



Mineral Titles *Information Update*

No. 31 – Mining and Placer Lease Survey Procedure

Revision Date: November 4, 2015

Converting claims to lease may require a survey by a British Columbia Land Surveyor (BCLS) and having the resulting survey plan approved by the Surveyor General (SG).

Section 42 and 45 of the Mineral Tenure Act (MTA) provide direction for converting mineral and placer claims to a mining lease and placer lease, respectively. A lease is required for large-scale long term mine production. The cost of the legal survey work can be applied as physical work on the claims.

With the implementation of Mineral Titles Online (MTO) on January 12, 2005, electronic claim acquisition replaced traditional ground staking of claims. Electronically acquired claims (cell claims) are legally defined by the MTO Grid. For claims located prior to January 12, 2005 (legacy claims), section 24.1(5) was enacted in the MTA on January 1, 2008, which confirms the mapped position of legacy claims as being the prevailing position. As such, the mapped location of legacy claims are confirmed, making MTO maps the authoritative source for defining the ground location of mineral and placer claims.

Surveying procedures required revision to accommodate the above mentioned changes. In cooperation with the Surveyor General Division (SGD) of the Land Title and Survey Authority of British Columbia (LTSA) and the Association of British Columbia Land Surveyors, mining lease and placer lease survey rules were revised to address the new legislation and to better meet the needs of the mining industry. The revised survey rules significantly reduce the economic and time burden of a land survey. Circumstances on the ground may determine the appropriate survey requirements; full, partial or deferred surveys are now permitted upon the approval of the Chief Gold Commissioner (CGC).

MINING LEASE SURVEY PROCEDURE

- It is highly recommended that a proponent for a lease contact Mineral Titles and engage a BCLS prior to submitting a lease application.
- The revised survey rules have reduced the amount of actual ground work related to the marking of the boundaries of a survey. A lease proponent may still choose to have a full boundary survey conducted, if desired.
- The CGC may require a survey plan of the proposed lease area and may establish the need for a full or partial survey.
 - A partial survey will consist of monuments but may or may not include any marked boundaries.
 - In instances where future development affects the mine strategy or where production approaches a lease boundary, requirements for additional surveys may be imposed at that time.

In the event of a discrepancy between this information and the provisions in the *Mineral Tenure Act* and Regulation, the provisions in the statute and regulations will apply.

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- The BCLS, in consultation with the lease proponent, will prepare a survey strategy for any land parcel by reviewing the mineral titles, other land tenures in the area, the availability of geo-referenced mapping and aerial photography, and conditions on the ground.
 - The survey strategy may also include a description of how the mining operation (i.e. mine footprint, land use) will be carried out within the boundaries of their proposed lease.
- The BCLS will provide the survey strategy to Mineral Titles for review and comments.
- Mineral Titles may consult with the SG and additional survey requirements may be identified.
- The BCLS will obtain the coordinates for the claims involved in the lease application:
 - **Cell claim coordinates** are obtained from the publically available MTO Map Viewer.
 - **Legacy claim coordinates** for the boundary relating to the confirmed position of a legacy claim are not available online and must be requested by emailing Mineral.Titles@gov.bc.ca (Mineral Titles). Please include the specific **tenure numbers** of the legacy claims for which coordinates are required and a brief explanation why the coordinates are required.
 - Many existing surveys are not geo-referenced. Where a legacy claim is affected by such a survey, the BCLS must include the geo-referenced boundary coordinates of the surveyed mineral tenure as part of the survey plan and notify Mineral Titles that an existing survey was geo-referenced.

Please be aware: *Upon receiving a request for legacy coordinates, or as a result of the survey, a tenure review is initiated to identify any anomalies (gaps or overlaps) that may exist in the mineral title spatial coverage for the proposed lease area. Any anomalies identified during the tenure review are rectified prior to the creation of the legacy coordinates for each legacy claim. Depending on the extent and complexity of the anomalies that need to be rectified, a delay may occur in the delivery of the legacy claim coordinates.*

- Under the revised survey rules a District Lot is not created by the survey. Instead, the BCLS acquires a pre-assigned electronic survey plan number from the Electronic Filing System operated by the LTSA, which is stamped on all monuments placed during the field survey.
- The BCLS will carry out the required survey in the field. All points will be geo-referenced, typically using Global Navigation Satellite Systems (GNSS). Other land tenures that may affect the mineral title survey (such as Parks, Crown granted 2 post claims, highways, right-of- ways, and private property) will be located and surveyed. Depending on circumstances, all or a portion of the mineral title boundary may be surveyed and monumented. At least 3 to 6 control survey monuments should be placed **on or within the boundary** of the proposed lease area. The placement of each control monument should be chosen to provide longevity and usefulness for operating personnel on the ground. Control monuments are necessary to provide points on the ground to measure mine development relative to a lease boundary. For instance, the Mines Inspector may wish to measure the proximity of the mining operations to the lease boundary.
- The BCLS will prepare a plan of survey showing the above noted information. The plan is then submitted by the BCLS to the LTSA, along with relevant support documentation. LTSA fees are levied at the time of plan submission. The plan will then be reviewed by the SGD and the Mineral Titles office.
- Once the plan is approved by the SG, it will be filed in the Crown Land Registry and a copy is sent to Mineral Titles. Mineral Titles will advise the proponent on the next step in the mining lease application process.

Placer Lease Survey Procedure

- After a placer lease application is registered in MTO, Mineral Titles provides the applicant with a map of the proposed lease area (technical plan of placer claims) and a legacy claim UTM map, if required. The CGC may require a legal survey plan approved by the SG, in which case the same process used for a mining lease survey is followed.
- The applicant needs to review and confirm their agreement to the boundaries of the proposed lease area by signing and returning the technical plan of placer claim and legacy claim UTM map, if provided, to Mineral Titles.
- Upon receipt of the signed survey plan from the applicant, Mineral Titles will advise on the next step in the placer lease application process.

Related Links

- Requesting Legacy Claim Coordinates: <http://www2.gov.bc.ca/gov/content/industry/mineral-exploration-mining/mineral-titles/news-notices-announcements/notices-mineral-placer-titles/legacy-claim-map-confirmation>

For more information or if you have questions, please contact Mineral Titles.