

Additional Amount for Late Filing Of Work Report on a Claim

This notice is published pursuant to Section 72 of the [Mining Act \(Chapter M-13.1\)](#) .

Any claim holder may, regardless of the excess amount spent for work on the title, within sixty days of the expiry date of his claim, report to the Minister on all the work performed. However, for an additional amount prescribed by regulation, send, according to the section 72 of the *Mining Act*, chapter M-13.1, his report after that date provided he does so before the expiry date of his claim (S. 13 of the [Regulation respecting mineral substances other than petroleum, natural gas and brine](#) )

Limit of postponement of the Amount of Excess Work on a Claim

May 6th, 2015

As of May 6th, 2015, the amount of excess work spent on a claim cannot be applied for more than the six subsequent terms of the claim unless work is performed on the claim to be renewed before terms expire (Section 75, *Mining Act*, c. M-13.1)

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Regulation to amend the Regulation respecting mineral substances, other than petroleum, natural gas and brine will come into force on December 31, 2015

Notice of Coming into Force

The Regulation to amend the Regulation respecting mineral substances, other than petroleum, natural gas and brine (R.R.Q., c. M-13.1, R.2) will come into force on December 31, 2015. Among other things, it enacts an increase in the amounts payable in connection with certain mining titles, and a reduction of 35%, for a period of two years, in the minimum cost of exploration work.

The Regulation will also trigger the coming-into-force of seven provisions of the Act to amend the Mining Act (2013, Chapter 32), which came into force on December 10, 2013, relating among other things to the notice to be sent by claimholders to landowners and municipalities when registering their mining titles, declaration of all mineral substance discoveries containing 0.1% or more of triuranium octaoxide, public consultations initiated by the promoters of certain mining projects, and the requirement to form a monitoring committee to encourage local community involvement in the project as a whole.

I. Coming into force of new provisions enacted by the Act to amend the Mining Act

The amendments (elements shown in boldface or struck out) to the following sections of the Mining Act will come into force on December 31, 2015:

Section 48. The notice of staking must be presented on a form supplied by the Minister, contain the information determined by regulation and be accompanied with the fee prescribed by regulation. ~~The notice of staking must be accompanied with the following documents~~ **The following documents must be forwarded to the office of the registrar within 20 days of the staking :**

(1) a copy of the ~~official~~ map of mining titles at a scale of 1/50000 kept in the office of the registrar and referred to in the notice of staking, showing the perimeter of the staked parcel of land;

(2) a sketch signed by the staker showing the boundaries of the claim and the nearest landmarks and, where that is the case, the limits of the public improvements referred to in section 70;

(3) ~~a statement signed by the applicant to the effect that the information furnished is accurate;~~ **(subparagraph repealed);**

(4) ~~a statement signed by the applicant to the effect that he has taken into consideration the perimeters delimited under paragraph 1 of section 32;~~ **(subparagraph repealed);**

(5) in the case described in section 36, the notice of staking must, in addition, be accompanied with an application for the revocation of a claim.

Section 49. The notice of map designation must be presented on a form supplied by the Minister, contain the information determined by regulation and be accompanied with the fee prescribed by regulation. ~~The notice of map designation must be accompanied with a statement signed by the applicant to the effect that the information furnished is accurate.~~

A notice of map designation in respect of a parcel of land within the boundaries of a territory where claims may be obtained by ground staking must also be accompanied with the following documents:

(1) in the case described in section 28.1, a statement by the holders of staked claims situated less than 1,000 metres from the parcel of land concerned, attesting that the parcels of land subject to their claims are not situated within the boundaries of the parcel of land concerned;

(2) ~~in the case described in section 28.1, if the parcel of land is subject to a mining exploration licence, an agreement in writing between the holder of the mining exploration licence and the holder of the staked claim, in accordance with the regulations; if the holder of a mining exploration licence is also the holder of the staked claim, an application for conversion of the staked claim complying with subdivision 5 of this division;~~ **(subparagraph repealed);**

(3) in the case described in section 42.5, an application for conversion complying with subdivision 5 of this division.

Section 65. Every claim holder has access to the parcel of land subject to his claim and may perform any exploration work thereon.

Notwithstanding the first paragraph, on lands granted, alienated or leased by the State for purposes other than mining purposes or on lands under an exclusive lease to mine surface mineral substances, the claim holder may exercise such rights only in accordance with section 235.

With respect to lands granted, alienated or leased by the State for purposes other than mining purposes and lands subject to an exclusive lease to mine surface mineral substances, the claim holder must, within 60 days after registering the claim and in the manner determined by regulation, notify the owner, the lessee, the holder of the exclusive lease to mine surface mineral substances and the local municipality of the claim obtained.

