

Chief Gold Commissioner - *Mineral Tenure Act Section 40*

- **Issue:** A complaint was registered on June 24, 2020 by Mr. Craig Gentle pursuant to Section 40(1)(c) of the *Mineral Tenure Act* alleging that placer claim 379188 and placer claim 1075383 (the claims) have been acquired or held for purposes other than a mining activity.

File Number: 13825-02-1410

The Complaint

- Section 40(1)(c) of the *Mineral Tenure Act* (the Act) allows an interested person to register a complaint with the Chief Gold Commissioner that a claim has been acquired or held for purposes other than a mining activity.
- On June 24, 2020, Mr. Gentle registered a complaint (the complaint) pursuant to Section 40(1)(c) of the Act alleging that the claims have been acquired or held for purposes other than a mining activity.

Background

- On June 24, 2020 Inspector of Mineral Titles and Mines, Mr. Craig Gentle performed an inspection on the claims. Mr. Gentle noted in his inspection report of the same date that four old legacy cabins of the distant past were maintained and used by recorded holder Clifford Robinson, his family and various other users.
- Logbooks in the cabins verified that the cabins were used for recreational purposes and had been repaired over time. The logs indicated that activities such as hunting, hiking and family gatherings had taken place in the cabins, over the past twenty years.
- The last statement of work registered on the claims, involving hand panning, occurred in 2014.
- The complaint was accepted by the Deputy Chief Gold Commissioner Ms. Donna Myketa and on October 9, 2020, a letter was sent from Mineral Titles to Mr. Robinson outlining the Section 40 complaint review process and indicating that a report of the investigation will be provided to Mr. Robinson. An opportunity to respond to the letter was provided, but no written responses were received.
- On October 22, 2020 in a telephone conversation with Deputy Chief Gold Commissioner Ms. Donna Myketa, Mr. Robinson stated that he received the letter of October 9, 2020 and thanked Ms. Myketa for returning his call. Mr. Robinson asked what the next steps were and Ms. Myketa advised him to send her an email with all the information he wants to present such as how much mining exploration he completed on the claims. Mr. Robinson then advised that he ‘wants to be out of the

business' as he doesn't need the stress at this point in his life. He asked how to go about it, including cleaning up the sites. Ms. Myketa advised him that he could send her an email with the details about what he needs to remove and how much time he needed. Mr. Robinson advised that they are in winter conditions now and the 'good to' date of the claim is currently April. Ms. Myketa advised that she would discuss the matter with Mr. Gentle, would look at his proposal and get back to him.

- Mr. Andrew Upper spoke to Mr. Clifford Robinson via telephone [REDACTED] on December 7, 2020. Mr. Robinson indicated that he had done some work cleaning up the sites, but would need until next Spring to complete the work.
 - Mr. Robinson thanked Mr. Upper for calling and advised that he would help in the matter in any way he could.
 - Mr. Robinson indicated that the cabins existed on PCs 379188, 1075383 before he held the claims, but admitted that he was the last to use them. Mr. Robinson indicated that he was prepared to "let the claims go" and did not oppose the S. 40 application.
- Contrary to his discussion with Ms. Myketa, Mr. Robinson did not provide an email in response to the letter of October 9, 2020, indicating when and how the sites would be reclaimed.
- Andrew Upper contacted Mr. Robinson on a number of occasions to get confirmation that Mr. Robinson's belongings were removed from the sites and the final cleanup was completed. In all three occasions, the response was that there was still snow on site and they were not able to get to the site to finish. In one response on March 10, 2021, the recorded holder stated that it was a difficult process due to COVID 19 and with so many other people using the cabins and site for camping.
- The letter of October 9, 2020 indicated that an investigation had been initiated as per S. 40(5)(b) of the Mineral Tenure Act. In this case, however, Mr. Robinson did not object to the S. 40 application and evidence supporting the decision in this matter was straightforward.
- Mr. Robinson has been provided substantial time to remove his belongings and complete the final cleanup. To date, he has not provided evidence that the final cleanup has been completed.
- Information about the use of the unauthorized cabins for camping on Crown Land will be provided to the Natural Resource Officers from the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD).

Decision of the Chief Gold Commissioner:

I have reviewed all of the documents on file, including the Inspection Report of June 24th, 2020 completed by Mr. Craig Gentle, and the two file notes.

Mr. Gentle's report indicates that the claims have been acquired or held for other than mining purposes.

In his discussions with myself and Mr. Upper on October 22, 2020 and December 7, 2020 respectively Mr. Robinson agreed that he had used the cabins on the claims for recreational and related purposes. He also indicated to Mr. Upper on December 7, 2020 that he did not object to the S. 40 application proceeding.

For these reasons, and under the authority of Section 40(7)(b) of the *Mineral Tenure Act*, I have decided to order the cancellation of the records of the claims. The claims are hereby deleted as entries in the registry as per s. 40(7.1).



Donna Myketa, Deputy Chief Gold Commissioner

May 25, 2021

Date