

Mineral Titles Province of British Columbia



The following information will assist clients with understanding the Mineral Titles Online (MTO) Title Overlap Report (TOR), also known as a Tenure Overlap Report.

A Title Overlap Report is generated automatically with each new claim acquisition or with a claim amalgamation registration event. This report will be emailed to the owner and/or agent performing the event transaction. In addition, the report will be posted to the clients' bulletin board after the event registration.

Furthermore, clients can generate new reports for all owned claims. Owned claims include cell claims and legacy claims.

You can do this by logging on to MTO with your BCeID, clicking on the **Reports** tab and then selecting the option to **Request Title Overlap Report**. This report will be generated and emailed to the client and posted to the bulletin board of the owner and/or agent requesting the transaction.

[Disclaimer](#): The information contained in this report is a snapshot in time from the date the report was generated.

Claim Acquisition details:

Information in this section is taken from MTO. As this is a static report, if clients wish to determine updates or changes to tenure status a tenure search can be performed in MTO using a tenure number.

Conducting a search:

Select the yellow 'Tenure Search' button from the MTO homepage, or once logged on to MTO click on 'Search for Mineral / Placer / Coal'

Tenure Number:

Event Number:

Issue Date:

Good to Date:

Type:

Area (ha):

Mapsheet:

The following is for information purposes:

Your tenure overlaps with the following First Nations interests:

First Nations may have aboriginal interests in a tenure area that could be impacted by any planned mining activity. At various stages in a mineral exploration or mine development project, the Ministry of Energy and Mines (MEM) will be required to meet applicable legal obligations to consult with and, if appropriate, accommodate affected First Nations.

The First Nations interests section of the Tenure report provides tenure holders with preliminary contact information for First Nations with aboriginal interests identified within the tenure area. These areas are based on knowledge currently available to the Province.

Tenure holders choosing to provide information and involve First Nations early in their project have the opportunity to develop mutual understanding of the interests around the project. This can be important to successful business planning and project development. Operators are encouraged to explore making this contact prior to submitting a Notice of Work. This approach gives support to the Provincial consultation process and the goals of the New Relationship.

The information provided is not intended to create, recognize, limit or deny any aboriginal or treaty rights, including title, that First Nations may have, or impose any obligations on the Province or alter the legal status of resources within the Province or the existing legal authority of British Columbia. The Province makes no warranties or representations regarding the accuracy, timeliness, completeness or fitness for use of any or all data provided in the reports.

You will find some useful resources to draw on in considering engagement with First Nations, including:

- Aboriginal Engagement Guidebook is available through the Association for Mineral Exploration British Columbia (AMEBC) at:
http://www.amebc.ca/docs/default-source/publications/aboriginal_engagement_guidebook.pdf?sfvrsn=4
- Further resources at: <http://www.amebc.ca/resources-and-publications/publications/current.aspx>
- A document describing the Province's approach to meeting its legal obligations with regard to consultation and accommodation of First Nations interests:
http://www.gov.bc.ca/arr/reports/down/updated_procedures.pdf
- Questions and concerns may be directed to the regional **First Nations Consultation Manager** by contacting the local [FrontCounterBC office](#)

Links to First Nations information include:

- Aboriginal Peoples and Communities: <http://www.ainc-inac.gc.ca/ap/index-eng.asp>
- A Guide to Aboriginal Organizations and Services (MARR):
<http://www.gov.bc.ca/arr/services/guide.html>
- Aboriginal Communities in Canada: <http://www.aadnc-aandc.gc.ca/eng/1100100013785/1304467449155>
- First Nations Negotiations: Relationships, Provincial Role, Agreements:
<http://www2.gov.bc.ca/gov/topic.page?id=81CB3D169ECC4F1787D629B3E4B6FC99>

Where available, visiting the website of each First Nation may provide additional valuable information.

Areas where tenure may not be registered

Indian Reserve: As per Mineral Tenure Act Regulations: Indian Reserves are considered "alienated land" and Section 4 of the MTA regulations provides that no mineral or placer rights in respect of alienated land are acquired by registering a cell claim under this section.

