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CONSOLIDATED NEWFOUNDLAND AND LABRADOR REGULATION 1109/96

Mill Regulations
under the
Forestry Act
(O.C. 96-936)

Amended by:

54/96 s2
2001 c42 s45
44/14

CONSOLIDATED NEWFOUNDLAND AND LABRADOR REGULATION 1109/96

Mill Regulations
under the
Forestry Act
(O.C. 96-936)

Under the authority of section 86 of the *Forestry Act* and the *Subordinate Legislation Revision and Consolidation Act*, the Lieutenant-Governor in Council makes the following regulations.

REGULATIONS

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Short title

1. These regulations may be cited as the *Mill Regulations*.

166/93 s1

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Definitions

2. In these regulations

- (a) "Act" means the *Forestry Act*;
- (b) "commercial licence" means a licence to operate a mill, for commercial purposes or at a level greater than 5000 f.b.m. per year or equivalent, issued under the Act;
- (c) "department" means the Department of Forestry and Agrifoods;
- (d) "domestic licence" means a licence to operate a mill to produce products, for the sole use of the operator and not for sale, barter or gift, at a level not to exceed 5000 f.b.m. per year, or equivalent, or at the sawlog volume contained in the licensee's domestic cutting permit, whichever is less;
- (e) "f.b.m." means foot board measure;
- (f) "licensee" means a person to whom a licence is issued;
- (g) "mill" means a facility in which timber is manufactured into a product;
- (h) "minister" means the minister appointed under the *Executive Council Act* to administer the Act;
- (i) "permit" means a "domestic cutting permit" or "commercial cutting permit" issued under the authority of the minister;
- (j) "product" shall include squares, rough lumber, lumber resawn from squares or rough lumber, wood chips, pulp and paper, and energy derived from wood chips;
- (k) "return" means a signed declaration of the volume of timber processed; and
- (l) "timber" means standing trees, felled trees, parts of standing or felled trees, shrubs, round logs, wood chips or logs that have been slabbed on one or more sides.

166/93 s2

[Back to Top](#)**Licence required**

3. A person shall not construct, reconstruct or operate a mill or increase the productive capacity of a mill or convert an existing mill into a mill of another type without first obtaining a licence from the minister.

166/93 s3

[Back to Top](#)**Licence particulars**

4. (1) An applicant for a licence shall provide the information prescribed in by the minister.

(2) A licence shall expire on the expiry date of the licence or when the approved production level has been reached, whichever is earlier.

166/93 s4

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5. [Rep. by 43/14 s1]

[43/14 s1](#)[Back to Top](#)**Proof of ownership or permission required**

6. A person may not obtain a mill licence unless proof of ownership of the mill is provided or unless written permission of the owner to use the mill is provided.

166/93 s6

[Back to Top](#)**Operation of 2 mills**

7. Where 2 mills are used at the same location to perform different phases of the same process, they shall be considered to be one mill for the purpose of licensing.

166/93 s7

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8. (1) The maximum amount of timber that may be processed in a mill under a domestic licence shall be stated in the licence but shall not be greater than 5000 f.b.m. per year or the limit stated in the licensee's domestic cutting permit whichever is the lesser.

(2) All timber processed under a domestic licence shall be the property of the licensee and must be for the licensee's own use and not for sale, barter or gift.

166/93 s8

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On-site inspection

9. A licence shall not be issued or renewed until an on-site inspection of the mill has been made by a forestry official to confirm its specific location.

166/93 s9

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Particulars of licence

10. A licence shall state

- (a) the licence number;
- (b) the location of the mill;
- (c) the approved production level which may be produced under the licence; and
- (d) the name of the person or company responsible for the mill

and shall be in the form prescribed by the minister.

166/93 s10

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Mill transfer

11. (1) A mill cannot be transferred to a new site without written approval from the minister or a forestry official.

(2) An applicant for a mill site transfer must complete the "Transfer of Mill Site" form as prescribed by the minister.

166/93 s11

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Return

12. (1) The licence holder must supply a return to the forestry office showing the amount of production and the timber used within one month following licence expiry in the form prescribed by the minister.

(2) The licence holder shall sign the return declaring the accuracy of the information given in the return.

(3) Repeated non-compliance with return deadlines may result in a request for licence renewal being treated as a new application.

166/93 s12

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Timber purchase licence

13. All licensees who purchase timber must possess a timber purchase licence issued under the Act.

166/93 s13

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14. The submission of a false mill return or purchase receipts shall result in immediate cancellation of the licence.

166/93 s14

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15. (1) Application for renewal of a mill licence shall be in the form prescribed by the minister.

(2) A licence shall not be renewed unless all fees and royalty due under the Act in respect of the mill have been paid.

(3) A licence shall not be renewed if a return has not been supplied.

(4) A mill that does not operate for at least 2 of 3 consecutive years shall not be considered for licence renewal and shall be treated as a new applicant.

166/93 s15

[Back to Top](#)**Wastage and lumber recovery**

16. (1) Wastage from mills must not exceed accepted norms for the type of mill and process employed.

(2) Notwithstanding subsection (1), the minimum acceptable lumber recovery in a sawmill shall be that derived by applying the formula of the Newfoundland and Labrador Log Rule.

(3) Notwithstanding subsections (1) and (2), slabs may not be considered sawmill waste without first having been separated from mill waste and offered as a product either for sale or free of charge.

166/93 s16; [2001 c42 s45](#)[Back to Top](#)**Disposal of mill waste**

17. Mill waste shall be piled or disposed of in a location or manner that will not result in undue harm to the environment nor cause a fire hazard.

166/93 s17

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18. A mill shall not be operated during the fire season unless

- (a) it is accessible by a road passable by trucks or similar vehicles; or
- (b) authorized by a forestry official.

166/93 s18

[Back to Top](#)**Supervision of operations**

19. The licensee shall exercise diligent and constant supervision over mill operations to prevent the origin and spread of forest fires and he or she shall comply with all laws and regulations made in that respect.

166/93 s19

[Back to Top](#)**Suspension of operations**

20. Mill operations carried out under a licence may be suspended by the minister or a forestry official where the operations constitute a fire hazard.

166/93 s20

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21. (1) Every mill shall maintain a daily record for the licence year, showing the amount of product produced or timber used, the cutting permit number, the owner's name in case of timber from private land, and the identification of the mill that produced the rough lumber used.

(2) The record shall be maintained at the mill site and provided to a forestry official upon request.

166/93 s21

[Back to Top](#)**Inspection**

22. A forestry official whose duties, as authorized by the minister, include enforcement of the Act and regulations shall have access to the mill and mill property for the purpose of inspection of records, timber, products and verification of information supplied to the minister.

166/93 s22

[Back to Top](#)**Licence not issued**

23. A mill licence shall not be issued or renewed while the licensee is in contravention of the Act or a regulation under the Act.

166/93 s23

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24. The Mill Regulations, Newfoundland Regulation 166/93, are repealed.

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Schedule - Rep. by 44/14 s2

[44/14 s2](#)

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