

Mineral Claims Consultation Framework

Consultation and Engagement Summary

Background



The [Mineral Tenure Act](#) regulates mineral and placer rights in British Columbia. Under the *Mineral Tenure Act*, Free Miner Certificate holders register mineral and placer claims online through [Mineral Titles Online](#) without First Nations consultation. However, a [2023 BC Supreme Court ruling](#) found that claim-related interests and mineral exploration activities could impact First Nations' rights and title. Therefore, this process does not meet the Province's duty to consult First Nations, as required under Section 35 of the [Constitution Act, 1982](#).

To address this, the Ministry of Mining and Critical Minerals developed a Mineral Claims Consultation Framework (MCCF) in consultation with First Nations, and engagement with mineral exploration sector and other stakeholders. The MCCF must be in place by March 26, 2025, to meet the court deadline.

The MCCF is separate work to modernize the *Mineral Tenure Act* (known as [MTA reform](#)), which aims to update the *Mineral Tenure Act* in a manner that engages directly with and is respectful of First Nations rights and interests and also protects mineral resource development opportunities in the province to deliver prosperity for all British Columbians

Timeline

June-July 2024: Knowledge
& Information Gathering

August-November
2024: Identify &
Consider Options

January-February
2025:
Implementation
Planning

March 26, 2025:
MCCF
Implemented

April 2025 &
Beyond:
Continuous
Improvement

How We Have Engaged

Input from First Nations, industry, and stakeholders has helped shape the MCCF. The Mineral Tenure Act Modernization Office has conducted engagement via meetings, webinars, and written submissions.

First Nations Consultation:

- Spring 2024: Established bilateral tables, All Nation sessions for rights holders, and a First Nations Technical Advisory Group to provide input into the MCCF
- Summer 2024: Released engagement papers with the following engagement activities and results:
 - One All Nations webinar with 13 participants
 - Two First Nations Technical Advisory Group webinars with 30 participants¹
 - Engagement with First Nations Leadership Council, and First Nation Energy and Mining council
 - Five written submissions received
- January 2025: Released Draft MCCF with the following engagement activities and results:
 - Two All-Nations webinars with 54 total participants
 - 30 + meetings with First Nations and First Nation Organizations
 - Four written submissions received
 - Participated in First Nations Leadership Gathering

Industry Engagement:

- Spring 2024:
 - Established an Operational Effectiveness Table for industry associations (Association for Mineral Exploration, Mining Association of BC, Placer Mining Association) to provide input into the MCCF
 - Industry meetings at Kamloops Exploration Group conference and Minerals North
- Summer 2024: Released engagement papers with the following engagement activities and results:
 - Two Operational Effectiveness Table meetings
 - One webinar for all Free Miner Certificate holders with 110+ participants
 - 90+ written submissions received
 - 10+ meetings with industry representatives
- January 7, 2025: Released the draft MCCF with the following engagement activities and results:
 - Four industry webinars with 500+ total attendees
 - Participation and presentation at Association of Mineral Exploration Roundup
 - Participation at the Natural Resources Forum
 - 30 + written submissions received
 - 20+ meetings with industry representatives

¹ All First Nations were invited to participate in the First Nation Technical Advisory Group Meetings.

Themes from Consultation & Engagement and Ministry Responses

Through consultation and engagement, 21 themes emerged. Where possible, the Ministry made updates to the MCCF including:

- **Clarifying the consultation process and timelines** while allowing flexibility for complex cases.
- **Providing applicants first opportunity to reapply** if a no registration reserve is established after claim consultation and that reserve is going to be removed.
- **Securing modest capacity funding** to support First Nations.

As legislative changes are not being contemplated prior to March 26, 2025, some of the feedback that the Ministry did not incorporate into this version of the MCCF will be considered in future MCCF improvements or as part of MTA reform.

The Ministry has summarized key themes from consultation and engagement and the Ministry's responses in the table below.

