

Substances	Maximum concentrations (mg/kg of dry matter)
VIII- POLYCHLORINATED BIPHENYLS (PCB)	
Summation of congeners	10
IX- PESTICIDES	
Tebuthiuron	3 600
X- OTHER ORGANIC SUBSTANCES	
Acrylonitrile	5
Bis (2-chloroethyl) ether	0.01
Ethylene glycol	411
Formaldehyde	125
Phtalates (each)	60
Dibutyl phtalate	70 000
XI- INTEGRATING PARAMETERS	
Petroleum hydrocarbons C <sub>10</sub> to C <sub>50</sub>	3 500
XII- DIOXINS AND FURANS (ng/kg of dry matter)	
Summation of chlorinated dibenzodioxins and chlorinated dibenzofurans (expressed in 2,3,7,8 TCDD toxic equivalent) (NATO scale, 1988)	750

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Gouvernement du Québec

**O.C. 1042-2000, 30 August 2000**Mining Act  
(R.S.Q., c. M-13.1)**Mineral substances other than petroleum, natural  
gas and brine  
— Amendments**Regulation respecting mineral substances other than  
petroleum, natural gas and brine

WHEREAS under paragraphs 1, 2, 3, 5 to 14.2, 21.1 to 27 and 29 to 31 of section 306 and sections 306.1 to 309, 311, 312, 313.2 and 313.3 of the Mining Act (R.S.Q.,

c. M-13.1), as amended or enacted by sections 128 to 130 and 133 of chapter 24 of the Statutes of 1998 and by section 178 of chapter 40 of the Statutes of 1999, the Government may, by regulation, establish the standards related to mineral substances other than petroleum, natural gas and brine;

WHEREAS under the first paragraph of section 158 of the Act to amend the Mining Act and the Act respecting the lands in the public domain (1998, c. 24), the Government may, by regulation, prescribe any other transitional provision that is not inconsistent with the provisions of that Act to ensure the carrying out of that Act;

WHEREAS under the second paragraph of section 158 of that Act, a regulation made under that section is not subject to the publication requirements set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1);

WHEREAS under Order in Council 1443-88 dated 21 September 1988, the Government made the Regulation respecting mineral substances other than petroleum, natural gas and brine;

WHEREAS it is expedient to replace the Regulation in order to take into account the new provisions of the Mining Act, enacted by the Act to amend the Mining Act and the Act respecting the lands in the public domain;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting mineral substances other than petroleum, natural gas and brine was published in Part 2 of the *Gazette officielle du Québec* of 2 February 2000 with a notice that it could be made by the Government upon the expiry of a 45-day period following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Natural Resources:

THAT the Regulation respecting mineral substances other than petroleum, natural gas and brine, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,  
*Clerk of the Conseil exécutif*

## Regulation respecting mineral substances other than petroleum, natural gas and brine

Mining Act  
(R.S.Q., c. M-13.1, s. 306, pars. 1, 2, 3, 5 to 14.2, 21.1 to 27, 29 to 31 and ss. 306.1 to 309, 311, 312, 313.2 and 313.3; 1998, c. 24, ss. 128 to 130, 133 and 158; 1999, c. 40, s. 178)

### CHAPTER I PROSPECTING LICENCE

1. An application for a prospecting licence or renewal of a prospecting licence shall be sent in writing to the Minister of Natural Resources and shall include the name, address and date of birth of the applicant.

The application shall include the fee in the amount of \$30 for the term of the licence.

2. The fee for obtaining a duplicate of a prospecting licence is \$15.

### CHAPTER II CLAIM

#### DIVISION I TAGS FOR STAKING

3. Tags for staking shall be issued upon application to the Minister and upon payment of \$5 for a set of four tags.

4. The term during which tags for staking must be used shall be ten years from their date of issue.

#### DIVISION II REGISTRATION

5. The notice of staking, filed using the form supplied by the Minister, shall include the following information:

(1) the applicant's name, address, telephone number and, where applicable, the date of birth and the name, address and telephone number of the person to whom correspondence shall be sent;

(2) the registration number assigned to an applicant under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45), where applicable;

(3) a declaration of the applicant indicating that he has become aware of sections 32 and 33 of the Act and

that he has obtained, in the cases provided for in those sections, the required authorizations and a declaration certifying that the information given is accurate;

(4) the name of the person who has staked the land that is subject to a claim and the number of his prospecting licence;

(5) for each parcel of land staked:

(a) its location;

(b) the date and time of staking;

(c) the distance in metres between each post delimiting the staked land and the area of that land in hectares; and

(d) the number appearing on the tags used during staking.