If the claim is in the territory of a local municipality, the claim holder must also inform the municipality and the landowner, at least 30 days before the work begins, of the work to be performed.

Section 81.1. A claim holder is required to declare to the Minister and to the Minister of Sustainable Development, Environment and Parks any discovery of mineral substances containing 0.1% or more of triuranium octaoxide within 90 days after the discovery.

Section 101.0.1. In the case of a metal mine project where the mine has a production capacity of less than 2,000 metric tons per day, the applicant for a mining lease must, before submitting the application and in the manner prescribed by regulation, hold a public consultation in the region where the project is situated. The applicant shall then send a report on the consultation to the Minister and the Minister of Sustainable Development, Environment and Parks.

The rehabilitation and restoration plan required under section 232.1 must be accessible to the public at least 30 days before the consultation begins. The Minister may, if he deems that the consultation was not carried out in the manner prescribed by regulation, impose any additional measure.

The first paragraph does not apply to a rare earth project.

Section 101.0.3. The lessee establishes a monitoring committee to foster the involvement of the local community in the project as a whole.

The committee must be established within 30 days after the lease is issued and must be maintained until all the work provided for in the rehabilitation and restoration plan has been completed.

The committee members are chosen in the manner determined by the lessee.

The lessee determines the number of representatives who are to sit on the committee. However, the committee must include at least one representative of the municipal sector, one representative of the economic sector, one member of the public and, if applicable, one representative of a Native community consulted by the Government with respect to the project. A majority of the committee members must be independent from the lessee. All must be from the region in which the mining lease is granted.

Section 140.1. An applicant for a peat lease or a lease to carry on an industrial activity or to engage in commercial export shall hold a public consultation on the project in the region where the project is situated and in the manner prescribed by regulation after submitting the application.

At the Minister's request, the applicant shall provide the Minister with any document or information relating to the public consultation. If the Minister finds that the consultation was not carried out in the manner prescribed by regulation, the Minister may impose any additional measure.

The Minister may subject the lease to conditions designed to avoid conflicts with other uses of the territory or to follow up on comments received during the public consultation.

Section 144. ~~A lease may be granted in respect of a parcel of land to the extent that, according to section 30, paragraphs 1, 4 and 5 of section 32 and section 33 and the conditions prescribed under section 34, it is open for prospecting or staking. A lease may also be granted in respect of a parcel of land to the extent that it is open for map designation according to subparagraph 1 of the second paragraph of section 52 and subject to the conditions fixed pursuant to the third and fourth paragraphs of that section.~~

~~In no case may a lease be granted in respect of any land used as a cemetery within the meaning of the Act respecting Roman Catholic cemetery companies (chapter C-40.1) or established as a cemetery in accordance with the Non-Catholic Cemeteries Act (chapter C-17).~~

The following sites and parcel of land may not be leased:

- (1) a parcel of land subject to an improvement provided for by regulation;
- (2) a parcel of land withdrawn from prospecting, mining exploration and mining operations;
- (3) a parcel of land regarding which a temporary suspension notice has been issued in accordance with section 304.1;
- (4) an outstanding geological site classified under section 305.1; and
- (5) a parcel of land used as a cemetery within the meaning of the Act respecting Roman Catholic cemetery companies (chapter C-40.1) or established as a cemetery in accordance with the Non-Catholic Cemeteries Act (chapter C-17).

The Minister may refuse to grant a lease or may grant a lease subject to conditions and obligations which may concern, among other matters and despite this Act, the work required to be performed if the lease concerns a parcel of land

(1) situated in an Indian reserve;

(2) designated as a migratory bird sanctuary under the Migratory Birds Convention Act, 1994 (Statutes of Canada, 1994, chapter 22);

(3) where the mineral substances referred to in section 6, except sand and gravel, are being mined or have been mined in the past; or

(4) reserved to the State under section 304.

II. Changes to fees for claims and leases to mine surface mineral substances

The Québec Government's 2015-2016 Budget provides for an increase of 16% in the duties payable for claims and 12% in those for leases to mine surface mineral substances.

