

# NOTICE

## Extraction of surface mineral substances from lands in the domain of the State for State works – Absence of compensation to the mining right holder

The purpose of this notice is to clarify the legal framework applicable to the extraction of surface mineral substances on lands in the domain of the State when such extraction is carried out for the purposes of the construction or maintenance of State works, in accordance with section [71](#), [111](#) and [151](#) of the Mining Act (CQLR, chapter M-13.1):

[71.](#) Stone may be extracted from lands in the domain of the State, without compensation to the holder of an exclusive exploration right, for the construction or maintenance of State works.

[111.](#) Stone or inert tailings for the construction or maintenance of State works may be extracted from lands of the domain of the State without compensation to the lessee or grantee.

[151.](#) Sand, stone, gravel and inert tailings for the construction or maintenance of the works of the State may be extracted from lands forming part of the domain of the State without compensation to the lessee.

This legislation expressly provides that mandated departments and agencies of the State may, for the purpose of construction or maintenance of State works, extract surface mineral substances from lands in the domain of the State, regardless of the existence of mining rights granted to third parties.

This extraction may be carried out without any compensation being paid to the holders of the mining rights concerned, whether they are holders of an exclusive exploration right (DEE), an exclusive lease to mine surface mineral substances (BEX), a non-exclusive lease to mine surface mineral substances (BNE), a mining lease (BM) or a mining concession (CM).

### Targeted mineral substances

- Section 71 authorizes the extraction of stone on lands in the domain of the State covered by a DEE.

- Section 111 authorizes the extraction of stone or inert tailings from lands in the domain of the State covered by a BM or CM.
- Section 151 authorizes the extraction of sand, stone, gravel and inert tailings from lands in the domain of the State covered by a lease to mine surface mineral substances (BEX, BNE).

#### Explicit absence of compensation

The aforementioned sections clearly state that extraction is carried out without payment of compensation to the holder of the mining rights concerned.

#### Application without condition

None of these provisions require the exercise of this right of extraction to be subject to an authorization from the holder of the mining right, confirming that the extraction can be carried out as of right and in accordance with the Mining Act.

#### FOR MORE INFORMATION

##### **Centre de services des mines**

Telephone: 418-627-6278

Toll-free: 1-800-363-7233 (toll-free in Canada and the United States)

Email: [services.mines@mrnf.gouv.qc.ca](mailto:services.mines@mrnf.gouv.qc.ca)

##### Opening hours:

Monday, Tuesday, Thursday and Friday: 8:30 a.m. to 12 p.m. and 1 p.m. to 4:30 p.m.

Wednesday: 10 a.m. to 12 p.m. and 1 p.m. to 4:30 p.m.