6. The notice of map designation, filed using the form supplied by the Minister, shall include the following information:

(1) the information referred to in paragraphs 1 and 2 of section 5;

(2) a declaration of the applicant certifying that the information given is accurate; and

(3) the alphanumeric code appearing on the maps kept at the office of the registrar related to each parcel of land covered by the notice of map designation.

7. Fees that shall be included with the notice of staking upon presentation for registration of claims shall be fixed at \$29 per claim.

8. Fees that shall be included with the notice of map designation upon presentation for registration of claims obtained otherwise than under section 92 of the Act shall be fixed by adding, for each of the claims covered by the notice, the amounts applicable to them provided for in the following tables and determined according to the area of land subject thereto and depending on whether the land is located in one of the following areas:

(1) north of the fifty-second degree of latitude:

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#### Area of land subject to a claim

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Less than 25 ha \$29/claim	25 to 45 ha \$85/claim	46 to 50 ha \$95/claim	More than 50 ha \$102/claim
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(2) south of the fifty-second degree of latitude, except for the territories designated in Schedule I:

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**Area of land subject to a claim**

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Less than 25 ha	25 to 45 ha	46 to 50 ha	More than 50 ha
\$29/claim	\$72/claim	\$85/claim	\$102/claim

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(3) on the territories designated in Schedule I:

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**Area of land subject to a claim**

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Less than 25 ha	25 to 100 ha	More than 100 ha
\$29/claim	\$60/claim	\$102/claim

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Notwithstanding the foregoing, where the number of map designated claims during the same day for the same person exceeds, north of the fifty-second degree of latitude, 150 claims per leaflet of the National Topographic System of Canada (NTS) or, south of that boundary, 40 claims per NTS leaflet, the registration fees for each claim that exceeds per NTS leaflet the 150th or 40th claim, as the case may be, shall correspond to five times the amounts per claim provided for in the tables referred to in the first paragraph. The NTS leaflets are those established to a scale of 1:50 000 and the geographical coordinates (latitude and longitude) establishing the boundary of the lands shall be those defined according to the North American Datum 1983 (NAD83).

For the purposes of the first paragraph of section 307 of the Act and of the second paragraph of this section, a legal person, its subsidiaries and their directors, officers, representatives and employees are deemed to constitute a single and same person. For the purposes of the same provisions, a natural person, his representatives and their employees are also deemed to constitute a single and same person.

Fees that shall be included with the notice of map designation upon presentation for registration of claims obtained on all or part of a territory subject to a mining exploration licence shall be fixed, by adding, for each of the claims covered by the notice, the amounts applicable to them provided for in the following table, determined according to the area of land subject thereto:

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**Area of land subject to a claim**

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Less than 25 ha	25 to 45 ha	46 to 50 ha	More than 50 ha
\$29/claim	\$85/claim	\$95/claim	\$102/claim

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**DIVISION III**  
**RENEWAL**

9. An application for the renewal of claims, completed on the form supplied by the Minister, shall include the following information:

(1) the name, address and telephone number of the holder of the claims applied for;

(2) the number or the alphanumeric code identifying the claims the renewal of which is applied for;

(3) for each of the claims, its method of renewal, its expiry date and, where applicable, the number or the alphanumeric code identifying the claim, the mining lease or the mining concession on which the applicant, in accordance with section 76 or 77 of the Act, wishes to perform any work in excess and, in the latter case, the amounts spent for work carried out, in respect of a claim, of a mining lease or of a mining concession that the applicant wishes to apply to a claim the renewal of which is applied for;

(4) the applicant's declaration certifying that the information provided is accurate and acknowledging being the holder of the claims that are subject to the application or his representative.

10. An application for the renewal of claims shall include the renewal fees. Those fees shall be fixed, by adding, for each of the claims covered by the application, the amounts applicable to them provided for in the tables referred to in the first paragraph of section 8.

Notwithstanding the foregoing, the fees for the renewal of a claim shall be doubled where the renewal of a claim is applied for on the sixtieth day preceding its expiry date or after that date.

11. The additional amount that must be paid, in addition to the fees provided for in the second paragraph of section 10, for the renewal of a claim for which the application for renewal is filed within 15 days following its expiry date, is fixed at one and a half times the amount of the fees that the applicant must pay for the renewal of that claim under the second paragraph of that section.

12. In the case of an application for advanced renewal made at the same time as an application for the regular renewal of claims, such application shall also include the payment for the advanced period, of the same fees as those fixed in the first paragraph of section 10.

13. The additional amount that must be paid when the holder of claims reports the work to the Minister within 60 days preceding their expiry date is fixed at \$100.

