Mineral Tenure Act

MINERAL TENURE ACT REGULATION

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Definitions

1 In this regulation:

"Act" means the Mineral Tenure Act;

"adjoin" means to share a common boundary other than at a corner;

"alienated land" means the following land:

(a) land in a park established under an Act of British Columbia or Canada;

(a.1) land in a conservancy established under an Act of British Columbia;

(b) an ecological reserve established under an Act of British Columbia or Canada;

(c) an area in which mining activity is prohibited under the *Park Act* or under an order under the *Environment and Land Use Act*;

(d) Indian reserve land;

"anniversary year" means the period from one expiry date of a mineral title to the next immediate expiry date;

"archaeological impact assessment" means any heritage inspection or heritage investigation as defined in the *Heritage Conservation Act* that

(a) the chief inspector of mines requires a recorded holder to undertake as a condition of a permit issued under the *Mines Act*,

(b) is carried out by an individual who holds a permit under section 14 of the *Heritage Conservation Act*, and

(c) is directly related to exploration and development;

"chief gold commissioner" means the chief gold commissioner appointed under section 4 of the Act;

"Crown granted 2 post claim" means a mineral title that was issued under a former Act and subsequently converted to a Crown grant;

"exploration and development" means

- (a) physical exploration and development, or
- (b) technical exploration and development,

or, except with respect to paragraph (b) of the definition of "mining activity" in the Act,

(c) determining ownership of land,

(d) serving notice under section 19 (1) of the Act, or

(e) making reasonable efforts to serve notice under section 19 (1) of the Act if an exemption has been granted under section 19 (1.1) of the Act;

"legal post" means a post or cairn that has been placed and marked in accordance with the Mineral Tenure Act Regulation, B.C. Reg. 297/88, as it read immediately before its repeal;

"physical exploration and development" includes:

(a) if the work is related to a mineral claim, any of the following:

(i) trenching, open cuts, adits, pits, shafts and other underground activity for the purposes of collecting samples or other geological or technical information;

(ii) reclamation related to exploration and development activities;

(iii) ground control surveys, line cutting and grids that support an activity described in paragraphs (b) to (h) of the definition of technical exploration and development;

 (iv) precision survey techniques such as global positioning or surveys conducted by a practising land surveyor;

(v) global positioning surveys in accordance with section 20;

(b) if the work is related to a placer claim, any of the following:

(i) activities referred to in paragraph (a);

(ii) panning, digging or washing of gravels to test for the presence of economically significant minerals;

"practising land surveyor" means a practising land surveyor under the Land Surveyors Act;

"technical exploration and development" for mineral claims and placer claims includes:

(a) archaeological impact assessments;

- (b) geological surveys and studies;
- (c) mineral resource or ore reserve calculations and related work;
- (d) geophysical surveys;
- (e) geochemical surveys;

(f) drilling, including drilling for the purposes of collecting samples, core logging or other geological or technical information;

(g) analysis of mineral or rock samples including a bulk sample to assess characteristics pertinent to the assessment of the mineral resource, including acid base accounting, metallurgical, mineralogical, beneficiation and petrological studies;

- (h) prospecting and exploring;
- (i) environmental baseline studies;

(j) construction and maintenance of roads, trails, helicopter landing sites, drill sites and drill core storage if required to support an activity described in any of paragraphs (b) to (i);

(k) preparation and geological interpretation of air photo, satellite or other remotely sensed images that support an activity described in paragraphs (a) to (i);

(I) preparation of orthophoto and topological surveys that support an activity described in paragraphs (a) to (i);

(m) compilations of previous exploration and development studies and reports if those compilations lead to new exploration and development;

(n) any other similar activity that may be approved by the chief gold commissioner before the exploration and development is done;

"unit" in relation to a legacy claim means a unit within that claim immediately before January 12, 2005.

Searches

2 (1) A person may conduct a search of the registry online.

(2) On payment of the prescribed fee and under the direction of the chief gold commissioner a person may search the paper records and documents pertaining to a mineral title.

(3) On payment of the prescribed fee, a person may obtain a copy of the search of the paper records and documents pertaining to a mineral title.

Notice requirements before entering private land

- 2.1 (1) A person must not begin a mining activity until 8 days after, but within 12 months of, serving notice in accordance with subsections (2) to (4) of this section on the persons listed in section 19 (1) (a) (i) to (iii) of the Act.
 - (2) The notice must include the following information:
 - (a) the name and address of the person serving the notice;

(b) the name and address of the person responsible for operations on the site where the mining activity will occur;

(c) a map, or the equivalent in a written description, of the surface area in which the mining activity will occur;

- (d) identification of the dates on which the mining activity will occur;
- (e) a description of the mining activity that will occur on the dates specified in paragraph (d);

(f) the approximate number of people who will be working on the site when the mining activity occurs.

(3) The notice is deemed to be served on a person listed in section 19 (1) (a) (i) to (iii) of the Act if

(a) mailed to the person's mailing address as shown on any record relating to the current ownership of the surface area in the land title office or the British Columbia Assessment Authority,

(b) mailed to the person's mailing address as shown on the Integrated Land and Resource Registry maintained by the minister responsible for the *Land Act*,

(c) sent by facsimile transmission to a fax number provided by the person as an address for notification purposes,

(d) sent by e-mail to an e-mail address provided by the person as an address for notification purposes, or

(e) hand delivered to the person.

(4) A notice that is served on a person under subsection (3) (a) to (d) is conclusively deemed to have been given 8 days after it is mailed, faxed or e-mailed.

(5) A person required to serve notice under subsection (1) must, in accordance with subsections (2) to (4), serve an amended notice to the persons listed in section 19 (1) (a) (i) to (iii) of the Act if

(a) there are changes to the dates identified in subsection (2) (d) affecting more than 7 days, or

(b) there are substantial changes to the description of the mining activity referred to in subsection (2) (e).

(6) The person required to serve an amended notice under subsection (5) must not begin a mining activity as set out in the amended notice until 8 days after the notice is served under subsection (5).

Exemption from notice requirements

2.2 The chief gold commissioner may exempt a person from the requirements of section 19 (1) of the Act if

(a) the person seeking the exemption applies, in writing, to the chief gold commissioner for the exemption, and

(b) includes in the application evidence satisfactory to the chief gold commissioner that the person seeking the exemption has made reasonable efforts to serve notice on the persons listed in section 19 (1) (a) (i) to (iii) of the Act.