Key themes from First Nations	Ministry Responses
<p>1. Consultation & Cooperation: First Nations and First Nation Organizations raised concerns about consultation and cooperation (C&C) during the development of the MCCF.</p>	<p>As a result of feedback received in the Summer of 2024, the Ministry provided additional space for bilateral discussions with First Nations and First Nations Organizations, in addition to All-Nation sessions and webinars. Consultation activities are described above, under "How we have engaged".</p>
<p>2. Recognition of Rights & Free, Prior, and Informed Consent (FPIC): Many First Nations emphasized the need for FPIC at a claim stage to increase alignment with the UN Declaration.</p>	<p>Legislative changes to align the MTA with the UN Declaration will be explored as a part of broader work on MTA reform.</p>
<p>3. Dispute Resolution: First Nations want a clear process to challenge decisions and avoid undue burdens when raising concerns.</p>	<p>The Ministry's consultation process will provide opportunities to raise concerns prior to decisions and First Nations and applicants will have judicial review options. Alternative processes could be explored as part of future legislative changes.</p>
<p>4. Capacity Support: First Nations need funding to fully participate in the MCCF.</p>	<p>The Ministry has secured modest capacity funding and will provide further information prior to implementation. The Ministry will continue to engage with First Nations to monitor capacity needs and how the MCCF is functioning.</p>

<p>5. Consultation Timelines: Concerns were raised about the target timelines being too tight for consultation and accommodation discussions to take place within. Some claims may require longer consultations due to overlapping sensitive areas.</p>	<p>The target timelines of 90-120 days within the MCCF are consistent with other natural resource consultation processes. There is flexibility within the stated timeframe to both accommodate extension requests and deep consultation to allow for complex discussions where required.</p>
<p>6. Consultation Package Information: First Nations requested additional information be included in the consultation package beyond what was proposed in the draft MCCF. Examples of this information include corporate histories, financial records, compliance reports, and exploration plans of applicants.</p>	<p>The information contained within the consultation package remains the same as the draft MCCF:</p> <ol style="list-style-type: none"> 1) Applicant name, contact information and application date. 2) Area of the claim. 3) Links to MTO online map and system. 4) Outline of interests granted and activities that can be undertaken with a mineral or placer claim under the <i>Mineral Tenure Act</i>.
<p>7. Alignment with Other Agreements: Some First Nations with existing agreements (e.g. Strategic Engagement Agreements) and Modern Treaty Nations want the MCCF to align with the processes outlined in treaties.</p>	<p>The Ministry will work with Modern Treaty Nations to ensure MCCF functions in alignment with treaties. The Ministry will also work with First Nations to incorporate claim consultation into agreements as they are amended. In addition, the Ministry is interested in exploring new agreements where appropriate.</p>
<p>8. Land Use Planning: First Nations expressed a desire to proactively identify cultural and environmental no-go zones to reduce future conflicts. This includes joint land use plans between the Province and First Nations, as well as Indigenous-led land use plans.</p>	<p>The MCCF was developed to ensure consultation with First Nations takes place before a claim is registered and is distinct from land use planning.</p> <p>The Ministry is open to engaging in collaborative discussions that may lead to potential no-go zones. This may occur through discussions led by other government ministries including the modernized land use planning process.</p> <p>The Ministry encourages proponents to build relationships with First Nations to learn about Indigenous-led land use plans and incorporate them into their business planning.</p>

<p>9. Decision Transparency: First Nations want clarity on how their input influences decisions.</p>	<p>The Ministry will provide opportunities for the applicant and affected First Nations to review information about proposed accommodations before decisions are made. The Ministry will notify the applicant and impacted First Nations of the decision, including reasons for decisions for claim denials, in a timely manner to improve transparency. Reasons for decision may also be provided when a decision results in accommodation measures. A record of the decision will be registered on the application in Mineral Titles Online.</p>
<p>10. Impact on Aboriginal Title: Concerns over claim speculation, land value degradation, and lack of reclamation enforcement.</p>	<p>The MCCF has accommodation tools to mitigate identified impacts. Additionally, the Ministry will review these concerns in future policy development within broader MTA reform.</p>
<p>11. Regulatory Overlaps: Questions on how the MCCF interacts with other laws like the <i>Water Sustainability Act</i>.</p>	<p>When initiating consultation, Ministry staff will provide information to First Nations that outlines the scope of interests and activities associated with mineral or placer claims.</p>