First Nations Treaty Lands: Treaties such as the Nisga'a Final Agreement have provided that the First Nation will own all mineral resources on their treaty lands, and so are excluded from areas that either a mineral or placer claim can be registered.

Your tenure overlaps with the following Legal and Administrative interests:

Permitting Regions: Ministry of Forests, Lands and Natural Resource Operations [administrative boundaries](#).

Reserve(s): [Section 22 of the Mineral Tenure Act](#) allows for the establishment of mineral reserve lands by the chief gold commissioner.

Provincial Reserves: *(Note: Spatial information for the following does not exist)*

- Uranium and Thorium Reserve Regulation ([BC Regulation 82/2008](#)) is established over all mineral lands and reserves uranium and thorium rights to be vested in the government on for claims registered on or after April 24, 2008. Reserve Site [1002842](#).
- [BC Regulation 138/94](#) was established so that a free miner may not acquire a mineral title over land for which a Crown grant was issued on or after August 15, 1988. Reserve Site [333110](#). This reserve should be noted when conducting Land Title searches.
- The tidal waters reserve, OIC 309/67, restricts a free miner from locating a claim upon those lands covered by tidal waters along the coast of the mainland. Reserve Site [332568](#).

For more information on reserves please visit the following website:

<http://www.mineraltitles.gov.bc.ca/Reserves/Pages/default.aspx>

Regional District: Regional Districts will be contacted by Health and Safety and Permitting Branch, MEM for permitting purposes with your Notice of Work.

A provincial database of regional/municipal parks and their boundaries does not currently exist. Ensure you check with all local governments for Regional/Municipal parks that may exist in the area.

For more information on a particular local government please reference the following websites <http://www.ubcm.ca/EN/main/resources/resources/local-government-links.html> or <http://civicinfo.bc.ca/directories>

Agricultural Land Reserve: The [Agricultural Land Reserve](#) (ALR) is a provincial zone in which agriculture is recognized as the priority use. Farming is encouraged and non-agricultural uses are controlled. The Agricultural Land Reserve takes precedence over, but does not replace other legislation and bylaws that may apply to the land.

Local and regional governments, as well as other provincial agencies, are expected to plan in accordance with the provincial policy of preserving agricultural land.

Section 3(4)(h) of BC Regulation 171/2002 (*Agricultural Land Reserve Use, Subdivision and Procedure Regulation*) states:

3(4) The following land uses are permitted in an agricultural land reserve:

(h) surveying, exploring or prospecting for gravel or minerals if all cuts, trenches and similar alterations are restored to the natural ground level on completion of the surveying, exploring or prospecting;

Should you have any questions about permitted land uses within the Agricultural Land Reserve, or whether an application may be required, you may contact a commission representative at (604) 660-7000 or by way of the following link:

<http://www.alc.gov.bc.ca/alc/content.page?id=9F6EC144E09943489828848E3F07A25E>

Parks/ Protected Areas: Includes National, Provincial and Regional/Municipal Parks and Heritage Sites

National Parks: For National Parks of Canada, National Historic Sites of Canada or National Marine Conservation Areas of Canada please review the Parks Canada website: http://www.pc.gc.ca/progs/np-pn/index_e.asp

Provincial Parks: As [defined](#) in the Mineral Tenure Act Regulations, Parks, Protected Areas, Ecological Reserves and Conservancies are considered “alienated land” and Section 4 of the MTA regulations provides that no mineral or placer rights in respect of alienated land are acquired by registering a cell claim under this section.

British Columbia is home to many nationally and internationally significant natural and cultural values. The legal framework for protecting these important areas includes the:

- *Protected Areas of British Columbia Act;*
- *Park Act;*
- *Ecological Reserve Act;* and
- *Environment and Land Use Act*

[Parks and protected areas](#) are managed for important conservation values and are dedicated for the preservation of their natural environments for the inspiration, use and enjoyment of the public.

Places of special ecological importance are designated as ecological reserves for scientific research and educational purposes. Scientific research and study of values contained in protected areas are part of BC Parks' ongoing commitment to knowledge and information gathering.

Ministry of Forests, Lands and Natural Resource Operations is responsible for administering and managing [conservation lands](#) for fish and wildlife. These lands are made up of a variety of land types that all give priority to the conservation of wildlife, fish and their habitat, while often providing for other resource uses.

