

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(3) ~~a statement signed by the applicant to the effect that the information furnished is accurate;~~ **(subparagraph repealed);**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that he has taken into consideration the perimeters delimited under paragraph 1 of section 32;~~ **(subparagraph repealed);**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