The Regulation to amend the Regulation respecting mineral substances other than petroleum, natural gas and brine provides that these increases will come into force gradually, over a period of two years. It applies as follows:

1- The fees, expenses and duties associated with a **claim**, provided in sections 1, 2, 3, 7, 8, 128, 129 and 130 of the Regulation, are increased by **8 % on January 1, 2016** and by **8% on January 1, 2017**. This increase applies to:

- Applications for a prospecting licence
- Renewal of a prospecting licence
- Obtaining a duplicate of a prospecting licence
- Obtaining the tags required for staking
- The notice of staking
- The notice of map designation
- Registration of a transfer or other instrument in the public register of real and immovable mining rights
- Participation in a drawing of lots
- Applications for the revocation of claims

2- The duties, fees, rental and other amounts associated with a **lease to mine surface mineral substances**, as provided in sections 49, 50, 53, 54 and 57 of the Regulation, are increased by **6 % on January 1, 2016** and by **6 % on January 1, 2017**. This increase applies to:

- The rental payable for a non-exclusive lease to mine surface mineral substances
- The rental payable for an exclusive lease to mine surface mineral substances
- An application to increase the area of a territory subject to an exclusive lease to mine surface mineral substances
- Authorization for the extraction of a fixed quantity of surface mineral substances

III. Reduction of the minimum cost of work to be done on a claim, for a two-year period

Under section 138.2 of the Regulation to amend the Regulation respecting mineral substances other than petroleum, natural gas and brine, the minimum cost of work to be carried out by a claimholder is reduced, for a two-year period, by 35%, beginning on December 31, 2015.

The two-year period has nothing to do with the claim validity period. It is simply a calendar period that has been established.

The 35% reduction applies solely to the minimum cost of the work required during the two-year period, i.e. from December 31, 2015 to December 30, 2017. The reduction will be taken into account when applying the provisions of the Mining Act governing claim renewals, including sections 72 to 80, when an application for renewal is made during the period in question – for example, upon payment of an amount to the Minister where the work is insufficient or has not been reported within the prescribed time, or upon use, by the claim holder, of the surplus amount over and above the amount spent on the work.

Please note that the 35% reduction already appears in the minimum cost of work tables in section 15 of the Regulation respecting mineral substances other than petroleum, natural gas and brine. Section 15 will read as follows for the duration of the two-year period:

Section 15. The minimum cost of work that the holder of a claim must carry out on the land that is subject thereto, pursuant to section 72 of the Act, is determined in the following tables and varies according to the area of land that is subject thereto, according to the number of terms of the claim and depending on whether the land is located in one of the following areas:

(1) north of the 52nd degree of latitude:

Number of terms of the claim	Area of land subject to a claim		
	Less than 25 ha	25 to 45 ha	More than 45 ha
1	\$31.20	\$78.00	\$87.75
2	\$104.00	\$260.00	\$292.50
3	\$208.00	\$520.00	\$585.00
4	\$312.00	\$780.00	\$877.50
5	\$416.00	\$1 040.00	\$1 170.00
6	\$487.50	\$1 170.00	\$1 170.00
7 and more	\$650.00	\$1 625.00	\$1 625.00

(2) south of the 52nd degree of latitude:

Number of terms of the claim	Area of land subject to a claim		
	Less than 25 ha	25 to 100 ha	More than 100 ha
1	\$325.00	\$780.00	\$1 170.00
2	\$325.00	\$780.00	\$1 170.00
3	\$325.00	\$780.00	\$1 170.00
4	\$487.50	\$1 170.00	\$1 755.00
5	\$487.50	\$1 170.00	\$1 755.00
6	\$487.50	\$1 170.00	\$1 755.00
7 and more	\$650.00	\$1 625.00	\$2 340.00

Notice to landowners and municipalities concerning the existence of a claim

Requirement

Section 65 of the Mining Act requires a claim holder to notify the local municipality, the landowner, the State lessee and the holder of an exclusive lease to mine surface mineral substances of the claim obtained, within 60 days after registering the claim in the register of real and immovable mining rights, and in the manner determined by regulation.

Section 8.1 of the Regulation respecting mineral substances other than petroleum, natural gas and brine provides that the notice must be given using the form specified by the Minister. The claim holder may elect either to notify the parties concerned individually, or to publish the notice in a newspaper distributed in the region in which the claim is located. In the latter case, a map showing the location of the mining title, which can be used to situate the claim, must be published with the notice.

A claim cannot be exercised unless this notice has been given. The mining title of a claim holder who does not comply with this condition may be suspended or revoked.

What to do

The claim holder must identify the owners of the private land and the lessees of the public land to which the title applies.

The claim holder may notify the owners or lessees either individually or by publishing a notice in a newspaper.

Personal notice

The claim holder must, within 60 days after registering the claim:

- Complete the “Notice of obtaining a claim” form for each private landowner or State lessee;
- Send the notice by mail or by courier, or deliver the original of the notice in person, to every private landowner or State lessee, at their last known address;
- Keep a copy of the notice and proof of delivery.