The BC Parks information displayed by Mineral Titles Online regarding parks and protected areas is provided as a public service and is only representational. The Government of British Columbia disclaims all responsibility for the accuracy of this information. This information should not be used as the basis for any works or any other commitments. The legal boundary for parks and protected areas administered by BC Parks is described through legal components that can include official plans, metes and bounds descriptions, and/or legal survey parcel(s).

Should you have any overlap with a park/protected area or any questions regarding parks/protected areas, inquiries can be made to BC Parks at: ParkInfo@Victoria1.gov.bc.ca.

Regional/Municipal Parks: A database of municipal parks and their boundaries does not currently exist. Ensure you check with all local governments for Municipal parks that may exist in the area.

For more information on a particular local government please reference the following websites <http://www.ubcm.ca/EN/main/resources/resources/local-government-links.html> or <http://civicinfo.bc.ca/directories>

Provincial Heritage Sites: [Section 11](#) of *Mineral Tenure Act* grants a free miner the right to enter onto mineral lands for the purposes of exploration and development. This right of entry does not extend to protected heritage property. Protected heritage property is defined in [section 1](#) of the *Mineral Tenure Act*. Free miners are restricted from entering an area that is defined as protected heritage property.

There is currently no publically available spatial representation for provincial heritage sites or protected heritage properties. Ensure you conduct research to determine if a provincial heritage site exists within your title area.

The main registers for historic sites are the [BC Register of Historic Places](#) and the [Canadian Register of Historic Places](#). Additionally, there may also be local government "Community Heritage" registers. These three registries keep track of sites that are deemed to have historic and/or heritage value.

If your claim overlaps with a provincial heritage site, please contact the Heritage Branch, Ministry of Forests, Lands, and Natural Resource Operations by email at heritage@gov.bc.ca or by phone at (250) 356-1432 to determine if permits are required or if there are any restrictions applicable to the heritage site within your claim area.

For more information about provincial heritage sites, please visit:
<http://www2.gov.bc.ca/gov/content/governments/celebrating-british-columbia/historic-places/provincial-federal-registers>

Municipality: Municipalities will be contacted by MEM, Health and Safety and Permitting Branch for permitting purposes with your Notice of Work.

For more information on a particular local government please reference the following websites <http://www.ubcm.ca/EN/main/resources/resources/local-government-links.html> or <http://civicinfo.bc.ca/directories>

Land Title District: There are 3 land titles offices located in New Westminster, Victoria and Kamloops in BC servicing the 7 land title districts being Kamloops, Nelson, New Westminster, Prince George, Prince Rupert, Vancouver and Victoria.

These [offices](#) may be contacted for surface title searches (legal records of registered interests in land) in conjunction with the [landowner notification procedures](#) required by Mineral Titles Branch

Forest District: [Forest Districts](#) will be contacted by MEM, Health and Safety and Permitting Branch for permitting purposes with your Notice of Work.

Your tenure overlaps with the following tenures:

Sub-surface (does not include crown grants):

Mineral:

Placer:

Coal:

Mineral, placer and coal data is taken from MTO. As this is a static report, if clients wish to determine updates or changes to tenure status a tenure search can be performed in MTO using a tenure number.

Conducting a search:

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Crown Grant information:

[Crown grants](#) are the legal instrument by which Crown lands are transferred to a purchaser. **Each Crown grant sets out terms and conditions unique to each grant.**

If your mineral title overlaps with a crown grant, **it is very important each crown grant is researched independently** to determine what rights, if any, are available to the mineral title holder.

Special Case – F Lots: In some cases both surface and sub-surface rights are transferred with the crown grant. In these cases, landowner notification, under section 19 of the *Mineral Tenure Act* applies. For instance, 'F' lots, geographically contained in the Cariboo area, granted all surface and subsurface rights. Therefore,

if you hold mineral title over any of these lots, the title owner does not acquire any rights where these types of crown grants occur.

On the MTO maps, you can use the primary survey parcel layer with links to the GATOR database to determine if the survey parcel is a crown granted 2-post mineral claim and what rights are associated with the grant.