#### DIVISION IV

##### PROTECTION OF IMPROVEMENTS ON LAND IN THE DOMAIN OF THE STATE

14. Improvements referred to in section 70 of the Act are as follows:

- (1) a fish hatchery;
- (2) an alpine ski centre;
- (3) a forest educational centre within the meaning of section 110 of the Forest Act (R.S.Q., c. F-4.1);
- (4) a public highway within the meaning of the Highway Safety Code (R.S.Q., c. C-24.2);
- (5) a research farm;
- (6) a research and teaching forest erected within the meaning of section 112 of the Forest Act;
- (7) an experimental forest within the meaning of section 107 of the Forest Act;
- (8) immovables related to the utilization of water-power;
- (9) a tree nursery;
- (10) a landing strip;
- (11) a forest station within the meaning of section 116 of the Forest Act;
- (12) a campground;
- (13) a golf course; and
- (14) a tree-seed orchard.

#### DIVISION V

##### MINIMUM COST OF WORK

15. The minimum cost of work that the holder of a claim must carry out on the land that is subject thereto, pursuant to section 72 of the Act, shall be determined in the following tables and varies according to the area of land that is subject thereto, according to the number of terms of the claim and depending on whether the land is located in one of the following areas:

(1) north of the fifty-second degree of latitude:

Number of terms of the claim	Area of land subject to a claim		
	Less than 25 ha	25 to 45 ha	More than 45 ha
1	\$50	\$135	\$155
2	\$200	\$525	\$600
3	\$400	\$1 050	\$1 200
4	\$650	\$1 725	\$2 000
5	\$725	\$1 925	\$2 225
6	\$750	\$1 975	\$2 300
7 and more	\$1 000	\$2 650	\$3 050

(2) south of the fifty-second degree of latitude, except for the territories designated in Schedule I:

Number of terms of the claim	Area of land subject to a claim		
	Less than 25 ha	25 to 45 ha	More than 45 ha
1	\$500	\$ 1200	\$1 800
2	\$500	\$ 1200	\$1 800
3	\$500	\$ 1200	\$1 800
4	\$750	\$1 800	\$2 700
5	\$750	\$1 800	\$2 700
6	\$750	\$1 800	\$2 700
7 and more	\$1 000	\$ 2 500	\$3 600

(3) on the territories designated in Schedule I:

Number of terms of the claim	Area of land subject to a claim		
	Less than 25 ha	25 to 45 ha	More than 45 ha
1	\$500	\$ 1200	\$1 800
2	\$500	\$ 1200	\$1 800
3	\$500	\$ 1200	\$1 800
4	\$750	\$1 800	\$2 700
5	\$750	\$1 800	\$2 700
6	\$750	\$1 800	\$2 700
7 and more	\$1 000	\$2 500	\$3 600

## **DIVISION VI**

### **RULES FOR THE AMENDMENT OF THE APPLICATION FOR RENEWAL**

**16.** For the purposes of the second paragraph of section 79 of the Act, the Minister amends an application for renewal of claims by allocating to each claim the minimum cost of work required under section 15, up to the cost of the work carried out.

He shall allocate such costs by starting with the claim on which work has been carried out. He then allocates the remaining portion of work carried out to the other claims, starting with the oldest claim.

For the purposes of the application of the second paragraph, the age of a claim shall be determined according to the date and time of staking or according to the date of receipt of the notice of map designation. Notwithstanding the foregoing, the age of claims resulting from the conversion of mining rights into map designated claims, made in accordance with the provisions of section 83.2 or 83.6 of the Act, is determined according to the date of conversion. Where it is impossible to determine which claim is the oldest, the order of application is determined by a drawing of lots.

## **DIVISION VII**

### **CONVERSION OF MINING RIGHTS INTO MAP DESIGNATED CLAIMS**

**17.** The application for conversion of mining rights referred to in Subdivision 5 of Division III of Chapter III of the Act shall be filed using the form supplied by the Minister and include the following information:

(1) the name, address and telephone number of the holder of rights to be converted;

(2) the number or the alphanumeric code identifying the rights to be converted;

(3) the geographical coordinates (latitude and longitude) in degrees, minutes, seconds and hundredth of a second of the apexes of the perimeter of lands that are subject to rights to be converted, defined according to the North American Datum 1983 (NAD83), and its system of geodesic coordinates in effect, in compliance with the National Topographic System of Canada (NTS);

(4) the name of the township, the parish or the seigniorie or the NTS leaflet identification code where the lands that are subject to the rights to be converted are situated;

(5) the names of all the holders of immovable real rights affecting mining rights subject to the conversion and where the instruments evidencing immovable real rights are entered in the public register of real and immovable mining rights;

(6) a statement to the effect that the holders of immovable real rights, referred to in subparagraph 5, gave their consent to conversion and, where applicable, a statement specifying for each of them if the holder of immovable real rights required from the applicant, as a condition for accepting conversion, that the instruments evidencing immovable real rights concerning him be amended to take into account the conversion and entered at the time of conversion in the public register of real and immovable mining rights, with reference to claims converted into map designated claims.