Conversion of legacy claims to cell claims

- **3** (1) A recorded holder of a legacy claim may convert that claim to a cell claim by registering one or more of the adjoining cells encumbered by the legacy claim.
 - (2) On registration of a cell claim under subsection (1), the legacy claim is terminated.

(3) A cell encumbered in whole or in part by one or more legacy claims is not available for registration as a claim.

(4) Despite subsection (3), the recorded holder of the legacy claim may register a claim for that cell in order to convert that legacy claim to a cell claim.

(5) If there is more than one recorded holder of a legacy claim, the application to register must be made by all the recorded holders to hold the converted claim as tenants in common in the same proportions of ownership as they held in the legacy claim.

(6) Despite subsection (3), if a cell is encumbered by two or more legacy claims and the ownership of the legacy claims is different, either of those recorded holders of the legacy claims may register a claim for that cell in order to convert that legacy claim to a cell claim.

(7) Subsection (3) applies

(a) to all cells affected by a legacy mineral claim until July 11, 2005, and

(b) to all cells affected by a legacy placer claim until November 30, 2005.

(8) The expiry date of a cell claim that is registered under subsection (1) is the date that the legacy claim would have expired.

(9) If two or more legacy claims held by the same recorded holder are converted at the same time,

(a) the expiry date of the resulting cell claim is the earliest expiry date of the claims that are converted, and

(b) the new cell claim must consist of adjoining cells.

(10) The limit in section 4 (1) does not apply to a cell claim acquired under this section.

(11) Exploration and development work conducted on a legacy claim but not yet registered may be registered to the new cell claim.

Disposition of Crown granted 2 post claim

3.1 (1) If a Crown granted 2 post claim has reverted, escheated or been surrendered to the Crown, or is otherwise acquired by the Crown, the chief gold commissioner may make the mineral rights formerly held under the Crown granted 2 post claim available for selection under section 4 by advertising in the Gazette the following information:

(a) that mineral rights formerly held under a Crown granted 2 post claim are available for selection;

(b) the date on which the mineral rights will be available.

(2) If

(a) the chief gold commissioner makes an advertisement under subsection (1), and

(b) a person holds, on the date on which the mineral rights will be available, a registered cell claim over the land formerly subject to the Crown granted 2 post claim,

the person holding the registered cell claim acquires the mineral rights that are available for selection.

Registrations of new claims

4 (1) An individual claim may consist of up to $\frac{100}{25}$ complete or partial adjoining cells.

(2) No mineral or placer rights in respect of alienated land are acquired by registering a cell claim under this section.

(3) Except as provided in section 3, a cell is not available for selection, until July 12, 2005, if any portion of the cell is subject to a legacy claim.

(4) A cell is not available for selection if the whole area of the cell is subject to a legacy claim.

(5) Subsection (4) does not apply to a Crown granted 2 post claim.

(6) Subsection (4) does not apply if the applicant for the cell and the recorded holder of the legacy claim are the same person.

(7) The chief gold commissioner may refuse to accept a cell claim for a cell that the chief gold commissioner considers to be too small or too irregular in shape to be workable.

(8) Registration of a cell claim is not effective until payment of the prescribed fee.

(9) Subject to subsections (2) and (4), a person who registers a cell claim acquires the rights to the minerals or placer minerals within the area underlying the cell to the extent that those rights are not held by a legacy claim or are unavailable because of a reserve made under section 22 of the Act.

(10) A person who holds a registered cell claim referred to in subsection (9) acquires the rights to the legacy claim that are within the cell when the legacy claim terminates, unless the legacy claim terminates because it is being converted to a lease.

(11) If land is released from being alienated land or released from being reserve land under section 22 of the Act, and there is a cell claim over the land, the mineral or placer rights of the holder of the cell claim extend to the previously alienated or reserved land without any additional fee.

Amalgamation of cell claims

5 (1) In this section, **"amalgamate"** means to join 2 or more cell claims into one cell claim in accordance with this section.

(2) If a recorded holder of two or more cell claims wishes to amalgamate any of the cell claims, the whole of each cell claim must be amalgamated.

(3) In order to be amalgamated, the cell claims must be adjoining and be held by the same recorded holder.

(4) If cell claims are amalgamated, a new cell claim is created and the former cell claims are terminated on completion of the registration.

(5) If two or more cell claims are amalgamated, the expiry date of the new cell claim is the earliest of the expiry dates of the amalgamated claims.

(6) A recorded holder who registers the amalgamation of a cell claim must pay the prescribed fee

Subdivision of cell claims

5.1 (1) In this section:

"original cell claim" means a cell claim that consists of 2 or more cells and in respect of which the recorded holder registers or proposes to register 2 or more subdivided cell claims;

"subdivided cell claim", in respect of an original cell claim, means a cell claim that results from the subdivision of that original cell claim.

(2) A recorded holder may subdivide an original cell claim under section 24.3 of the Act by registering 2 or more subdivided cell claims in accordance with this section.

(3) If there is more than one recorded holder of the original cell claim, the application to register subdivided cell claims from that original cell claim must be made by all the recorded holders to hold each subdivided cell claim as tenants in common in the same proportions of ownership as they held in the original cell claim.

(4) The sum of the areas of the resulting subdivided cell claims must equal the area of the original cell claim.

(5) A mineral claim may be subdivided only into mineral claims and a placer claim may be subdivided only into placer claims.

(6) On the registration of subdivided cell claims

(a) the original cell claim is continued as the subdivided cell claims, and

(b) the subdivided cell claims are deemed to have been registered on the date the original cell claim was registered and to have the same expiry date as the original cell claim.

(7) Subdivided cell claims may not be registered for an original cell claim in respect of which the recorded holder has

> (a) registered an application for a lease under section 42 or 45 of the Act until the application has been finally determined, or

(b) initiated the registration of a transfer of ownership of the original cell claim under section 12 of this regulation until the transfer is complete or the registration is invalidated under section 12 (5) of this regulation.

Reduction of cell claims

- **6** (1) The recorded holder of a cell claim may reduce the size of the claim by registering a claim change that reduces the claim in increments of whole cells.
 - (2) The recorded holder must not register the claim change under subsection (1) unless
 - (a) the reduced claim will have at least one cell,
 - (b) if the reduced cell claim consists of two or more cells, the cells are adjoining, and
 - (c) the reduction does not result in any internal voids or open areas in the cell claim.

