

DIRECTIVE 2002

Abandon of a Mining Lease (BM), a Mining Concession (CM) and an Exclusive Lease to Mine Surface Mineral Substances (BEX)

This directive has been in force since December 12, 2002. It voids any other prior directive pertaining to the given subject and has been adopted pursuant to sections 122, 156 and 231 of the *Mining Act* (R.S.Q., c. M-13.1).

It is stated in section 122(5)¹ and section 156(4)² of the *Mining Act* that the provisions and regulations must be complied with. These provisions deal with: lease payment, production of reports and payment of mining royalties, if applicable.

- In the case where a **Mining lease** has been issued to mine surface mineral substances, the production of reports and payment of mining royalties are due and payable unless an abandonment or suspension authorization is granted by the Minister. Reports, plans and any other document may also be required.
- In the case where a **Mining concession** has been issued, an annual work declaration or, in default of work performed, payment in lieu is required unless an abandonment or suspension authorization is granted by the Minister. Reports, plans and any other document may also be required.
- In the case where a **Exclusive lease to mine surface mineral substances** has been issued, a declaration of the extracted or alienated quantities of surface mineral substances and the payment of mining royalties, if applicable, are required unless an abandonment or suspension authorization is granted by the Minister.

Rehabilitation and protective measures

- If the holder of a BM or a CM fails to comply with the rehabilitation obligations or fails to take the protective measures, the Minister may proceed to the work

¹ 122 - A lessee or grantee may abandon his right in respect of all or part of the land subject to his lease or concession provided that: 5° he has complied with the other provisions of this Act and the regulations.

² 156 - The lessee under an exclusive lease may abandon his right in all or part of the parcel of land that is subject to his lease, provided that: 4° he has complied with the other provisions of this Act and the regulations.

performance, pursuant to subsection 2 of section 231³ of the *Mining Act*, at the holder's or operator's expense. In the case of a BEX, it is the authorization certificate obtained from the Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs that prevails.

³ 231 2^e subsection 2 : If the holder of mining rights of the operation fails to comply with the orders of the Minister within the prescribed time, the Minister may cause the work to be done at the expense of the holder or operator.