Subparagraphs 5 and 6 of the first paragraph do not apply where the application for conversion is intended for claims obtained by staking and held on parcels of land situated in a territory referred to in section 83.1 of the Act.

**18.** The application for the conversion of claims referred to in section 83.2 of the Act and the licence to explore for surface mineral substances referred to in section 83.6 of the Act in a territory referred to in section 83.2 of that same Act shall, where one of the territories covered by the application for conversion is contiguous to another on which a claim is held by a third party, be accompanied by a written agreement, signed by the holders of the rights held on those contiguous parcels of lands, including the following information:

(1) the name, address and telephone number of the holder of the claim held on a contiguous parcel of land to the lands that are subject to the rights to be converted;

(2) the number or the alphanumeric code identifying the claim referred to in subparagraph 1 of the first paragraph;

(3) the geographical coordinates (latitude and longitude) in degrees, minutes, seconds and hundredth of a second establishing the limit of the contiguous parcels of land, defined in the North American Datum 1983 (NAD83) and its system of geodesic coordinates in effect, in compliance with the National Topographic System of Canada (NTS).

Where such agreement cannot be entered into, the application for conversion must be accompanied by a survey plan locating the limit of the contiguous parcels of land carried out in accordance with the provisions of section 92 of this Regulation.

19. Where it appears that the location of the perimeter of the lands that are subject to the rights to be converted will not cause a dispute between the holders of mining rights, the information referred to in subparagraph 3 of the first paragraph of section 17, and that referred to in subparagraph 3 of the first paragraph of section 18, where applicable, may be replaced by a summary document accompanying the application for conversion of mining rights and establishing the location of the perimeter of the lands subject to the rights to be converted.

20. The average unexpired portion of the terms of all the claims or licences to explore for surface mineral substances to be converted for the purposes of determining the expiry date of claims converted into map designated claims following the filing of an application for conversion referred to in sections 83.2 and 83.6 of the Act shall be calculated by adding, for each of the claims or licences to explore for surface mineral substances where conversion is required, the number of days to elapse until its expiry date and by dividing the total amount obtained by the number of claims or licences.

21. Any excess amount disbursed to perform work on all the lands that are subject to the claims or the licences to explore for surface mineral substances to be converted shall be, in the case of an application for conversion referred to in sections 83.2 and 83.6 of the Act, apportioned among all the claims converted into map designated claims in proportion to their area.

Notwithstanding the foregoing, the holder may require that the apportionment be established in whole or in part on the basis of the real location where the work was performed up to the excess amount disbursed for such work.

22. The number of terms for claims converted into map designated claims for the purposes of establishing the minimum cost of the work required to renew the claims for every renewal except the first renewal following conversion shall be, in the case of an application for conversion referred to in sections 83.2 and 83.6 of the Act, determined as follows:

(1) by first establishing, for each of the claims or licences to explore for surface mineral substances for which the conversion is applied, the number of days expired since its registration date or, in the case of a claim obtained by staking entered before 24 October 1988, since the date corresponding to the first renewal following that date;

(2) by subtracting, where applicable, in the case of a claim, the number of days expired from the number of

days during which the term of the claim was suspended by the Minister under section 63 or 82 of the Act;

(3) by adding the numbers established for each of the claims or licences to explore for surface mineral substances for which the conversion is applied and by dividing the total amount obtained by the number of claims or licences; and

(4) by dividing the latter result by factor 730.5.

The number of terms determined in accordance with this section shall be increased to the whole number that follows if it comprises a fraction.

23. Only the claims obtained by staking and the licences to explore for surface mineral substances entered in the public register of real and immovable mining rights that do not meet any of the following conditions may be subject to a conversion of mining rights into map designated claims under Subdivision 5 of Division III of Chapter III of the Act:

(1) the claim is subject to a decision made by the Minister under paragraph 1 or 3 of section 63 of the Act which suspends its term;

(2) the claim is subject to an order of cessation of work made by the Minister under section 82 of the Act;

(3) the claim or licence is subject to a decision made by the Minister under section 61 or 134 of the Act refusing its renewal;

(4) the claim or licence is subject to a suspension or revocation following a decision made by the Minister under section 278, 280 or 281 of the Act; or

(5) the claim or licence is subject to a seizure entered in the public register of real and immovable mining rights, or its term is subject to a dispute.