(3) A recorded holder who registers the reduction of a cell claim must pay the prescribed fee.

Exploration and development work on a claim

- 7 (1) Exploration and development work must be registered within one year of that work being completed.
 - (2) Only exploration and development done after the claims were registered or recorded may be registered.

(2.1) Despite subsection (2) and in accordance with section 8 (1.1), one or more of the following exploration and development activities carried out before the related claim or block of claims is registered or recorded may be registered:

- (a) determining ownership of land;
- (b) serving notice under section 19 (1) of the Act;
- (c) making reasonable efforts to serve notice under section 19 (1) of the Act if an exemption has been granted under section 19 (1.1) of the Act.
- (3) The chief gold commissioner may accept
 - (a) for technical exploration and development, airborne geophysical or geochemical surveys, and
 - (b) exploration and development activities of
 - (i) determining ownership of land,
 - (ii) serving notice under section 19 (1) of the Act, and
 - (iii) making reasonable efforts to serve notice under section 19 (1) of the Act if an
 - exemption has been granted under section 19 (1.1) of the Act

extending beyond the boundaries of the claim or block of claims.

(4) Exploration and development work conducted on a claim may be applied to adjoining claims or any claims in a sequence of adjoining claims.

(4.1) For greater certainty, a Crown granted 2 post claim must be considered to be an adjoining claim for the purpose of determining whether to allow work to be registered from one claim to another.

(5) A description of a brief property examination is not acceptable for registration as exploration and development.

(6) Calculation of reserves or resources must conform to the standards set out in Schedule A.

(7) Shallow drill holes drilled for the purpose of blasting are considered to be physical work.

(8) Prospecting activities in respect of a claim are acceptable for registration as exploration and development only during the first three years of the holding of the claim by a recorded holder.

(9) The chief gold commissioner must determine the value to be credited for exploration and development work after considering

(a) the exploration and development work as defined by the contents of a report submitted for the purposes of section 33 of the Act, and

(b) the costs documented in an itemized cost statement included in the report.

(10) On request by the chief gold commissioner, the recorded holder of a claim must provide evidence satisfactory to the chief gold commissioner that the registered exploration and development activity has been performed, including any receipts.

Registering exploration and development for a claim

8 (1) In order to be eligible for registration as exploration and development work under this section, the work must have been done within the boundaries of the claim or block of claims.

(1.1) If an exploration and development activity referred to in section 7 (2.1) is carried out before the related claim or block of claims is registered or recorded, the activity may be registered on that claim or block of claims after the claim or block of claims is registered or recorded.

(2) In respect of the value of exploration and development required to maintain a claim in good standing under section 29 of the Act, on or before the expiry date the recorded holder must pay the prescribed fee and satisfy the exploration and development requirement for the anniversary year by

(a) registering a statement of exploration and development, or

(b) registering a statement of exploration and development and applying credits from the recorded holder's portable assessment credit account.

(3) The value of exploration and development per hectare is to be calculated on the basis that

(a) each unit of a legacy mineral claim must be considered to contain 25 hectares,

(b) a legacy placer claim must be considered to contain 50 hectares, and

- (c) a cell claim has the number of hectares determined by the registry's grid location of the cell.
- (4) The value of exploration and development required to maintain a mineral claim for one year is at least

(a) \$5 per hectare for each of the first and second anniversary years \$4 per hectare during each of the first, second and third anniversary years,

(b) \$10 per hectare for each of the third and fourth anniversary years \$8 per hectare for each subsequent anniversary year,

(c) \$15 per hectare for each of the fifth and sixth anniversary years, and

(d) \$20 per hectare for each subsequent anniversary year.

(5) The value of the exploration and development required to maintain a placer claim for one anniversary year is at least \$20 per hectare for one year is at least \$10 per hectare.

(6) For the purposes of section 29 of the Act, exploration and development registered under this section may be applied to future anniversary years to a maximum of 10 future anniversary years.

Portable assessment credits

9 (1) The recorded holder of a claim may apply to the chief gold commissioner to have a portable assessment credit account created in their name and have exploration and development value credited to that account.

(2) If, in relation to a claim, a report on technical exploration and development has been approved under section 33 of the Act and any of the exploration and development credit has not been applied to the claim for the purposes of section 8 of this regulation, that remaining credit may be applied to the portable assessment credit account of the recorded holder or the person who performed the technical exploration and development.

- (2.1) If a report about
 - (a) determining ownership of land,
 - (b) serving notice under section 19 (1) of the Act, or

(c) making reasonable efforts to serve notice under section 19 (1) of the Act if an exemption has been granted under section 19 (1.1) of the Act

has been approved under section 33 of the Act and any of the exploration and development credit has not been applied to a claim for the purposes of section 8 of this regulation, that remaining credit may be applied to the portable assessment credit account of the recorded holder or the person who determined ownership of land, served notice or made reasonable efforts to serve notice. (3) A recorded holder may use their portable assessment credit to satisfy up to 30% of the exploration and development required for an anniversary year, but only if

(a) in combination with the value to be credited for exploration and development work determined under section 7 (9) for that year, the full requirement for exploration and development for that anniversary year is satisfied, and

(b) the exploration and development being recorded for that anniversary year is technical exploration and development.

(4) If there has been a minimum of 10 years of exploration and development recorded on a claim, the recorded holder may apply credits from their portable assessment credit account to maintain that claim for up to 5 years by registering the credit against the claim and on payment of the prescribed fee.

(5) For the purposes of subsection (4), the value of the credits required to maintain the claim for each year is \$40 per hectare the value of the credit must be calculated on the basis of \$16 per hectare per year and

(a) for online registration the credit must be registered no later than 60 days before the expiry date of the claim, or

(b) for registration in person the credit may be registered at any time before the expiry date.

(6) A credit under subsection (5) may be applied to a claim only once and only if a similar credit was not applied to that claim before January 12, 2005.

(7) If a claim is expropriated for a park, as part of the compensation settlement the chief gold commissioner may authorize the deposit, to the recorded holder's portable assessment credit account, of the value of all or a portion of the exploration and development applied to the expropriated claim.

(8) If a park is established by expropriation of land within a claim subsequent to the location of the claim, the chief gold commissioner may, as part of the compensation settlement, authorize a credit from the recorded holder's portable assessment credit account to be applied to one or more claims held by the recorded holder for the purposes of section 29 or 33.1 of the Act.

