Dear [Name]

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act (File # NR-226-2018)

On October 22, 2018, the Department of Natural Resources received your request for access to the following records/information:

Any Decision, Direction, Information, Meeting, Briefing or other such note created in 2018 regarding BEAVER BROOK ANTIMONY MINE INC.

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 records are attached.

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

P.O. Box 8700, St. John’s, NL, Canada A1B 4J6  t 709.729-1466
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
Title: Issuance of Surface Lease 156 to Beaver Brook Antimony Mine Inc.

Decision/Direction Required:
- Whether to Issue Surface Lease 156 to Beaver Brook Antimony Mine Inc.
- It is recommended that:
  - Surface Lease 156 be issued to Beaver Brook Antimony Mine Inc.

Background and Current Status:
- Beaver Brook Antimony Mines Inc. ("BBAM") is the owner the Beaver Brook antimony mine, which is currently dormant due to low antimony prices.
- Under Section 33 of the Mineral Act the holder of a mining lease may apply to the Minister of Natural Resources for surface rights to facilitate the construction of infrastructure to support mining operations.
- BBAM currently holds Mining Lease 146-A (4813), Mining Lease 199 (10221M) and Surface Lease 108 covering the Beaver Brook antimony mine.
- BBAM applied for an additional surface lease to cover the footprint of a new tailings impoundment area on February 25, 2018.
- Legal surveys of the boundaries of the proposed surface leases were received on February 25, 2018 as well.

Analysis:
- Under Section 33 of the Mineral Act the Minister is obliged to issue a surface lease to the holder of a valid mining lease under terms and conditions considered appropriate by the Minister.
- A surface lease does not have to cover the exact or entire area of the Mining Lease(s), but rather areas where infrastructure is required by the development. A surface lease can and often extends beyond the Mining Lease(s) for a project.
- Development of a mine cannot occur under the Mining Act unless a surface lease has been issued by the Minister.
- The surface leases have been reviewed by officials with the Department of Justice and Public Safety, Mineral Development Division of the Department of Natural Resources and the Lands Branch of the Department of Municipal Affairs. No concerns were noted and the leases contain all standard terms and conditions.
- The signature of the Minister of Natural Resources is required to issue the surface leases.

Alternatives:
- The recommended alternative is to issue Surface Lease 156 to Beaver Brook Antimony Mine Inc. The company has complied with all requirements under the Mineral Act in order to be issued a surface lease. This lease will allow BBAM to continue to be in compliance with the Mining Act by having its entire infrastructure covered by a surface lease.
Another alternative is to not issue Surface Lease 156. This alternative is not recommended and will result in BBAM having an illegal tailings impoundment facility on crown land. This would be contrary to the Mineral Act and would likely result in the filing of a grievance by BBAM with the Mineral Rights Adjudication Board.

Prepared/approved by: J. Lake / K. Sheppard / P. Canning
Ministerial Approval: Received from Hon. Siobhan Coady

October 29, 2018