No claim or licence may be converted as soon as the holder of those mining rights is informed of the Minister's intention to make a decision or an order referred to in subparagraph 1, 2 or 3 of the first paragraph, in accordance with section 5 of the Act respecting administrative justice (R.S.Q., c. J-3), or, in the case of a decision referred to in subparagraph 4 of the first paragraph, as soon as the Minister notifies in writing the holder of those rights with the prior notice prescribed by section 5 of the Act respecting administrative justice, in accordance with section 284 of the Mining Act.

Where the decision or order made by the Minister is appealed before the Court of Québec, the prohibition

remains as long as the court making a final decision has not invalidated it, where applicable. The same applies where the claim or licence is subject to a seizure entered in the public register of real and immovable mining rights, as long as the seizure has not been cancelled by a court making a final decision, or where the term of the claim or licence is contested as long as the Minister or, if there is an appeal, the court making a final decision has not rendered its decision.

24. The holder of claims obtained by staking whose term is suspended by the Minister under paragraph 2 of section 63 of the Act may apply for their conversion into map designated claims under section 83.2 of the Act only if the application for conversion filed under that section is made up of claims whose term is suspended under paragraph 2 of section 63 of the Act.

25. The instruments entered in the public register of real and immovable mining rights, related to the claims obtained by staking and held on parcels of land situated in a territory referred to in section 83.1 of the Act shall be, where those claims are converted into map designated claims in accordance with that section, re-entered in that register, with reference to claims converted into map designated claims.

26. The conversion into map designated claims of claims obtained by staking and held on parcels of land situated in a territory referred to in section 83.2 of the Act has the effect of extinguishing all the immovable real rights affecting those claims, unless the instruments evidencing immovable real rights, have been subject to an amendment to take into account the conversion and, at the time of conversion, to an entry in the public register of real and immovable mining rights, with reference to claims converted into map designated claims.

Notwithstanding the foregoing, the conversion of claims into map designated claims referred to in the first paragraph does not have the effect *ipso facto* of extinguishing the personal rights that the holders of those rights had on those claims nor of affecting or restraining their recourse against the holder of claims that would have converted them; in such a case, however, no instrument entered in the public register of real and immovable mining rights, prior to conversion, may be set up against the State, unless the instruments attesting personal rights have been amended to take into account the conversion and entered in the public register of real and immovable mining rights, with reference to claims converted into map designated claims.

27. The claims obtained by staking and held on parcels of land situated in a territory referred to in section 83.2 of the Act may be converted into map designated claims

only if the holder of claims complies with the following conditions:

(1) he has obtained, prior to conversion, the consent of all the holders of immovable real rights affecting the claims that are subject to the conversion and whose instruments constituting immovable real rights, were entered in the public register of real and immovable mining rights;

(2) he has all the instruments that were amended to take into account the conversion entered in the public register of real and immovable mining rights.

If, by mistake, a claim affected by an immovable real right is converted where the holder of that right has not given his consent, the conversion shall remain nevertheless valid and the right shall be extinguished from the date of conversion.

Notwithstanding the foregoing, the person who held an immovable real right on that claim shall keep his actions in damages if the instrument constituting immovable real rights was entered in the public register of real and immovable mining rights and if he sustains prejudice for the loss of his right.

28. Sections 26 and 27 shall apply, *mutatis mutandis*, to the conversion into map designated claims of a licence to explore for surface mineral substances made in accordance with section 83.6 of the Act.

29. The registration of the instruments in the public register of real and immovable mining rights that were amended to take into account the conversion shall be made free of charge if it is made in accordance with subparagraph 2 of the first paragraph of section 27 at the time of conversion.

The Minister shall keep up to date and make public a list of the mining titles that were subject to a conversion into map designated claims.

#### **DIVISION VIII** DETERMINATION OF COMMON CLAIM EXPIRY DATE AND REDUCTION OF TERM

30. An application for the determination of a common expiry date, made using the form supplied by the Minister, shall include the following information:

(1) the name, address and telephone number of the holder of claims subject to the application;

(2) the number or the alphanumeric code identifying the claims whose expiry dates must be subject to a common claim; and

(3) the new expiry dates of the claims that the holder requests to have entered by the Minister, where the new expiry dates are prior to the date which would be otherwise obtained on the basis of the calculation made according to section 31.