(9) For the purposes of subsection (8), credit must be applied to the claim in accordance with the values specified in section 8 (3) and for the number of years determined by the chief gold commissioner up to the limit specified in section 8 (5).

(10) For the purposes of subsection (8), no recording fees are payable under section 29 of the Act.

Registering payment instead of exploration and development

10 (1) For the purpose of maintaining a claim in good standing under section 29 of the Act, a recorded holder may pay the prescribed fee and make a payment instead of doing exploration and development.

- (2) A payment may be made only for the next anniversary year.
- (3) The payment and the fee required under subsection (1) must be made at the time of registration.
- (4) The required payment is to be calculated on the basis that

(a) each unit of a legacy mineral claim must be considered to contain 25 hectares,

(b) a legacy placer claim must be considered to contain 50 hectares, and

(c) a cell claim has the number of hectares determined by the registry's grid location of the cell.

(5) The required payment to maintain a mineral claim for an anniversary year is double the value of exploration and development that would be required to maintain the claim under section 8 (4) for the anniversary year. The required payment to maintain a mineral claim for one year is

(a) \$4 per hectare for each of the first, second and third anniversary years, and

(b) \$8 per hectare for each subsequent anniversary year.

(6) The required payment to maintain a placer claim <mark>for each anniversary year is \$40 per hectare</mark> for each year is <mark>\$10 per hectare</mark>.

Expiry date change

11 (1) For the purposes of section 33.1 of the Act, a recorded holder may revise the existing expiry date of a claim

(a) by registering an expiry date change and a statement of exploration and development showing at least the amount of exploration and development required under section 8 to maintain the claim to the new expiry date, or

(b) to a date that is not less than 6 months later than that existing expiry date by registering an expiry date change and paying cash instead of exploration and development in the amount required under section 10 to maintain the claim until the new expiry date. <mark>A recorded holder may move the existing expiry date of a claim forward to a</mark> different expiry date by registering an expiry date change, paying the prescribed fee, and

> (a) registering a statement of exploration and development showing at least the amount of exploration and development required under section 8 to maintain the claim to the new expiry date, or

> (b) paying cash instead of exploration and development, in the amount required under section 10, to maintain the claim until the new expiry date.

(2) For the purposes of this section, the amount of exploration and development required under section 8 or the amount required under section 10 must be prorated on a daily basis.

(3) If credits from a portable assessment credit account are chosen, section 9 (3) applies.

Registering a transfer of ownership

- **12** (1) The recorded holder of a mineral title may initiate the registration of a transfer to another free miner of any portion of the interest in the mineral title held by that recorded holder.
 - (2) The transferee may agree to the transfer by completing the registration of the transfer.

(3) The transferee must hold a valid free miner certificate and valid British Columbia Electronic Identification in order to complete the registration of the transfer.

(4) The transfer of ownership takes effect on acceptance and completion of the registration of the transfer and payment of the prescribed fee by the transferee.

(5) If the transferee has not accepted and completed the registration of the transfer within 30 days of the initiation of the registration by the transferor, the registration is invalidated.

(6) If a registration is invalidated under subsection (5), the recorded holder may initiate a new registration.

Registering a document or notice

- 13 (1) On payment of the prescribed fee, a copy of a document or notice relating to a mineral title may be submitted to the chief gold commissioner for registration.
 - (2) The chief gold commissioner may register the document or notice against the appropriate mineral title.

(3) A paper copy of a document or notice registered under this section must be retained on file by the chief gold commissioner.

Correction of entry in registry

- 14 (1) On application by a recorded holder, or on the initiative of the chief gold commissioner, the chief gold commissioner may
 - (a) correct an entry,
 - (b) amend an incomplete entry, or
 - (c) delete an entry made in error.

(2) The chief gold commissioner must record the reason for any correction, amendment or deletion made under this section.

Reports of physical exploration and development on a claim

15 (1) A report of physical exploration and development submitted as required by section 33 of the Act must include all of the following, as applicable:

(a) a detailed written description explaining the type of activity and the result obtained;

(b) the date the exploration and development started and the number of hours of work;

(c) an itemized cost statement related to that activity including the costs for labour, food, accommodation, transportation, rental and operation of machinery, equipment and instruments;

(d) a map at a scale of detail of 1:10 000 or more detailed that shows the geographic location of the exploration and development activity relative to the boundaries of the claim or block of claims on which the activity was carried out;

(e) metric dimensions of all workings, openings and related activity referenced to the map described in paragraph (d) for trenches, open cuts, adits, pits, shafts and underground activity;

(f) a map at a scale of detail of 1:5 000 or more detailed that shows the ground control or grid lines;

(g) a plan prepared by the land surveyor from a precision survey;

(h) a plan of the survey and differentially corrected coordinates of the legal posts surveyed from a global positioning survey;

(i) the amount in metric units of material removed from the ground and tested or processed including the metric dimensions of the excavation for placer panning, digging and washing of gravel;

(j) a statement of the qualifications of the author of the report.

(2) Within 30 days after registering the statement of exploration and development the recorded holder of a claim must submit the report in a format acceptable to the chief gold commissioner.

(3) If a recorded holder fails to submit a report as required under subsection (2), the chief gold commissioner may notify the recorded holder of the intention, under section 33 of the Act, to cancel the registration of the recording of exploration and development.

(4) The report must document original exploration and development performed after the claims were registered or recorded.

(5) If exploration and development activity is conducted on 2 or more claims and the work on each claim is the subject of a separate report, each report must attribute a fair apportionment of the cost to the relevant claim.

Reports of technical exploration and development

16 (1) A report of exploration and development submitted as required by section 33 of the Act must include all of the following, as applicable:

(a) a detailed explanation of the type of exploration and development, including written descriptions of the materials, media and mineralization mapped or sampled, interpretation of field observations and post-survey data processing;

(b) a description of the physical geography and accessibility of the site and of the infrastructure existing on or near the site;

(c) the date the exploration and development started and the number of hours of work;

(d) an itemized cost statement related to that activity including the costs for labour, food, accommodation, transportation, rental or operation of machinery, equipment and instruments;

(e) a description of the geographic location of the exploration and development work relative to the boundaries of the claim or block of claims on which the work was carried out;

(f) a summary of local and regional geology;

(g) a summary of the minerals present and their relative concentrations and dispersal;

(h) all of the raw and corrected data resulting from the work;

(i) all of the graphical data, whether filtered, profiled, contoured or otherwise manipulated;

(j) all interpretations of results and analysis;

(k) interpretation and conclusions delivered in a clear and concise manner;

(I) a summary of the exploration and development;

(m) a statement of the qualifications of the author of the report.