Key themes from the Exploration Industry	Ministry Responses
<p>1. Engagement Process: Industry felt the process was insufficient and uneven compared to consultation with First Nations.</p>	<p>The Ministry created space for Associations and their representatives while increasing the use and frequency of webinars, written submissions, and meetings. These activities are described above.</p>
<p>2. FPIC vs. Consultation: Industry wanted clarity that the MCCF is based on the Province’s duty to consult, not FPIC.</p>	<p>The MCCF aligns with constitutional duty to consult.</p>
<p>3. Consultation Responsibility: Industry shared the wide range of participants in the sector and suggested that some mineral explorers would not have the capacity to consult.</p>	<p>The Ministry has responsibility for consultation and no aspect of this is being delegated to industry within the MCCF. Applicants are encouraged to reach out to First Nations and engage early and throughout their activities.</p>
<p>4. Consultation Capacity: Concerns about government and First Nations’ ability to handle consultation volume.</p>	<p>The Ministry has secured modest capacity funding for First Nations.</p>

<p>5. Confidentiality of Claims & Exploration Plans: Industry wanted to keep claim research and exploration plans private.</p>	<p>There is no requirement to disclose research, geological assessments or exploration plans during application or consultation.</p>
<p>6. Applicant Identity: Concern about competition if claim applications are public, and about keeping consultation focused on impacts on rights and title and not opinions about the applicant.</p>	<p>Claim applications are first-come, first-served, reducing competition risks, and the Ministry will provide information on the exploration activities allowed on a claim without other permits.</p> <p>The information contained within the consultation package remains the same as the draft MCCF:</p> <ol style="list-style-type: none"> 1) Applicant name, contact information and application date. 2) Area of the claim. 3) Links to MTO online map and system. 4) Outline of interests granted and activities that can be undertaken with a mineral or placer claim under the <i>Mineral Tenure Act</i>.
<p>7. Consultation Timelines: Industry wanted fixed approval timelines for claims.</p>	<p>The MCCF uses target timelines of 90-120 days and will publish data about timelines for transparency. Decision makers must ensure the duty to consult is met to ensure claim registration decisions are durable.</p>
<p>8. Decisions Subject to Consultation: Industry wanted clarity on what requires consultation.</p>	<p>Only new claims are subject to consultation.</p>
<p>9. Payment Timing: Industry wanted payments collected after claim approval.</p>	<p>A fee is collected and held at the application stage to prevent frivolous applications which if made could negatively impact timelines. However, where a claim is denied, fees will be returned.</p>
<p>10. Denied Claim Applications: Industry wanted clarification about what happens if an application is denied, and whether the original applicant would have advantages if the claim area were made available for application again.</p>	<p>The original applicant will have an advance opportunity to reapply for a claim in a scenario where a no registration reserve (NRR) is established as an accommodation, resulting in a claim application being denied. This means that the original applicant will have the opportunity to apply before anyone else on Mineral Titles Online if the NRR is being removed. More details about the reapplication process will be provided on the Mineral Titles Online website.</p>

Continuous Improvement

The MCCF is designed to meet the Province's duty to consult while providing a pathway for free miners to conduct mineral exploration. The Ministry will monitor the framework and make improvements based on feedback. This includes:

- **Monitoring and regularly publishing statistics** on claims, timelines, and decisions.
- **Reviewing industry and First Nations input** for ongoing improvements. This will include a formal review with a request for feedback from industry and First Nations after six months of MCCF implementation to inform ongoing improvements.
- **Continue to upgrade the Mineral Titles Online system**, with completion targeted for spring 2026.

For further information, visit the Mineral Titles Branch [website](#).