



## Land Use Operational Policy Mining

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<b>NAME OF POLICY:</b>	Mining
<b>APPLICATION:</b>	This policy applies to all surface tenures for Crown land used for mining purposes.
<b>ISSUANCE:</b>	Assistant Deputy Minister, Rural Development, Lands and Innovation
<b>IMPLEMENTATION:</b>	Ministry of Forests, Lands, Natural Resource Operations and Rural Development
<b>REFERENCES:</b>	<i>Land Act</i> (Ch. 245, R.S.B.C., 1996) <i>Coal Act</i> (Ch. 15, S.B.C., 2004) <i>Mineral Tenure Act</i> (Ch. 292, R.S.B.C., 1996) <i>Mines Act</i> (Ch. 293, R.S.B.C., 1996)
<b>RELATIONSHIP TO PREVIOUS POLICY:</b>	This policy replaces the previous Mining policy dated June 1, 2011.

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Development

January 21, 2019

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Date:

<b>APPROVED AMENDMENTS:</b>		
Effective Date	Briefing Note /Approval	Summary of Changes:

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## 1. POLICY APPLICATION

This policy applies to the disposition of surface tenures for Crown land utilized for mineral exploration and development.

This policy applies to mine development projects which are reviewed and approved by the Environmental Assessment Office and the Mine Development Review Committee (*Mines Act*, Section 9).

This policy applies to permanent structures and any existing mining uses located within statutory rights of way.

This policy applies to surface tenures for Crown land utilized for mineral and coal purposes while recognizing the provision for entry upon and use of Crown land contained within the *Mineral Tenure Act* (Section 11), and the *Coal Act* (Section 9).

This policy does not apply to general industrial uses authorized under the Aggregate and Quarry Materials Policy nor to roadways for access purposes authorized under the Roadways Policy.

## 2. PRINCIPLES AND GOALS

For information on Crown land allocation principles see [Crown Land Allocation Principles](#).

## 3. DEFINITIONS AND ABBREVIATIONS

For a glossary of definitions and abbreviations see [Glossary and Abbreviations](#).

## 4. APPLICANT ELIGIBILITY

For standard policy information on eligibility see [Eligibility and Restrictions](#).

## 5. FORM OF LAND ALLOCATION

For standard policy information on forms of allocation see [Form of Crown Land Allocation](#).

Refer to Appendix 1 for a summary of the forms and terms of Crown land allocation available for mining operations.

The term of *Land Act* tenure is to be compatible with, and no longer than the term of the subsurface tenure issued by the Ministry of Energy, Mines and Petroleum Resources (MEMPR).

No *Land Act* tenure for mining will be issued for sites proposed over an existing lease with purchase provisions. (In such cases, the proponent will negotiate access and occupation with the leaseholder, who will be permitted to sub-let the property.)

### 5.1 Temporary Licence

The maximum term for a temporary licence is 2 years.

### 5.2 Licence of Occupation

The maximum term for a licence of occupation is 10 years.

Only temporary licences and licences of occupation are used for projects in the early stages of mine development. Licences may be converted to long term tenure, as appropriate, when a project is approved by government.

### **5.3 Lease**

The maximum term for a lease is 30 years.

## **6. PRICING POLICY**

For information on pricing see the [Pricing Policy](#).

For information on application and service fees see the [Crown Land Fees Procedure](#).

## **7. ALLOCATION PROCESSES**

For detailed standard information on allocation processes see [Allocation Procedures - Applications](#).

## **8. TENURE ADMINISTRATION**

For standard tenure administration information see the [Tenure Administration Procedure](#)

Additional requirements for mining allocations are provided below.

### **8.1 Security/Financial Guarantee**

If reclamation and/or clean-up are the responsibility of another agency either through statute or inter-agency agreement, then bonding will be the responsibility of that agency.

### **8.2 Assignment and Sub-Tenuring**

Assignment is only permitted with the concurrence of MEMPR.

#### **8.2.1 Cancellation**

Surface tenure is to be cancelled upon notification by MEMPR that the sub-surface tenure has been cancelled. MEMPR is to be notified of any cancellation or abandonment of mining tenures issued under the *Land Act*.

## **9. VARIANCE**

Variances to this policy must be completed in accordance with the [Policy Variance Procedure](#).

## Appendix 1. Mining Policy Summary

TENURE	TERM	METHOD OF DISPOSITION
Temporary Licence	2 years	Application
Licence of Occupation and lease	10 years (licence) 30 years (lease)	Application
Fee Simple	Perpetuity	Application in rural and remote locations