**31.** The average of the unexpired portion of the terms of all the claims affected by an application for the determination of a common expiry date for the purposes of obtaining their new expiry dates shall be calculated by adding, for each of the claims affected by the application, the number of days to elapse until it expires and by dividing the total amount obtained by the number of those claims.

**32.** An application for the reduction of a term, made using the form supplied by the Minister, shall include the following information:

(1) the name, address and telephone number of the holder of a claim that is subject to the application;

(2) the number or the alphanumerical code identifying the claim whose term must be reduced; and

(3) the new expiry date of the claim.

**33.** The fees that must accompany the application referred to in section 30 or 32 shall be \$10 per claim.

### **CHAPTER III** MINING EXPLORATION LICENCE

**34.** The annual fee for a mining exploration licence shall be \$110/km<sup>2</sup>.

**35.** The excess amount disbursed for work performed in the territory for which a mining exploration licence was issued shall be, in the case referred to in section 92.1 of the Act, allocated to all the claims in proportion to their area.

Notwithstanding the foregoing, the holder may request that the apportionment be established in whole or in part on the basis of the real location where the work was carried out up to the excess amount disbursed for such work.

**36.** The minimum cost of work that the holder of a mining exploration licence must carry out on the territory that is subject thereto, pursuant to section 94 of the Act, shall be the following:

(1) \$100/km<sup>2</sup> for the first year of the term of the licence;

(2) \$200/km<sup>2</sup> for the second year of the term of the licence;

(3) \$600/km<sup>2</sup> for each of the third and fourth years of the term of the licence;

(4) \$1 300/km<sup>2</sup> for the fifth year of the term of the licence and for the first year of the term of the renewed licence;

(5) \$2 000/km<sup>2</sup> for each of the second and third years of the term of the renewed licence;

(6) \$2 300/km<sup>2</sup> for each of the fourth and fifth years of the term of the renewed licence.

**37.** Any application for the renewal of a mining exploration licence shall be made in writing to the Minister and shall include the following information:

(1) the name, address and telephone number of the holder of a mining exploration licence that is subject to the application; and

(2) the alphanumerical code identifying the licence the renewal of which is applied for.

Such application for a licence shall include the annual fees provided for in section 34 for the first year of the term of the renewed licence.

### **CHAPTER IV** MINING LEASE AND MINING CONCESSION

**38.** An application for a mining lease shall be made in writing to the Minister and shall include the following information:

(1) the applicant's name, address, telephone number and, where applicable, the date of birth and the name, address and telephone number of the person to whom correspondence shall be sent;

(2) the registration number assigned to the applicant pursuant to the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons, where applicable;

(3) the area of the land in question;

(4) the list of numbers or alphanumerical codes identifying mining rights affected by the application for the mining lease;



(5) the name and address of the persons holding rights on the land for which a lease is applied, where such lands have been granted, alienated or leased by the State for purposes other than mining or where they are under exclusive lease to mine surface mineral substances, the nature of such rights and, where applicable, the nature of the agreement entered into between those persons and the applicant.

The application for a lease shall include the annual rental provided for in section 39 for the first year of the lease.

**39.** The annual rental for a mining lease shall be \$35/ha if the parcel of land is situated on lands in the domain of the State or \$17.50/ha if the parcel of land is situated on lands granted or alienated by the State for purposes other than mining.

Notwithstanding the foregoing, for the part of lands in the domain of the State used to store mine tailings, the annual rental shall be that provided for a storage yard for mine tailings set out in the Regulation respecting the sale, lease or granting of immovable rights on lands in the domain of the State, made by Order in Council 231-89 dated 22 February 1989, as it reads when applied.

**40.** An application for the renewal of a mining lease shall be made in writing to the Minister and shall include the following information:

(1) the name, address and telephone number of the lessee;

(2) the alphanumerical code identifying the mining lease the renewal of which is applied for;

(3) the serial number of the land file established in the land register of the registry office for the *situs* of the mining lease or, if it is registered, the given registration number, and the identification number of the lease and, where applicable, that of its renewals and transfers.

The application for renewal of the lease shall include the payment of the annual rental provided for in section 39 for the first year of the lease.

**41.** The additional amount that must be paid for the renewal of a mining lease the application for which is made within 60 days preceding the expiry of such lease shall be \$110.

**42.** The minimum cost of work that must be carried out each year by the grantee on the land subject to a mining concession, pursuant to section 119 of the Act, shall be \$35/ha.