(2) The chief gold commissioner may accept

(a) if the recorded holder is an individual, a report written by that individual in relation to their claim,

(b) a report written by a member as defined in the Engineers and Geoscientists Act, or

(c) a report written by an individual who satisfies the chief gold commissioner that they have the relevant training and experience necessary to prepare the report.

(3) A report required under this section must be in the form and medium specified in Schedule A.

(4) Within 90 days after registering the statement of exploration and development the recorded holder of a claim must submit a report required under section 33 of the Act in a format acceptable to the chief gold commissioner.

(5) If a recorded holder fails to submit a report as required under subsection (3), the chief gold commissioner may notify the recorded holder of the intention to cancel the registration of the recording of exploration and development under section 33 of the Act.

(6) Approved reports are confidential for a period of one year from the date of registration of the exploration and development.

(7) If exploration and development activity is conducted on 2 or more claims and the work on each claim is the subject of a separate report, each report must attribute a fair apportionment of the cost to the relevant claim.

Production on a claim and bulk sample

17 (1) A recorded holder of a mineral claim must not produce or cause to have produced more than 1 000 tonnes of ore in a year from each unit in a legacy claim or each cell in a cell claim.

(2) A recorded holder of a placer claim must not produce or cause to be produced in a year placer minerals from more than 20 000 m³ of pay dirt from each legacy claim or cell claim. A recorded holder of a placer claim must not produce or cause to be produced placer minerals from more than

(a) 2 000 m³ of pay dirt from each legacy claim in a year, or

(b) 1 000 m³ of pay dirt from each cell in a cell claim in a year.

(3) Despite subsection (1), a bulk sample of up to 10 000 tonnes of ore may be extracted from a mineral claim not more than once every 5 years.

Plan of survey of a placer lease

18 (1) A registered application for a placer lease must be supported by

(a) a survey plan of the land intended for lease

- (i) prepared by a practising land surveyor, and
- (ii) approved by the Surveyor General, or

(b) a technical survey plan that includes all of the following:

(i) a photograph that legibly shows the information impressed on each legal post metal tag, located in the field, of each placer title to be included in the lease;

(ii) a photograph of each legal post, located in the field, of sufficient scope to allow recognition of physical features of the landscape that will assist in later location of the post;

(iii) in the absence of the post or tag in the field as required under subparagraph (ii), a statutory declaration setting out the particulars of the search for the post or tag, a description of the location where the applicant for lease believed the post or tag to have been originally located and the information that the applicant believes was contained on the post or tag;

(iv) coordinates for each legal post or each claim being taken to lease and for other posts as required by the chief gold commissioner;

(v) a map or maps, satisfactory to the chief gold commissioner, that show features that the chief gold commissioner requires.

(2) If the application for a placer lease includes cell claims, the survey of the cell claims must comply with the rules referred to in section 64 of the Act.

(3) The applicant must publish a copy of the notice of intention to apply for a placer lease in 2 consecutive issues, not more than 14 days apart, of a newspaper circulating in the area or, at the request of the chief gold commissioner, of another publication circulating in the area.

(4) A person who challenges the issuance of the placer lease may submit the details of the challenge to the chief gold commissioner.

(5) The chief gold commissioner must consider the challenge to the issuance of the placer lease and endeavor to resolve the challenge.

(6) If the chief gold commissioner is unable to resolve the challenge, the applicant must have the intended lease area surveyed by a practising land surveyor.

(7) On confirmation of the survey plan by the Surveyor General, the applicant must submit a copy of the confirmed survey plan to the chief gold commissioner.

Fees for registration, filing and other matters

19 (1) The fees, charges and rents to be paid for registrations, filing of records, services, rentals and other matters under the Act are those set out in Schedule B. The prescribed fees to be paid to the chief gold commissioner for registrations, filing of records and other matters under the Act and this regulation are set out in Schedule B.

(2) The prescribed fee or charge must be paid before any registration, filing or other action is done under the Act. Prescribed fees must be paid before any registration, filing of any record or other action is done under the Act or this regulation.

Repealed

20 Repealed.

Transition for converting placer leases into legacy placer claims

21 (1) The holder of a placer lease issued under any of the former Acts may apply to convert the placer lease to a legacy placer claim in accordance with this section.

(2) An application under this section must be made in writing to the chief gold commissioner before the expiration of the term of the placer lease.

(3) If the chief gold commissioner approves an application under this section, the chief gold commissioner must register the application in the registry.

(4) If a placer lease issued under any of the former Acts is converted to a legacy placer claim under this section, the right to placer minerals under the placer lease is continued under the legacy placer claim.

(5) A legacy placer claim acquired under this section

(a) must be of the exact shape and configuration as the placer lease from which it is derived, and

(b) must have an expiry date one year from the date of registration.

(6) On the issue of a legacy placer claim under this section, the placer lease from which it is derived is terminated.

Transition – fees

22 (1) In this section, "effective date" means July 1, 2012.

(2) Sections 8 (4) and (5) and 10 (5) and (6), as they read immediately before the effective date, continue to apply to a recorded holder in respect of a mineral claim or placer claim until the next expiry date of the claim that occurs on or after the effective date.

(3) The next expiry date of a mineral claim or a placer claim that occurs on or after the effective date is conclusively deemed to start the first anniversary year of the claim.

(4) Items 14 and 16 of Schedule B, as they read immediately before the effective date, apply to the recorded holder of a mining lease or a placer lease for the purposes of the current rental year of the lease.

Schedule A

Guidelines for Reporting Exploration and Development Work

General

1 (1) In this Schedule, "report" means a report referred to in subsection (2).

(2) This Schedule defines the form and medium for a report required by section 33 of the *Mineral Tenure Act* and section 16 of the Mineral Tenure Act Regulation.

(3) This Schedule applies to the reporting of

(a) technical exploration and development as defined in section 1 of the Mineral Tenure Act Regulation, and

(b) the following exploration and development activities:

- (i) determining ownership of land;
- (ii) serving notice under section 19 (1) of the Act;
- (iii) making reasonable efforts to serve notice under section 19 (1) of the Act if an
- exemption has been granted under section 19 (1.1) of the Act.

