

NOTICES 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)* and section 156(4)** 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 performance, pursuant to subsection 2 of section 231*** 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.

Selected sections of the Mining Act

*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.

**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.

***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.

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."

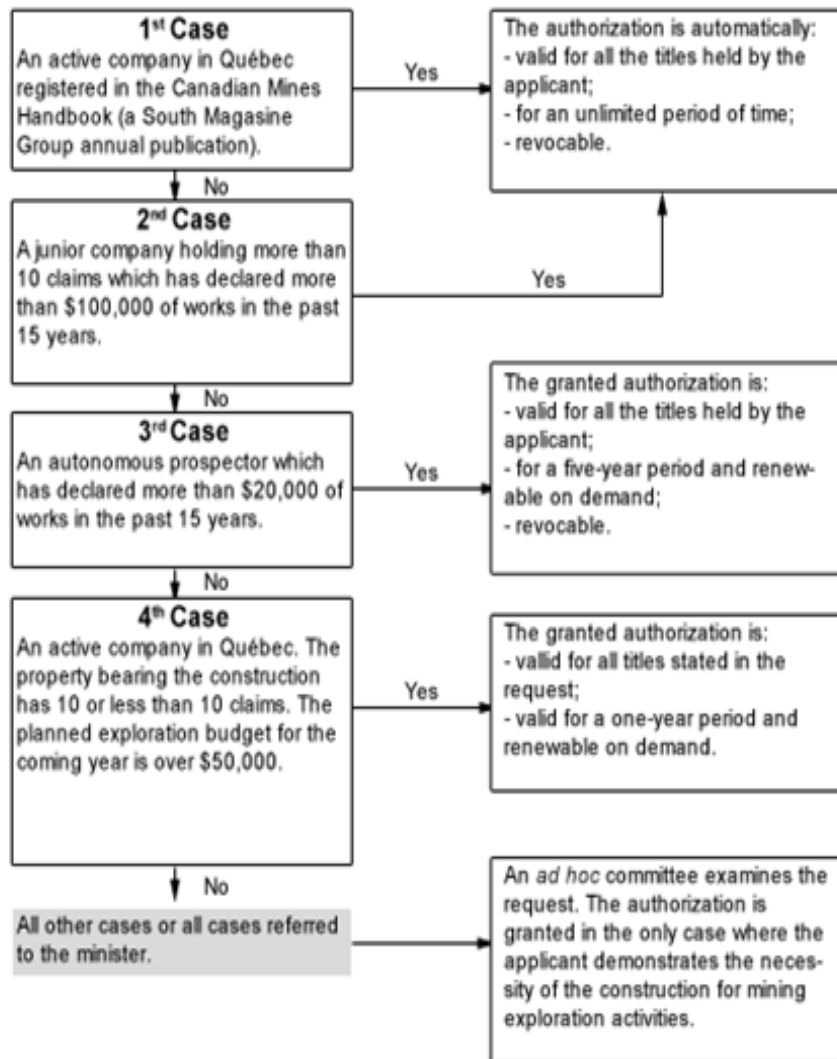
(Gazette officielle du Québec, November 1st 2000, No 44, p. 6782)

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.