## **CHAPTER V**

### **EXPLORATION LICENCE FOR SURFACE MINERAL SUBSTANCES**

**43.** For the purposes of section 134 of the Act,

“experimental work” means all the work required within an exploration project for surface mineral substances to assess the practicability of the project on a commercially profitable basis; (*travaux d’expérimentation*)

“technical and economic studies” means all the studies required to determine the economic viability of an exploration project for surface mineral substances including drilling programs and feasibility studies. (*études technico-économiques*)

**44.** The minimum cost of work that must be carried out by the holder of an exploration licence for surface mineral substances in the territory that is subject thereto, pursuant to section 137 of the Act, shall be \$3 000.

**45.** An application for the renewal of an exploration licence for surface mineral substances shall be made in writing to the Minister and shall include the following information:

(1) the name, address and telephone number of the holder of the exploration licence for surface mineral substances that is subject to the application;

(2) the alphanumerical code identifying the licence the renewal of which is applied for.

The application for the renewal of licences shall include fees in the amount of \$65 for the term of the licence.

## **CHAPTER VI**

### **MINING FOR SURFACE MINERAL SUBSTANCES**

#### **DIVISION I**

##### **LEASE TO MINE SURFACE MINERAL SUBSTANCES**

**46.** An application for a lease to mine surface mineral substances shall be made on the form supplied by the Minister for that purpose and shall include the following information:

(1) the applicant’s name, address, telephone number and, where applicable, the date of birth and the name, address and telephone number of the person to whom correspondence shall be sent;

(2) the registration number assigned to the applicant pursuant to the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons, where applicable;

(3) the information necessary for the location of the parcel of land covered by the application, the information related to the owner of the parcel of land and that related to the current operator of the deposit, where applicable;

(4) the nature of surface mineral substances that the applicant intends to extract or mine;

(5) a declaration of the applicant certifying that he meets the requirements provided for in section 47 and a declaration certifying that the given information is accurate.

**47.** A lease to mine surface mineral substances may be entered into or renewed only if, with respect to the production site that is subject to the application and at the time of presentation of the application, the applicant does not fail to perform any obligation referred to in section 155 of the Act he is bound to comply with in respect of a lease to mine surface mineral substances including that of paying the additional amount referred to in section 62 of this Regulation, or does not fail to comply with any of the obligations referred to in the second paragraph of section 140 of that Act that he is bound to comply with in respect of an authorization to extract such substances.

**§1. Non-exclusive lease to mine surface mineral substances**

**48.** An application for a non-exclusive lease to mine surface mineral substances shall include a map, to a scale that is not smaller than 1:50 000, showing the location of the production site.

Notwithstanding the foregoing, where the application refers to a mining area for which a certificate of authorization is required under the Environment Quality Act (R.S.Q., c. Q-2), the scale of the map shall not be less than 1:5 000 and that map shall indicate, where applicable,

(1) the boundaries of the parcel of land that is subject to the application;

(2) the mining area, including the location of equipment, loading zones, unloading zones and aggregate stock piles, as well as stockpiles of topsoil and overburden areas on which mine tailings are stored;

(3) the neighbouring territory up to 150 metres from the mining area;

(4) the name and layout of any public highway within the meaning of the Highway Safety Code, existing access roads and those to be built, watercourses and lakes, the location of wells and the location and nature of any structure, campground or recreation facility situated within the perimeter described in paragraph 3; and

(5) the date on which the map was made.

**49.** The application for a non-exclusive lease to mine surface mineral substances shall include the payment of a rental of \$200 for the term of the lease.

**50.** Any application for the renewal of a non-exclusive lease to mine surface mineral substances shall be made in writing to the Minister and shall include the following information:

(1) the name, address and telephone number of the holder of the non-exclusive lease to mine surface mineral substances that is subject to the application;

(2) the alphanumeric code identifying the lease the renewal of which is applied for;

(3) the declarations referred to in paragraph 5 of section 46.

Such application for renewal shall include the payment of a rental of \$200 for the term of the lease.

**§2. Exclusive lease to mine surface mineral substances**

**51.** An application for an exclusive lease to mine surface mineral substances shall include the following documents:

(1) the map referred to in section 48, established to a scale that is not smaller than 1:5 000, indicating the elements referred to in the second paragraph of that section and, for a peat-bog, a hypsometric contour map showing the dimensions of the peat-bog and the location of the proposed drainage system;

(2) a report describing the nature, extent and quality of the ore body or deposit;

(3) a report describing the intended uses for the mined substance, the proposed markets and the projected production rate; and

(4) a report describing the proposed mining method.

