat agree
 - c. Neutral
 - d. Somewhat disagree
 - e. Strongly disagree

- Table Discussion Question # 3 (20 min):

How can revised legislation facilitate, encourage, enhance and/or promote rehabilitation of quarries?

- Process repeats as above

7:45 p.m.

Discussion Topic #4 – Transparency and Communication (20 min)

- Facilitator introduces the fourth discussion topic
- Table Discussion Question # 4 (20 min):
- **What initiatives would you recommend to increase the level of transparency of the quarry program?**
- Process repeats as above

8:05 p.m.

Discussion Topic #5: Additional Comments (10 min)

- Facilitator introduces the final discussion topic
- Table Discussion Question #5 (10min):
- **Do you have any other comments you would like to share regarding any aspect of quarry legislation?**
- Process repeats as above

8:15 p.m.

Report Back from tables (if numbers warrant) - Facilitator (10 min)

- The lead facilitator will give a verbal summary of what was said during the table discussions. Summary to be developed by public engagement staff.

8:25 p.m. Closing Remarks from PED (1 min)

- Invite Minister or NR designate back up to close session

8:26 p.m. Closing Remarks – Minister or NR Designate (5 min)

8:31 p.m. Event Concludes

Event set-up:

- Public Engagement staff will arrive on site in advance to oversee set-up
- Room will be set up in round tables of 8 (7 participants +1 facilitator/note-taker, if available)
- Note-taker will use a tablet/laptop/paper template to record participant input and provide support to keep conversation flowing, on topic and ensure equitable participation.
- Participants will be provided with copies of the discussion guide
- Ministers and other officials are invited to join the discussion at the tables or move around the room to observe the discussions.
- Pens and paper for tables
- Water
- AV requirements (podium, microphone, screen, LCD projector, laptop, tablets for recording- 1 per table)