Report format

2 (1) All text and map information in a report must be presented so that the location and the results of the investigation are clear and legible.

(2) The report must be typed on a good grade of standard letter size paper secured in a binder and the margins must be wide enough to allow for complete visibility of all text.

- (3) Pages must be easily removed from the binder.
- (4) The report must contain the following:
 - (a) a title page;
 - (b) a table of contents;
 - (c) an introduction;
 - (d) technical data and interpretation;
 - (e) drill logs and diagrams;
 - (f) an itemized cost statement;
 - (g) a statement of the author's qualifications;
 - (h) a list of references cited in the report;

(i) a list of software programs used in support of the exploration and development and the preparation of the report.

- (5) The title page must do all of the following:
 - (a) identify the general nature of the report;
 - (b) briefly identify the specific claims involved;
 - (c) identify the relevant mining division;
 - (d) specific the NTS or BCGS location;
 - (e) specify the latitude and longitude or UTM zone, easting, and northing coordinates representing the geographic centre of the assessment work;
 - (f) name the owner of the claims;

- (g) name the operator (who paid to have the work done);
- (h) name any consultant involved in the matter;
- (i) name the author of the report;
- (j) specify the date the report is submitted.

(6) A table of contents must identify all text pages, sections, diagrams, drill logs or any other documentation by sequentially numbered pages, including numbered appendices, maps, figures and other illustrations and any itemized cost statement.

(7) An introduction must include the following:

(a) the general geographic and physiographic position of the claims, access to the claims and index map;

(b) the property definition, containing history of the property, current owner, operator, brief economic assessment of property, etc.;

(c) for each type of work, a list of claims including tenure numbers on which work was actually performed;

(d) a summary of work done as follows:

(i) for geochemical survey, the total number of soil, silt or rock chip samples collected, separately listed;

(ii) for geophysical survey, the total number of kilometres of line surveyed for each type of survey;

(iii) for drilling, the size and number of holes reported on and the total metres of drilling reported;

(iv) for geological survey, the scale of mapping and the total area surveyed;

(v) for a topographic survey, the total area surveyed;

(vi) for prospecting, the total area prospected;

(vii) for linecutting or grid establishment, the total number of kilometres of line cut or established.

(8) Technical data and interpretation as determined by the investigation, the purpose, results, interpretation and conclusions as required in this Schedule must be included in the report.

(9) The author's qualifications must be documented for all reports.

Maps and other oversize illustrations

3 (1) The index map must accurately show the maximum footprint of the area investigated in relation to identifiable geographic features using published topographic maps at a standard scale of 1:50 000 or more detailed and labelled with NTS or BCGS designation.

(2) The footprint of each plan map showing results must be keyed to the index map by showing on both maps sufficient common geographic features such as lakes, streams, railways, roads, settlements, etc.

(3) The area investigated, meaning the grid surveyed, diamond drill holes, sample locations, areas mapped, etc., must be shown in relation to boundaries or legal posts of the named mineral claims either on the plan maps or on a separate claim map which must be at a scale of 1:10 000 or more detailed.

- (4) Each plan map and index map must show orientation with respect to astronomic north and a bar scale.
- (5) Sections, profiles and other diagrams must show appropriate co-ordination scales.
- (6) Each drawing and map must show an identifying title and sufficient legend to be fully comprehensible.
- (7) Maps must measure not greater than 120 cm in one direction and 90 cm in the other.

Digital text, maps and other illustrations

4 (1) Exploration and development assessment work reports may be submitted as Portable Document Format (PDF)
 Adobe Acrobat 5.0 (or higher) compatible files.

(2) The form, content and layout should be exactly the same for the report as that of a hard copy report as defined by Sections 2 and 3 of this Schedule.

(3) Text, maps, charts, figures, photographs and tables should be converted into PDF format directly from the application in which they were created.

(4) Assays and analyses received as digital files from geochemical laboratories should be converted to PDF format and inserted into the report.

(5) A digital copy of the assays and analyses may also be included as an MS Excel file as a separate appendix to the document.

(6) Raw geophysical data may also be included as separate files in the format supplied by the geophysical contractor.

(7) Data that can not be converted directly to a PDF file must be scanned to all of the following specifications:

- (a) a minimum of 200 dots per inch (dpi);
- (b) converted to Adobe Acrobat 5.0 format;
- (c) imbedded into the report in the proper sequence.

(8) In creating a PDF document, the author must not do any of the following:

(a) assign any passwords or set any document security controls for any PDF document;

(b) create "article threads" in any PDF document;

(c) add form fields or form actions to a PDF document;

(d) add JavaScript to a PDF document;

(e) add page actions to a PDF document;

(f) annotate a PDF document including embedding or attaching files, text, graphics other than maps or figures required for the report, audio or video files or annotations created with various other mark-up tools.

(9) URL links may be included in the text for reference purpose only, but only if the URL is hyperlinked and the link is not used as a substitute for data.

(10) The report must be digitally signed by the author and saved as a certified document.

(11) If reports in digital format can not be submitted electronically because the electronic portal is not available, reports may be submitted on CD-ROM media (phthalocyanine based dye, gold based reflective layer) written in ISO 9600 format, and byte-by-byte verified against original image files.

Specifications for prospecting reports

- **5** (1) Observations made during the investigation must be set out in a typewritten description and signed by the prospector who performed the work.
 - (2) A map or maps, at a scale of 1:5 000 or more detailed, must be submitted and must include the following:
 - (a) a bar scale and true north arrow;

(b) the location of claim posts and boundaries relative to identifiable geographic features, including named streams, lakes, roads, settlements, bridges and railroads;

- (c) the location of traverses;
- (d) the location of all instrument readings with the corresponding values obtained;
- (e) the location of all samples with the corresponding assay results;
- (f) the location of, and a geological description of, each outcrop or area of boulders investigated.

Specifications for geological mapping

6 (1) The lithology and structure of the rocks and any mineralization observed in them must be described in text.

- (2) Ore minerals, such as chalcopyrite must be fully named rather than being reported as copper mineralization.
- (3) The report on geological mapping must include the following:
 - (a) a geological map or maps which show the location and outline of outcrops;
 - (b) the name of the rock exposed;
 - (c) significant geological structures and mineralization;
 - (d) a legend which identifies the symbols used and the rock types;
 - (e) the units on the map coded with numbers or patterns to conform with numbered or patterned map units in the legend.

