

# Mineral Titles Branch

## *Information Update*

### No. 10 – Reserves Established Under the *Mineral Tenure Act and Coal Act*

Revision Date: November 4, 2015

A reserve is established by a Regulation of the Chief Gold Commissioner under section 22 of the *Mineral Tenure Act* or section 21 of the *Coal Act* and is the legal instrument used to prevent or restrict the acquisition of mineral, placer and coal tenure on mineral lands and coal lands.<sup>1</sup>

#### RESERVE TYPES

A **No Registration Reserve (NRR)**, previously termed No Staking Reserve (NSR), prohibits a free miner from acquiring mineral claims, placer claims, or both mineral and placer claims on a particular parcel of land.

A **Conditional Registration Reserve (CRR)** imposes specific conditions on mineral claims, placer claims, or both mineral and placer claims on a particular parcel of land. This type of reserve may be used to ensure that the acquisition and/or the use of the tenure does not interfere with another use of the land.

Within a **Coal Land Reserve**, a person must not explore for, develop or produce coal, and a licence or lease may not be issued.

#### OTHER RESTRICTIONS

Some Provincial lands may already have a restriction on the acquisition of tenure by virtue of existing legislation. Listed below are some of the restrictions that may already exist on a parcel of land, thus negating the need for a reserve.

- Under section 21 of the *Mineral Tenure Act*, mineral or placer rights cannot be acquired in a park created by or under an Act of British Columbia or Canada, or in an area of land established as a Provincial heritage property under the *Heritage Conservation Act*.
- Under section 4(2) of the *Mineral Tenure Act* Regulation, mineral or placer rights cannot be acquired on alienated land, the definition of which includes park land or a conservancy established under an Act of British Columbia or Canada, ecological reserves, areas in which mining activity is prohibited under the *Park Act* or *Environment and Land Use Act*, and Indian reserves.
- Placer mineral rights can only be acquired on land that has been specifically removed by regulation of the Chief Gold Commissioner from a no registration placer reserve that covers the entire Province; outside of these areas, the placer reserve is in place.

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<sup>1</sup> “Mineral lands,” as defined in section 1 of the *Mineral Tenure Act*, are lands in which minerals or placer minerals, or the right to explore for, develop, and produce minerals or placer minerals, is vested in or reserved to the government. “Coal land,” as defined in section 1 of the *Coal Act*, is land in which the coal or the right to explore for, develop and produce coal is vested in or reserved to the government.

## **REQUESTING A RESERVE**

Reserve requests may be directed to the Ministry of Energy and Mines. Forms and information for requesting a reserve are located on the Ministry's Mineral Titles website:

<http://www2.gov.bc.ca/gov/content/industry/mineral-exploration-mining/mineral-titles/reserves>

Anyone may request a reserve; however, provincial ministries and agencies are the requestors of most reserves. Example requests may include:

- Ministry of Aboriginal Relations and Reconciliation (MARR): If Cabinet has approved a mandate to undertake negotiations with a First Nation that may result in a transfer of land, a reserve may be requested for that land.
- Ministry of Environment: Where the Ministry of Environment determines that consensus has been reached on a proposed Protected Area, a reserve may be requested for that area.
- BC Hydro: If a new generating station or substation is to be constructed, a reserve may be requested for the surface area that will be occupied by the facility.

Other examples where a reserve may be considered include, but are not limited to, highway, transmission line and pipeline right-of-ways, gravel pits and independent power projects.

## **ESTABLISHING A RESERVE**

The establishment of a reserve is a legislative function of the Chief Gold Commissioner, who is under no obligation to exercise this authority.

Upon receipt of a reserve request, Ministry of Energy and Mines staff review the information provided. The requestor may be asked for more information or, in some cases, to modify the request. If the Chief Gold Commissioner determines that a reserve should be established, a regulation is made. The new regulation is posted to the Mineral Titles website, and copies are sent to the requestor, the Association for Mineral Exploration in BC (AME BC), and to any others involved in the establishment of the reserve.

## **REVIEW OF RESERVES**

The Ministry of Energy and Mines conducts periodic reviews of existing reserves and in the course of these reviews, works with the original reserve requestor and provincial staff to evaluate whether a reserve is still required or whether it can be rescinded or amended in whole or in part. For example, when land subject to a reserve becomes a park the reserve may be rescinded, as park land is prohibited from tenure acquisition.

## **MORE INFORMATION**

For more information regarding mineral, placer and coal land reserves, see the Ministry website:

<http://www2.gov.bc.ca/gov/content/industry/mineral-exploration-mining/mineral-titles/reserves>

Or contact the Mineral Titles Office at:

1-866-616-4999 or [Mineral.Titles@gov.bc.ca](mailto:Mineral.Titles@gov.bc.ca).