



Mineral Claim Consultation Framework – Information for Industry

Background

The Mineral Tenure Act (MTA) governs mineral and placer rights in British Columbia. Under the MTA, Free Miner Certificate holders can register mineral and placer claims (claims) automatically using the Mineral Titles Online (MTO) system which is the Province’s registry of mineral, placer and coal rights. Currently, a free miner selects available cells and pays a registration fee to automatically register a claim in MTO, and no consultation is conducted with First Nations. A 2023 ruling by the BC Supreme Court determined that this process does not allow the Province to meet its obligation to consult with First Nations, as outlined in section 35 of the Constitution Act 1982. This is because the interests and activities (i.e., activities that do not require a Mines Act Permit) related to granting a claim may impact First Nations’ rights and title, and treaty rights. The Ministry of Mining and Critical Minerals (Ministry) is working with First Nations, the mineral exploration sector, and interested groups on a Mineral Claim Consultation Framework (MCCF) to be in place by March 26th, 2025 to meet the court deadline.

Note that work to develop and implement an MCCF is distinct from the work to reform the MTA. The MTA reform work is based on the need to align the act with the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration), while developing an MCCF is based on the immediate need for the Province to meet its obligations to consult and accommodate in accordance with section 35 of the Constitution Act, 1982

Overview of the Mineral Claim Consultation Framework

The MCCF will establish the process for applying for a claim and consulting with First Nations before claims are registered. This is to ensure the Province is fulfilling its duty to consult. There is a legal obligation on the Crown to consult and, where appropriate, accommodate First Nations before decisions are made that may impact on First Nations’ rights and title, and treaty rights.

What is staying the same?

Claim holders can maintain their registered mineral and placer claims. They can also do activities on registered claims that do not require a Mines Act permit. For example, they may conduct activities such as collecting rocks and soil samples by hand or performing airborne surveys. MTO will continue to be the platform for managing claims.

What is changing?

As of March 26th, 2025, the Province must consult First Nations before new claims are registered in MTO to understand how a claim may impact First Nations’ rights and title. A decision will be made by a statutory decision maker whether to register the claim, register the claim with accommodations, or deny the claim application.

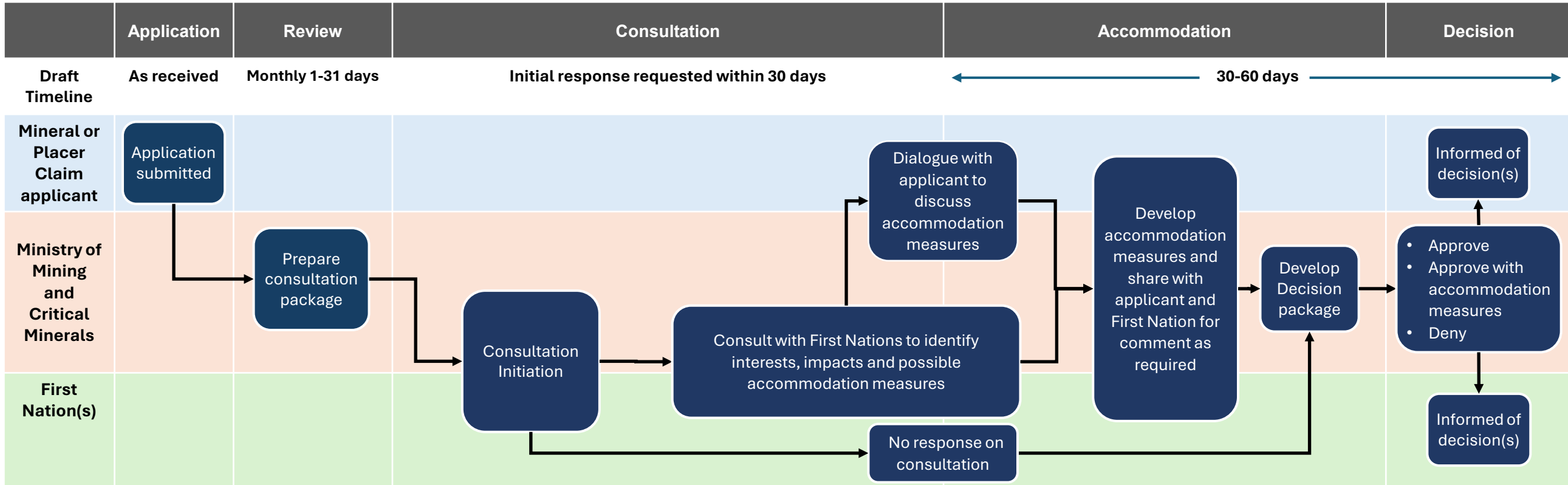
What is the Impact to Industry?

Instead of selecting cells and making payment to automatically register a claim in MTO, a free miner will apply to register a claim. The Province will conduct consultation with First Nations, and the Chief Gold Commissioner will decide whether to register a claim after consultation. The Claim registration process will no longer be automatic. The Ministry is actively pursuing all approaches to streamline the process for industry and First Nations and expects future improvements to the consultation process will be made after initial implementation.

Next Steps

The Ministry is engaging free miners and industry associations to gain input on the consultation framework and identify potential improvements. The Ministry will offer training sessions, provide guidance and step-by-step instructions for applicants, and provide notices of any MTO application outages or changes through the Mineral Tenure Branch website. After the framework is implemented (by March 26th, 2025), future engagement with industry will be scheduled to solicit feedback for continual improvement.





Application

Application Process

- Applicant has a Free Miner Certificate
- Applicant uses Mineral Titles Online (MTO) to submit claim application
- Application area is required (cells will be held until decision)

Informed by implementation, future information requirements may include:

- If known, initial exploration plans (e.g. timing of activities, methods of access, exploration activities)
- If available, pre-application engagement or agreement with First Nation(s)

Review

Review Process

- Province compiles information and develops consultation package
- Province batches applications monthly by applicant and territory

Consultation

Initiation

- Consultation packages are sent to First Nations monthly by the Province
- First Nations are provided 30 days for initial response to consultation

Consultation

- If a response is received from the First Nation, consultation begins
- The Ministry works with First Nations to identify and understand interests, impacts and accommodations

Note: due to existing agreements between the Province and some First Nations, consultation processes may vary

Accommodations

Statutory

Accommodations:

- MTA Section 17 - Ministerial Order
- MTA Section 22 - Mineral Reserve

Agreement

Accommodations:

- May include agreements between the province, and First Nation or Proponent and First Nation

Decision

- Decision timeline is dependent on the need for accommodation measures
- Decision package includes a summary of consultation and proposed accommodation measures
- After considering if the duty to consult has been fulfilled, and accommodations adequate, Chief Gold Commissioner makes a statutory decision to approve/deny registration of the claim(s)
- First Nations and applicant informed of decision(s)
- Decision registered in MTO registry and made public