(4) Geological mapping of underground workings must include the outline of the workings and the geological observations must be shown on a plan or plans at a standard scale of 1:1 000 or more detailed.

- (5) For the purposes of subsection (4), two or more levels may be shown only if their data do not overlap.
- (6) If there are raises, stopes and other non-horizontal workings,
 - (a) they must be shown in section,
 - (b) the elevation of the workings must be provided,
 - (c) multiple workings must be tied together with a co-ordinate system, and
 - (d) a surface plan must be included which adequately ties the workings into identifiable surface features and the index map.
- (7) Geological mapping of trenches that expose bedrock must show the outline of the trenches and describe the geological observations as set out above.
- (8) Descriptions and coordinates in NTS or UTM systems of all samples taken for analysis or examination must be included.

Specifications for geochemical surveying

7 (1) The field sampling procedure, the quality control and the materials sampled must be described.

(2) Descriptions and coordinates in NTS or UTM systems of all samples taken for analysis or examination must be included.

- (3) Soil horizons must be identified and the sample depth stated.
- (4) Drainage sediment samples must indicate the drainage type (lake bottom, stream, moss mat or heavy mineral) and the location in the stream or lake from which the samples are taken must be recorded.
- (5) Sampled bedrock must be identified as to rock type.

(6) If the sampling method is new and not described in readily available literature, the text must include a statement of the underlying theory, a full description of instrumentation, measurement and data reduction, and results from test areas.

(7) A biogeochemical survey must identify the species and part of the plant sampled.

(8) The results must be shown in a plan that sets out the numerical values obtained and their location, but for isolated or widely spaced sampling traverses, the results may be shown in profile.

(9) The plan must clearly identify each value with its element and state the unit of measurement.

(10) If sampling was done in 2 or more separate periods, the values must be distinguished by suitable symbols.

(11) The report must contain the following information:

(a) the name of the analytical laboratory or chemist who did the analyses;

(b) the mesh size fraction of the sample used for analysis;

(c) the name and concentration of reagents used for extracting from the sample each element tested;

(d) the chemical procedure for testing the samples;

(e) if the samples were tested in the field, a description of the procedure;

(f) in a biogeochemical report a description of the ashing technique.

(12) The report must contain an interpretation and evaluation of the geology, soil types and topography reported.

(13) Reports on airborne geochemical surveys must include all of the following:

(a) a full description of the procedure and sensing method;

(b) the results of control surveys over known ore and known barren ground;

(c) the results in an organized form;

(d) a description of the flight lines in relation to identifiable surface features;

(e) a statement of the ground speed and clearance of the aircraft;

(f) the meteorological conditions, particularly wind speed and direction, air temperature, humidity and percentage and thickness of cloud cover;

(g) a description of the vegetation.

Specifications for geophysical surveying

8 (1) The method and procedure must be stated and the make and model of geophysical instruments must be given so that the characteristics of the instruments may be known from a catalogue or similar source of information.

(2) If the method is new and not described in readily available literature, the text must include a statement of the underlying theory, a full description of instrumentation, measurement and data reduction, and results from test areas.

(3) The units of measurement and the units in which the results are presented must be clearly stated.

(4) Spurious results from a malfunctioning instrument must be omitted.

(5) Suspect results must be identified by a suitable symbol or note.

(6) The report must contain a drawing or drawings showing the numerical values obtained and their location.

(7) If the results are presented in profile or pseudo profile form, a plan map is required at a scale of 1:12 000 or more detailed, showing the survey grid in relation to the claims and sufficient surface features to correlate the plan map with the index map.

(8) The report must contain an interpretation and evaluation of the geology, soil types and topography reported.

(9) In a report on a magnetic survey

(a) the map or profiles must show whether the values represent the total intensity of the magnetic field or the vertical component,

(b) the map or profiles must show whether the values are absolute or relative, and the units in which these values are recorded,

(c) the text must state whether the values were corrected for diurnal variation and the method used to achieve this correction,

- (d) the values so corrected constitute basic data and must be submitted, and
- (e) results of any other mathematical treatments must be shown on separate drawings.

(10) In a report on an electromagnetic survey, the method and array must be clearly identified.

(11) The location of the transmitter for a very low radio frequency (VLF) survey must be stated.

(12) In a report on an induced polarization survey, the specific method and the electrode array used must be stated.

(13) For an airborne geophysical survey by appropriate recognized methods,

(a) the results must be presented in contour form on the geophysical map rather than as numerical values,

(b) the geophysical map must be at a standard scale of 1:50 000 or more detailed,

(c) the geophysical results and the flight lines must be accurately located in relation to each other and the claims and identifiable geographic features, and

(d) the terrain clearance must be stated.

Specifications for drilling

- **9** (1) A report respecting drilling activity must include a statement of the purpose of the drilling program and an interpretation of the results containing stratigraphic or lithologic information.
 - (2) Each copy of a drilling report must contain the following information:

(a) a surface or underground plan at a standard scale of 1:5 000 or more detailed, showing the location of the drill hole collars in relation to claim unit boundaries and identifiable surface features or underground workings;

(b) the inclination and azimuth, dip tests, core diameter for diamond drill holes and collar elevation, if known, of each drill hole;

(c) for diamond drill holes, clearly legible (preferably typewritten) copies of drill core logs for all drilling submitted for credit;

(d) in the logs referred to in paragraph (c), a list of all minerals noted in the core;

(e) cross-section drawings at a scale of 1:500 or more detailed showing the total depth,
 lithologies or stratigraphy and mineralization with assays intersected in each hole, including correlations, if reasonable, between holes on the same cross-section;

(f) for diamond drill holes, a statement of the location of the core storage;

(g) for percussion drill holes, the depth of overburden and a cuttings log or similar description of rock types and minerals encountered;

(h) if geophysical logging has been conducted in drill holes (for example, radiometric) a copy of those logs.

(3) If assays of core or cuttings are done, the complete assay results must be correlated and submitted along with the logs.

