



PLEASE NOTE

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This document is *not* the official version of these regulations. The regulations and the amendments printed in the [Royal Gazette](#) should be consulted to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the [Table of Regulations](#).

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CHAPTER E-9

ENVIRONMENTAL PROTECTION ACT

SAND REMOVAL FROM BEACHES REGULATIONS

Pursuant to section 25 of the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9, Council made the following regulations:

1. In these regulations

Definitions

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|---|-----------------------------|
| (a) “beach” means that portion of land between the ordinary or mean high water mark and the water’s edge and includes a distance of three miles seaward of the mean high water mark and may contain sand, gravel, rock, clay or other earthen material; | beach |
| (b) “concrete manufacturer” means a person who receives a permit pursuant to subsection 2(4); | concrete manufacturer |
| (c) “designated hauler” means the person designated on an application as the person who is to remove and transfer sand from a beach; | designated hauler |
| (d) “domestic use” means the use of sand for the purpose of making improvements to one’s residential, farm or business property; | domestic use |
| (e) “permit” means a regular or special sand removal permit; | permit |
| (f) “regular sand removal permit” means a permit issued by the Minister for the purpose of removal of sand from a beach to be used for the sole purpose of manufacturing concrete or concrete products; | regular sand removal permit |
| (g) “special sand removal permit” means a permit issued by the Minister for the purpose of removal of sand from a beach for any purpose other than for the manufacturing of concrete and concrete products; | special sand removal permit |
| (h) “sand” means sand, rock, gravel, shale, clay or other types of earthen material; | sand |
| (i) “sand dune” means a wind or wave deposited formation of vegetated or drifting wind-blown sand that lies generally parallel to and landward of the beach and between the upland limit of the beach and the foot of the most inland dune slope; and | sand dune |
| (j) “Minister” means the Minister of Fisheries, Aquaculture and Environment. (EC323/90; 639/93) | Minister |

Permit required	2. (1) No person shall remove or cause to be removed sand from a beach or sand dune for any purpose unless he has first obtained a permit from the Minister authorizing the removal.
Conditions	(2) No person shall remove or cause to be removed sand from a beach except in accordance with the conditions of a permit.
Removal without permit, conditions for	(3) Notwithstanding subsection (1), a person may, without a permit, remove sand from a beach if <ul style="list-style-type: none"> (a) (i) the vehicle used to transport the sand from the beach to the point of use has a payload capacity of less than four cubic metres, and (ii) the sand is transported directly from the beach to the point of use and is used for domestic purposes; or (b) the person is the designated hauler on a permit obtained pursuant to subsections (4) or (6).
Application, concrete manufacture	(4) A person who seeks to remove or cause to be removed sand from a beach for the purpose of manufacturing concrete shall, on a form approved by the Minister, make application to the Minister for a regular sand removal permit.
Permit	(5) A permit issued pursuant to subsection (4) shall be issued to the person who is to manufacture concrete.
Application	(6) A person who seeks to remove or cause to be removed sand from a beach for purposes other than <ul style="list-style-type: none"> (a) the manufacture of concrete; (b) domestic purposes in accordance with clause (3)(a); or (c) the transfer of sand as designated hauler shall, on a form approved by the Minister, make application to the Minister for a special sand removal permit. (EC323/90)
Sand from other locations	3. No concrete manufacturer shall cause or permit to be deposited upon his property sand that has been removed from a beach other than the one specified on his permit. (EC323/90)
Location	4. (1) Where an application for a permit is made under these regulations, if in the opinion of the Minister the beach from which it is proposed to remove sand is unsuitable for that purpose, he may refuse to issue a permit or may issue a permit to remove sand from a beach that he considers to be more suitable.
Terms	(2) A permit issued under these regulations shall <ul style="list-style-type: none"> (a) be valid only for the use, location, quantity and time period specified in the permit; (b) be subject to any conditions indicated on the permit. (EC323/90)

- 5.** A person to whom a permit is issued under these regulations
- Obligations of
permit holder
- (a) shall maintain inventory records regarding all sand removed from a beach or received by him and shall make such records available for inspection upon request by any person authorized by the Minister to make an inspection; and
- (b) shall within two weeks following the expiration date of the permit forward to the Minister a cheque, money order or other bill of exchange, payable to the Provincial Treasurer in an amount equal to fifty cents for each cubic metre of sand removed under the permit. (EC323/90; 639/93)
- 6.** The Minister may at any time revoke a permit where, in his opinion
- Revocation of
permit
- (a) any of these regulations or conditions of the permit have been violated by the person to whom the permit was issued, his servant or agent, or the designated hauler named in the permit; or
- (b) the continued removal of sand from the location specified in the permit will or may result in permanent or irreparable damage to the beach. (EC323/90)