

DIRECTIVE 2002

Authorization to Erect or Maintain a Construction on the Lands of the Public Domain

This directive aims to ensure that the constructions erected or maintained by a claim holder on the land regarding his right on the lands of public domain are only used for the purpose of mining exploration.

Those modes of enforcement are designed to avoid the administrative red tape for mining exploration claim holder. Indeed, the directive is as flexible as the necessity justifies. Otherwise, those modes of enforcement will avoid the squatters to make use of the law for erecting constructions on the lands of the public domain.

The section 66 of the *Mining Act* defines the limits of the right of the claim holder to erect or maintain construction on the lands of the public domain:

“The claim holder may not erect or maintain any construction on lands of the public domain without first obtaining authorization from the Minister, except if the construction is located on the parcel of land subject to the claim and is a construction of a type defined by a ministerial order made under subparagraph 2.1 of the first paragraph of section 304.

When the claim holder becomes aware that a third person is erecting a construction on such lands, he shall immediately notify the Minister in writing. 1987, c. 64, s. 66; 1999, c. 40, s. 178; 1998, c. 24, s. 35.”

The ministerial order 2000-441 dated October 24th 2000, describes constructions that could be erected or maintained without authorization near the minister:

“On the lands of the public domain, a claim holder, a mineral exploration permit holder or a surface mineral substances research permit holder on the land concerning his right, may erect, without authorization of the minister, a temporary, portable or dismountable shelter made of supple fabric stretched on rigid poles.”

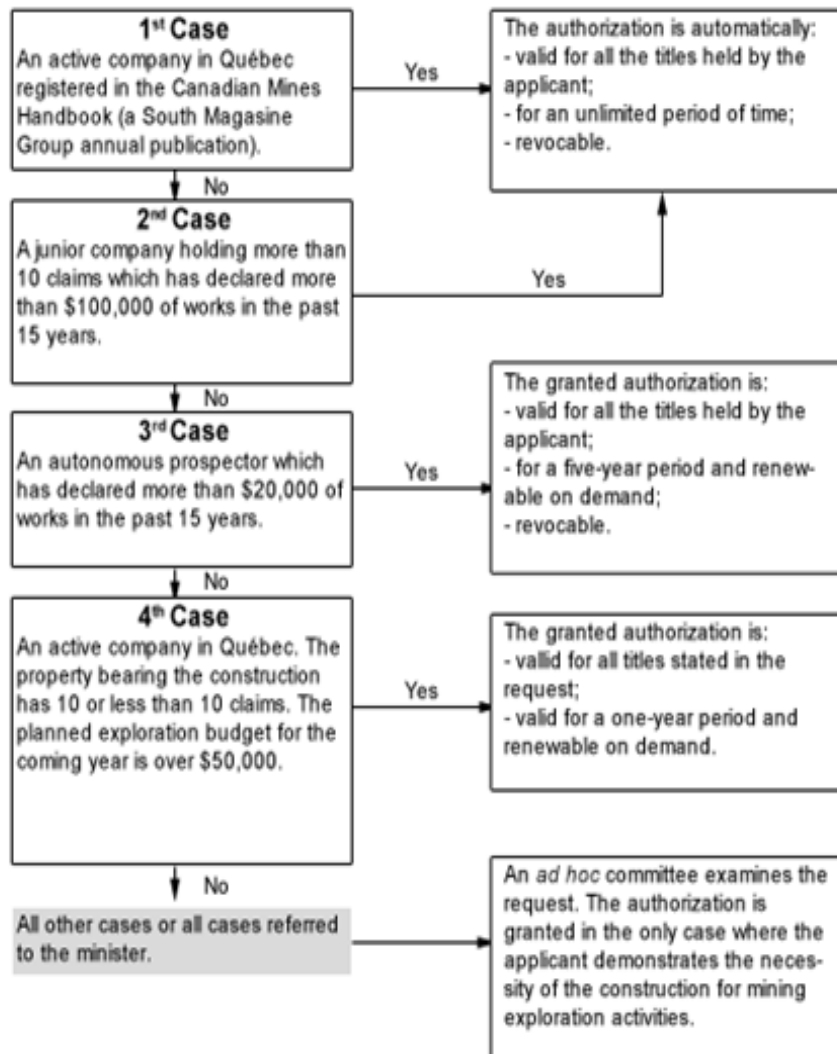
(Gazette officielle du Québec, November 1st 2000, No 44, p. 6782)

Request of authorization for erecting or maintaining a temporary construction

The applicant for a request of authorization other than those described in the Ministerial Order, 2000-441 must fill in the [form Request for Authorization to Erect or Maintain Construction on the Lands of the Public Domain](#).

Processing of Request

The request of authorization to erect or maintain a construction is processed as following:



The *ad hoc* committee is composed of:

- a representative of the Direction générale de Géologie Québec;
- a representative of the Direction des titres miniers;
- a representative of the Bureau de la conversion des litiges miniers.

In some cases, the Secteur du territoire of the Department will be consulted before authorization is granted.