

**PROVINCE OF BRITISH COLUMBIA**  
**ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL**

Order in Council No. 137, Approved and Ordered March 27, 2015

  
Lieutenant Governor

Executive Council Chambers, Victoria

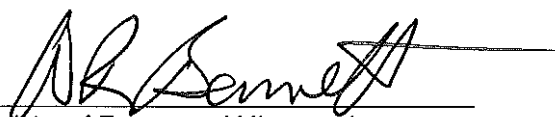
On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective April 1, 2015,

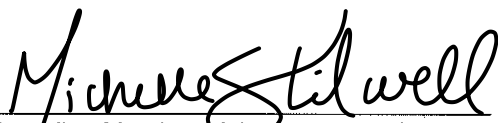
- (a) sections 52 and 53 of the *Miscellaneous Statutes Amendment Act, 2014, S.B.C. 2014, c. 14*, are brought into force, and
- (b) the attached *Mines Fee Regulation* is made.

**DEPOSITED**

March 30, 2015

B.C. REG. 54/2015

  
Minister of Energy and Mines and  
Minister Responsible for Core Review

  
Presiding Member of the Executive Council

*(This part is for administrative purposes only and is not part of the Order.)*

Authority under which Order is made:

Act and section: *Miscellaneous Statutes Amendment Act, 2014, S.B.C 2014, c. 14, s. 159*  
*Mines Act, R.S.B.C. 1996, c. 293, s. 38 (2) (l)*

Other:

March 5, 2015

R/1002/014/3

# MINES FEE REGULATION

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## **PART 1 – INTERPRETATION**

### **Interpretation**

- 1 (1) In this regulation:
  - “**Act**” means the *Mines Act*;
  - “**advisory committee**” means an advisory committee established for the purposes of section 9 of the Act;
  - “**mineral or coal mine**” means a mine at which mining activities in relation to surface or underground development or production of coal or minerals occur;
  - “**Minister of Finance**” means the minister responsible for the administration of the *Financial Administration Act*;
  - “**pit or quarry**” means a mine at which mining activities in relation to rock, industrial minerals, limestone, earth, clay, sand or gravel occur;
  - “**placer mine**” means a mine at which mining activities in relation to placer minerals occur;
  - “**regional mine**” means a placer mine or a pit or quarry.
- (2) For the purposes of this regulation, each cubic metre of pay dirt moved in a placer mine is deemed to be equivalent to 2 tonnes of pay dirt moved in the mine.

## **PART 2 – PERMIT FEES**

### **Prescribed permit fees**

- 2 (1) The prescribed fees for the review of an application for a permit or a revision to a permit are as set out in this Part.
- (2) This Part applies to the following persons:
  - (a) a person who holds a permit on or after April 1, 2015;

- (b) an applicant for a permit or a revision to a permit, if the application
  - (i) is made on or after April 1, 2015, or
  - (ii) was in relation to a mineral or coal mine and made before April 1, 2015 but no decision has been made to issue or to refuse the permit as of April 1, 2015.

**General rules for regional mines**

- 3
- (1) This section applies to applicants for, and holders of, permits in respect of regional mines.
  - (2) An applicant for a permit or a revision to a permit for a placer mine must include with the application both of the following:
    - (a) a statement of the maximum number of tonnes of pay dirt proposed to be moved in the highest producing year of the permit;
    - (b) the applicable permit fee, if any, as determined under section 4 [*permit fees for regional mines*].
  - (3) An applicant for a permit or a revision to a permit for a pit or quarry must include with the application all of the following:
    - (a) for the purpose of determining the operating period of the mine referred to in section 4 (3), a statement of the date on which mining activities
      - (i) are proposed to begin under a new permit or began under the current permit, and
      - (ii) are proposed to end;
    - (b) a statement of the maximum number of tonnes of materials proposed to be extracted in the highest producing year of the permit;
    - (c) the applicable permit fee, if any, as determined under section 4.

**Permit fees for regional mines**

- 4
- (1) The applicable permit fees for the purposes of section 3 (2) (b) and (3) (c) [*general rules for regional mines*] are as set out in this section.
  - (2) No permit fee applies in respect of an application for a revision that, in the opinion of the chief inspector, is merely administrative or clerical in nature.
  - (3) Subject to subsection (2) of this section, the permit fee is the fee, if any, set out in Column 3 of the following table opposite the tonnes of pay dirt or materials stated under section 3 (2) (a) or (3) (b), as set out in
    - (a) Column 1, in respect of a regional mine that is proposed to operate under the permit for 5 years or less, or
    - (b) Column 2, in respect of a regional mine that is proposed to operate under the permit for more than 5 years:

### Permit Fees for Regional Mines

Column 1	Column 2	Column 3
<b>Tonnes proposed to be extracted or moved in highest producing year</b>		<b>Permit fee</b>
<b>Regional mine proposed to operate for 5 years or less</b>	<b>Regional mine proposed to operate for more than 5 years</b>	
< 60 000	< 10 000	\$0
≥ 60 000 – < 125 000	≥ 10 000 – < 60 000	\$4 000
≥ 125 000 – < 250 000	≥ 60 000 – < 125 000	\$8 000
≥ 250 000 – < 500 000	≥ 125 000 – < 250 000	\$16 000
≥ 500 000	≥ 250 000	\$32 000

#### General rules for mineral or coal mines

- 5 (1) This section applies to applicants for, and holders of, permits in respect of mineral or coal mines.
- (2) On receiving an application for a permit or a revision to a permit, the chief inspector must
- (a) determine the applicable permit fee, if any, in accordance with section 6 [permit fees for mineral or coal mines], and
  - (b) advise the applicant, in writing, of the amount of the permit fee and the date by which the fee must be paid.
- (3) If the chief inspector advised an applicant that the applicable permit fee was that set out under section 6 (3) (a) but the chief inspector subsequently refers the application to an advisory committee, the chief inspector must
- (a) determine, in accordance with section 6, the applicable permit fee,
  - (b) subtract from the amount determined under paragraph (a) the amount of the permit fee already paid, and
  - (c) advise the applicant, in writing, of the amount of the additional permit fee as determined under paragraph (b) and the date by which the fee must be paid.
- (4) An applicant who receives a notice under subsection (2) (b) or (3) (c) must pay the permit fee stated in the notice on or before the date stated in the notice.

#### Permit fees for mineral or coal mines

- 6 (1) The applicable permit fees for the purposes of section 5 [general rules for mineral or coal mines] are as set out in this section.
- (2) No permit fee applies in respect of an application for a revision that, in the opinion of the chief inspector, is merely administrative or clerical in nature.
- (3) Subject to subsection (2), the following permit fees apply:
- (a) \$10 000, if the chief inspector does not refer the application to an advisory committee;

- (b) \$125 000, if the chief inspector refers the application to an advisory committee.
- (4) Despite subsection (3) (b), the chief inspector may reduce the permit fee for an application referred to an advisory committee to \$60 000 if the chief inspector is of the opinion that
  - (a) the application is significantly less complex than usual, and
  - (b) the subject matter of the application is not likely to significantly
    - (i) change the design components of the mine, the mine plan or the reclamation program to be carried out in respect of the mine,
    - (ii) increase the impact on the land, watercourses or cultural heritage resources affected by the mine, or
    - (iii) increase risks to the health and safety of any person, including the public, in, on or about the mine.

### **PART 3 – INSPECTION FEES**

#### **Prescribed inspection fees**

7 The prescribed fees for inspections are as set out in this Part.

#### **Inspection fees for pits or quarries**

- 8 (1) This section applies to holders of permits in respect of pits or quarries.
- (2) A permit holder must pay to the Minister of Finance the applicable inspection fee as determined under subsection (4).
- (3) Payment under subsection (2) must be made each year, on or before January 31, in respect of the period beginning January 1 of the previous calendar year.
- (4) The annual inspection fee is the amount set out in Column 2 of the following table opposite the number of tonnes of materials extracted in the previous calendar year, as set out in Column 1:

**Inspection Fees for Pits or Quarries**

Column 1 Tonnes extracted	Column 2 Inspection fee
≤ 10 000	\$150
> 10 000 – ≤ 25 000	\$450
> 25 000 – ≤ 50 000	\$900
> 50 000 – ≤ 100 000	\$1 950
> 100 000	\$3 750

#### **Inspection fees for mineral or coal mines**

- 9 (1) This section applies to holders of permits in respect of mineral or coal mines.
- (2) A permit holder must pay to the Minister of Finance the applicable inspection fee as determined under subsection (4).

- (3) Payment under subsection (2) must be made as follows:
  - (a) in respect of the period beginning January 1 and ending June 30, on or before July 31 of that year;
  - (b) in respect of the period beginning July 1 and ending December 31, on or before January 31 of the following year.
- (4) Subject to subsection (5), the inspection fee is the amount calculated by multiplying the payroll for the applicable period under subsection (3), as determined for the purposes of the *Workers Compensation Act*, by 0.007.
- (5) If the amount calculated under subsection (4) in respect of a period is less than \$300, no inspection fee is payable for the period.
- (6) The permit holder must, on request of the Minister of Finance and within the time requested, provide to the Minister of Finance payroll and other accounting records for the purpose of verifying the amount calculated under subsection (4).