

Notice of Coming Into Force

Regulation to amend the Regulation respecting mineral substances other than petroleum, natural gas and brine

This notice follows the [Notice of Enactment](#) released on February 7, 2024, on the website of the Ministère des Ressources naturelles et des Forêts (MNRFF).

On May 6, 2024, the Regulation respecting mineral substances other than petroleum, natural gas and brine (chapter M-13.1, r. 2), as well as sections 69, 69.1 and 69.2 of the Mining Act (chapter M-13.1), as amended on April 12, 2022, by the Act mainly to enforce the reinforcement of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles (2022, chapter 8), will formally come into force and have the force of law.

As of that date, the title of the regulation under the Mining Act is changed to “Mining Regulation”.

In addition, as of May 6, 2024, all so-called impact-causing exploration work under section 11 of the new Mining Regulation must be subject to an authorization for impact-causing work (ATI) before being carried out.

The exploration work that is subject to an ATI application is as follows:

- work carried out using hydraulic machinery or explosives, in particular:
 - a) excavating in overburden;
 - b) rock stripping;
 - c) bulk sampling;
 - d) drill-holes in overburden or in rock;
 - e) seismic refraction geophysical surveys;
- work carried out using a hydraulic pump for gold mining purposes.

As a result, as of May 6, 2024, a claim holder who performs the above type of work without an ATI may have their title suspended or revoked.

The Minister of Natural Resources and Forests will issue the authorization when the claim holder applying for it has met the following conditions:

1. The claim holder has gathered the questions, requests and comments of the local municipalities and the Indigenous communities concerned, where applicable, and has provided answers;
2. The claim holder has filed an application on the form supplied by the Minister for that purpose, and has included a report on the exchanges with the local municipalities and the Indigenous communities, where applicable, that indicates the questions, requests and comments received and the answers of the claim holder.

The ATI may be renewed if the applicant meets the following conditions:

1. The work under the authorization has not been completed;
2. No failure to comply with the conditions imposed, pursuant to section 69.1 of the Mining Act, was found by the Minister;
3. The claim holder has gathered the questions, requests and comments of the local municipalities and the Indigenous communities concerned, where applicable, and has provided answers;
4. The claim holder presented the renewal application before the authorization's expiry date on the form supplied by the Minister for that purpose and included a report on the exchanges with the local municipalities and the Indigenous communities, where applicable, that indicates the questions, requests, and comments received and the claim holder's answers.

The [ATI application](#) form has been available on the MRNF website since February 6, 2024 and that it is possible to submit a ATI application since February 7, 2024.

For additional information, please contact the MRNF at ati@mrnf.gouv.qc.ca.

Conditions for impact-causing exploration work

This directive comes into force on February 7, 2024. It renders null and void any other preceding directive on the same topic. It is adopted pursuant to sections 69, 69.1 and 69.2 of the *Mining Act* (CQLR, chapter M-13.1), as amended on April 12, 2022, by the *Act mainly to reinforce the enforcement of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles (2022, chapter 8)* and the *Regulation respecting mineral substances other than petroleum, natural gas and brine* (the Regulation), which comes into force on May 6, 2024.

The Regulation was enacted in the *Gazette officielle du Québec* on February 7, 2024, thereby rendering public and official the list of impact-causing exploration work and the conditions for the new authorization for impact-causing exploration work (authorization or ATI).

Section 11 of the Regulation sets out the list of impact-causing exploration work:

11. For the purposes of section 69 of the Act, as replaced by section 44 of the Act mainly to reinforce the enforcement of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles (2022, chapter 8), impact-causing exploration work consists in

- (1) work carried out using hydraulic machinery or explosives, in particular
 - (a) excavating in overburden;
 - (b) rock stripping;
 - (c) bulk sampling;
 - (d) drill-holes in overburden or in rock;
 - (e) seismic refraction geophysical surveys.
- (2) work carried out using a hydraulic pump for gold mining purposes.

A claim holder that, beginning on May 6, 2024, wishes to carry out exploration work listed in section 11 of the Regulation must first have obtained authorization from the Minister of Natural Resources and Forests by means of an application for an ATI.

Impact-causing exploration work carried out without an ATI before May 6, 2024, will be authorized. However, from that date onwards, no type of work such as that listed above will be permitted without prior authorization. This applies to exploration work that is underway but cannot be completed before May 6, 2024. In such cases, the work must be suspended because it is not authorized.

A claim holder that has already planned impact-causing exploration work that may not be completed until after May 6, 2024, must apply for an ATI as quickly as possible, to avoid a suspension of its activities.

Please note that the ATI application form is available on the [website of the Ministère des Ressources naturelles et des Forêts](#).

FOR ADDITIONAL INFORMATION

Centre de services des mines

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Opening times:

Monday, Tuesday, Thursday and Friday: 8.30 a.m. to midday and 1 p.m. to 4.30 p.m.

Wednesday: 10 a.m. to midday and 1 p.m. to 4.30 p.m.