Public notice

The claim holder may elect to publish the notice in a newspaper distributed in the region in which the claim is located. In this case, the claim holder must, within 60 days after registering the claim:

- Complete the “Notice of obtaining a claim, for publication” form, including a map showing the location of the claim in relation to local municipal boundaries;
- Publish the notice and the map in a newspaper distributed in the region;
- Keep a copy of the published notice in the newspaper, showing the publication date.

Identification of landowners and lessees

Claim holders may identify the owners of private land by searching the municipality’s property assessment roll, or by conducting a search at the registry office. If the landowner is an individual, the address shown in these registers is the last known address. If the landowner is a company or partnership, the last known address is the one that appears in the Québec Enterprise Register.

In the case of a lease granted by the State for the land to which the claim applies, the claim holder may contact the regional county municipality, if it is responsible for land management in its territory (and vacation management in particular) through a delegation agreement, or the Land Sector of the *Ministère de l’Énergie et des Ressources naturelles* in all other cases.

Exclusive leases to mine surface mineral substances are listed in GESTIM on the website of the *Ministère de l’Énergie et des Ressources naturelles*. The names of the lease holders, along with their last known address, are also shown in GESTIM.

Proof

The claim holder must be able to prove that the notice has in fact been sent or published. The *Ministère de l’Énergie et des Ressources naturelles* may ask claim holders to prove that they have met this condition for the exercise of their claims.

Notice to landowners and municipalities concerning mine exploration work

Requirement

Section 65 of the Mining Act requires a claim holder to inform the local municipality and the owner of the land to which the title applies of the work that will be carried out.

In addition, the claim holder must obtain written authorization from the landowner at least 30 days in advance in order to access the site, and must reach an agreement with the landowner before beginning exploration work, in accordance with section 235 of the Mining Act. In the case of public land, the claim holder must obtain written authorization at least 30 days in advance from the State lessee and from the holder of an exclusive lease to mine surface mineral substances, where applicable, and must also reach an agreement with them before beginning exploration work.

A claim cannot be exercised unless these written authorizations are obtained and information on the exploration work is provided. The mining title of a claim holder who does not comply with these conditions may be suspended or revoked.

What to do

It is up to the claim holder to determine the ownership of the land to which the mining title applies, and to identify the landowner in the case of private land, or the lessee in the case of public land.

Where the land is privately owned, or is publicly owned and is subject to a lease, the claim holder must:

- at least 30 days before accessing the land, obtain written authorization from the landowner in the case of private land, or the State lessee in the case of public land;
- before carrying out mine exploration work, reach an agreement with the landowner in the case of private land, or the State lessee in the case of public land, or acquire, by agreement, any real right or property required to access the site or conduct work;
- at least 30 days before carrying out mine exploration work, inform the municipality and private landowner of the work to be conducted, including the start and end dates. Because this is a condition for exercising the claim, it is suggested that this should be done by means of a written notice, that the notice be sent by mail or by courier, or the original be delivered in person, to the last known address of each landowner, and that a copy of both the notice and the proof of delivery be kept. The *Ministère de l'Énergie et des Ressources naturelles* may require proof that the

landowner and municipality were informed of the work within the period provided by the Mining Act.

- A sample notice concerning mine exploration work can be found on the website of the *Ministère de l'Énergie et des Ressources naturelles*.

Identification of landowners and lessees

Claim holders may identify the owners of private land by searching the municipality's property assessment roll, or by conducting a search at the registry office. If the landowner is an individual, the address shown in these registers is the last known address. If the landowner is a company or partnership, the last known address is the one that appears in the Québec Enterprise Register.

In the case of a lease granted by the State for the land to which the claim applies, the claim holder may contact the regional county municipality, if it is responsible for land management in its territory (and vacation management in particular) through a delegation agreement, or the Land Sector of the *Ministère de l'Énergie et des Ressources naturelles* in all other cases.

Exclusive leases to mine surface mineral substances are listed in GESTIM on the website of the *Ministère de l'Énergie et des Ressources naturelles*. The names of the lease holders, along with their last known address, are also shown in GESTIM.

Notice of Mine Exploration Work (Sample)

To: Name of landowner

Address

To: Municipality

Address

Dear Madam, Dear Sir,

In accordance with section 65 of the Mining Act, we are writing to inform you of the exploration work that will be carried out on the site(s) of the following claim(s):

(list all the claim numbers)

located on land owned by you and situated within the territory of the municipality shown above.

Information on exploration activities

<u>Planned activities</u>	<u>Start date</u>	<u>End date</u>	<u>Claim number</u>
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If we have not already done so, we will be contacting you for written authorization to access your property and conduct the work. If you have questions or comments on the activities shown above, please contact us as shown below:

Claim holder's name:

Address:

Phone:

Email:

Representative's name:

Date:

**Ressources naturelles
et Forêts**

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