Specifications for sampling, assaying and analysis

10 Reports that contain results of sampling of minerals, bedrock outcrops, trenches, pits, underground workings, bulk samples, core, drill cuttings, geochemical samples sediments, overburden, soils, till, water, vegetation, flora, fauna or other environmental samples must include the following requirements:

(a) the name and address of the analytical laboratory;

(b) a statement of qualifications of the person who did the analyses;

(c) the certificate of analysis, signed by the chemist who performed or supervised the analysis, that is included in the assessment report;

(d) the sample preparation, analytical or chemical procedure, reagents, equipment and procedures including screening, crushing and milling processes;

(e) the mesh size fraction, the split and weight of the sample used for analysis;

(f) the laboratory's quality control procedures during sample preparation and analysis including the insertion of duplicates, standards, repeat analyses and any verification by repeat analyses at separate laboratories; and documentation of the sampling and analytical precision and accuracy of the results in the assessment report;

(g) if the samples were tested in the field, a description of the procedure;

(h) in a biogeochemical report, a description of the ashing technique;

(i) for airborne geochemical surveys, a description of the procedure and sensing instrumentation used to remotely measure elemental concentrations, the data processing procedures, the flight lines shown in relation to identifiable surface features, ground speed and clearance of the aircraft, meteorological conditions (wind speed and direction, air temperature and humidity and percentage and thickness of cloud cover) description of vegetation and results of control surveys and correlations with elemental signatures of known mineralization and barren ground.

Specifications for archaeological impact assessments

- 11 (1) A report of an archaeological impact assessment must include
 - (a) the objective of the assessment, and
 - (b) the findings of the assessment.
 - (2) The report must generally adhere to the principles set out in section 14 of the Heritage Conservation Act.

Specifications for reporting mineral resources and mineral reserves

12 (1) For the purposes of this section, "mineral resource", "inferred mineral resource", "indicated mineral resource" and "measured mineral resource" have the meanings given to those terms by the Canadian Institute of Mining, Metallurgy and Petroleum, in the Standards on Mineral Resources and Reserves Definitions and Guidelines adopted by CIM Council on August 20, 2000.

(2) Estimates of mineral resources or mineral reserves must conform with standards, set by the Canadian Securities Administrators, known as National Instrument 43-101.

Specifications for exploration and development conducted in support of exploration and development

- **13** (1) A report of activities conducted in support of other technical exploration and development work must include a report of that other exploration and development work.
 - (2) A report under subsection (1) must include the following:

(a) metric dimensions of roads or trails together with details of their construction;

(b) descriptions and full details of construction of improvements to existing roads or trails;

(c) the metric dimensions of any helicopter sites, drill sites or core storage and a sketch of each site or core storage, all shown on the best topographic map available for the area;

(d) a map at 1:20 000 scale or more detailed showing the activity in relation to the claim to which the work is to be applied and topographic detail for the area;

(e) adequate documentation of ground control surveys, line cutting or grid establishment, topographic and photogrammetric mapping, satellite or other remote sensing in the manner required in other relevant provisions of this Schedule.

Specifications for determining ownership and serving or attempting to serve notice

13.1 (1) A report about determining ownership of land must include the following:

(a) a list of all the properties that were researched to determine ownership;

(b) a statement of the actions taken to research the properties referred to in paragraph (a);

(c) an itemized cost statement of the costs associated with the actions referred to in paragraph

- (b).
- (2) A report about

(a) serving notice under section 19 (1) of the Act, or

(b) making reasonable efforts to serve notice under section 19 (1) of the Act if an exemption has been granted under section 19 (1.1) of the Act

must include an itemized cost statement of the costs associated with preparing the notice, serving the notice or making reasonable efforts to serve the notice, as applicable.

Specifications for a cost statement

14 For the purposes of this Schedule, a cost statement must contain all of the following information:

(a) number of days, rates per day, specific date and total wages paid every person employed;

(b) number of days, rates per day, specific dates documenting food and accommodation charges for all persons employed during the investigation;

(c) number of days, rates per day, specific dates and specific information on costs incurred from all forms of transportation and instrument rental required during the investigation;

(d) number of days, unit rates, specific dates, specific information on all charges incurred by surveys conducted and total cost for all analyses performed during and subsequent to the investigation;

(e) reasonable costs of preparation of the report pertaining to the investigation;

(f) any other documented and itemized costs that have been incurred in carrying out the investigation.

Schedule B

Prescribed Fees

Item	Description	Fee
1 Free miner certificate		
• individual		\$25.00
• individual — senior over 65		\$0.00
• corporate		\$500.00
 individual partnership 		\$25.00

corporate partnership	\$500.00
2 Registration of mineral cell claims	
• per hectare	<mark>\$ 1.75</mark>
3 Registration of placer cell claims	
• per hectare	\$ 5.00 <mark>\$2.00</mark>
4- Amalgamation of cell claims	
<mark>● each cell claim</mark>	<mark>\$10.00</mark>
5- Reduction of cell claim	
<mark>● each cell claim</mark>	<mark>\$10.00</mark>

6 Mineral claim, exploration and development fee

• per hectare per year	<mark>\$0.40</mark>
7 Mineral claim, payment instead of exploration and development fee	
<mark>• per hectare per year</mark>	<mark>\$0.40</mark>
8- Placer claim, exploration and development fee	
<mark>• per hectare per year</mark>	<mark>\$2.00</mark>
9 Placer claim, payment instead of exploration and development fee	
<mark>≁ per hectare per year</mark>	<mark>\$2.00</mark>
10 Expiry date change fee	
 mineral claim per hectare per day, based on exploration and development fee 	<mark>\$0.40</mark>
 placer claim per hectare per day, based on exploration and development fee 	<mark>\$2.00</mark>

<mark>11</mark>	Transfer of ownership	
	<mark>≁ per claim or lease</mark>	<mark>\$10.00</mark>
12	Registration of document or notice	
	• per claim or lease	\$10.00
13	Mining Lease application (non-refundable)	\$100.00
14	Mining Lease annual rental	
	• per hectare	<mark>\$ 20.00</mark>
15	Placer lease application (non-refundable)	\$100.00
16	Placer Lease annual rental per hectare	<mark>\$ 20.00</mark>

17 Complaints (non-refundable) • per claim \$200.00 • per document \$200.00 \$ 5.00 <mark>\$2.50</mark> 18 Search for, or copy of a record Computer generated reports on multiple titles based on client-specified search criteria ordered through the office of the Chief Gold Commissioner \$ 25.00 \$20.00 • per request \$ 1.00 <mark>\$0.50</mark> • plus for each page of a record Certified true copy of document For the visual examination of records, or the provision of any other service for which \$ 50.00 <mark>\$25.00</mark> no fee is prescribed, per hour or part of an hour