[Landowner notification](#) requirements specify that a person must not begin a mining activity until eight days after giving notice to the owners of the surface area where the activity will take place. The notice must state when the activity will occur and include the names and addresses of the free miner or recorded holder and of the on-site person responsible for the operations. The notice must also describe the activity that will be conducted, state approximately how many people will be on site and include a map or written description of where the activity will take place. Notices may be mailed, e-mailed, sent by facsimile transmission or hand delivered to the owner.

***Surface (does not include Private Land):
Crown Land leases:***

Crown Land is administered by the Ministry of Forests, Lands and Natural Resource Operations
(<http://www2.gov.bc.ca/gov/topic.page?id=63DF75221AF440A4AA6A9BCD34711A8C>)

Your tenure overlaps with the following other resource interests:

Ungulate Winter Range:

[Ungulate winter range](#) (UWR) management has been ongoing for over 20 years in some portions of the province. Formal legal establishment of UWR and associated objectives began under the Forest Practices Code and continue, under the Forest and Range Practices Act (FRPA).

A UWR is defined as an area that contains habitat that is necessary to meet the winter habitat requirements of an ungulate species. UWR are based on our current understanding of ungulate habitat requirements in winter, as interpreted by the Ministry of Environment (MOE) regional staff from current scientific and management literature, local knowledge, and other expertise from the region. Sections 9 and 12 of the *Government Actions Regulation of the Forest and Range Practices Act* outline the regulatory authority for establishing UWR.

UWRs do not preclude mineral exploration or mining. Management measures may be required to avoid or mitigate disturbance of wildlife habitat.

Wildlife Habitat Area:

[Wildlife habitat areas](#) (WHAs) are mapped areas that are necessary to meet the habitat requirements of an Identified Wildlife element. WHAs designate critical habitats in which activities are managed to limit their impact on the Identified

Wildlife element for which the area was established. The purpose of WHAs is to conserve those habitats considered most limiting to a given Identified Wildlife element.

WHAs do not preclude mineral exploration or mining. Management measures may be required to avoid or mitigate disturbance of wildlife habitat. Some WHAs may require an exemption from MOE as part of the [Mines Act Notice of Work process](#) before authorization of mechanical disturbance. Mines and Minerals Resource Division, MEM, is the single window for review and seeking an exemption when required.

Wildlife Management Area:

A conservation land requiring a special level of protection and management may sometimes be designated as a “wildlife management area” (WMA). This designation under Section 4 of the *BC Wildlife Act* gives the ministry additional tools to manage the land and associated land uses. WMA’s can be designated by the Minister of Environment with consent from the Lieutenant Governor in Council (i.e. the provincial cabinet), provided the Minister has administration of the land. A single wildlife management area may incorporate lands which the ministry has secured through acquisition, transfer of administration, or long term lease.

As stated in Section 4(4) of the *Wildlife Act* **“Despite any other enactment, a person may not use land or resources in a wildlife management area without the written permission of the regional manager.”**

For more information on what types of activities are permitted in a WMA please visit the following website:

<http://www.env.gov.bc.ca/bcparks/explore/wma/index.html>

Additional Information:

Land Use Plans:

Land use plans and agreements provide increased certainty and form the foundation for balanced solutions that meet economic, environmental, social, and cultural needs throughout the province.

Land use plans inform both government decision makers and those seeking natural resource development opportunities.

For more information on what land use plans may be in your tenure area, please visit the following website:

<http://www2.gov.bc.ca/gov/topic.page?id=7F6663432F6449A399A59D0F4E9D2C0E>

Mineral Titles inquires can be made to:

Mineral Titles Branch

1-866-616-4999

Mineral.Titles@gov.bc.ca

300-865 Hornby Street,
Vancouver, BC
V6Z 2G3

For detailed information on tenure maintenance please contact our website and related legislation: <http://www.mineraltitles.gov.bc.ca/>

An approved mineral or placer Notice of Work and Reclamation Program is required prior to conducting surface disturbance by mechanical means. For more information on Notices of Work and the Mineral Exploration & Mining regional [office near you](#) please visit our website.

Mineral Titles Branch appreciates your participation in the mineral development of British Columbia and we look forward to serving you again.