Where the parcel of land covered by the application for an exclusive lease is situated in unsurveyed territory and its area and shape do not correspond to those of a land designated on a map that may be subject to a claim, as determined by the Minister and reproduced on the maps kept at the office of the registrar, as well as parts of lots or of blocks in surveyed territory where the parcel of land covered by the application does not cover entire lots or blocks according to the original survey, the perimeter appearing on the map shall be established through surveying or shall be defined by rectangular UTM coordinates (Universal Transverse Mercator) and the zone, according to the North American Datum 1983 (NAD83), and its system of geodesic coordinates in effect, in compliance with the National Topographic System of Canada (NTS); in the latter case, the apexes of the perimeter shall be numbered on the map and a list of corresponding coordinates shall be attached thereto.

Where the surface mineral substance that the applicant for an exclusive lease intends to mine is silica sand, calcite, dolomite or a type of rock used as building stone or silica ore, the report referred to in subparagraph 2 of the first paragraph shall be certified by an engineer or a qualified geologist within the meaning of the fourth paragraph of section 101 of the Act.

52. An application for an exclusive lease to mine surface mineral substances shall also include the rental provided for in section 53 for the term of the lease.

53. The amount of the rental that must be paid by the person applying for an exclusive lease to mine surface mineral substances other than peat-moss shall be fixed according to the term of the lease, in accordance with the following table:

Term of the lease	Amount of the rental
5 years and less	\$2 200
Over 5 years to 6 years	\$2 640
Over 6 years to 7 years	\$3 080
Over 7 years to 8 years	\$3 520
Over 8 years to 9 years	\$3 960
Over 9 years to 10 years	\$4 400

The amount of the rental that must be paid by the person applying for an exclusive lease to produce peat-moss shall be \$6 600.

54. The fees that must be paid for an application for increasing the area of a territory that is subject to an exclusive lease to mine surface mineral substances, made in accordance with section 146 of the Act, shall be \$100.

55. An application for the renewal of an exclusive lease to mine surface mineral substances shall be made in writing to the Minister and shall include the following information:

(1) the name, address and telephone number of the holder of an exclusive lease to mine surface mineral substances subject to the application;

(2) the alphanumeric code identifying the lease the renewal of which is applied for;

(3) the serial number of the land file established in the land register of the registry office for the *situs* of the mining lease or, if it is registered, the given registration number, and the identification number of the lease and, where applicable, that of its renewals and transfers;

(4) an update of the map required upon the application for an exclusive lease under subparagraph 1 of the first paragraph of section 51, by also indicating the working faces, stockpiles for mineral substances to be alienated, the accumulation areas of mine tailings and the site for buildings and infrastructures; and

(5) the declarations referred to in paragraph 5 of section 46.

The application for renewal of the lease shall include the rental provided for in section 53 for the term of the lease.

56. The additional amount that must be paid for the renewal of an exclusive lease to mine surface mineral substances the application for renewal of which is made within 60 days preceding the expiry of such a lease shall be \$110.

## DIVISION II AUTHORIZATION FOR THE EXTRACTION OF A FIXED QUANTITY OF SURFACE MINERAL SUBSTANCES

57. The fees that a person authorized to extract a fixed quantity of surface mineral substances shall pay under the second paragraph of section 140 of the Act shall be \$1 250 for the term of the authorization.

58. The royalty that a person authorized to extract a fixed quantity of surface mineral substances shall pay pursuant to the second paragraph of section 140 of the

Act shall be the same as the royalty that must be paid by the holder of a lease to mine surface mineral substances or by the operator or person referred to in section 223.1 of the Act, fixed in the table provided for in section 61.

### DIVISION III REPORTS OF EXTRACTION AND ALIENATION OF SURFACE MINERAL SUBSTANCES

59. The report of extraction and alienation of surface mineral substances referred to in section 155 of the Act shall be sent to the Minister four times a year no later than on the following dates:

(1) 15 July for the report covering the term of 1 April to 30 June;

(2) 15 October for the report covering the term of 1 July to 30 September;

(3) 15 January for the report covering the term of 1 October to 31 December; and

(4) 15 April for the report covering the term of 1 January to 31 March.

Notwithstanding the foregoing, the Minister may, in accordance with the second paragraph of section 155 of the Act, allow that a single report be sent to him on the date he fixes on an annual basis, where the holder of a lease to mine surface mineral substances, the operator or person referred to in section 223.1 of the Act is, under the third paragraph of section 155 of the Act, exempt from payment of such royalty.

He may also, in accordance with the second paragraph of section 155 of the Act, require that a report be sent to him on the date he fixes on a monthly basis, where the holder of the non-exclusive lease to mine surface mineral substances, the operator or person referred to in section 223.1 of the Act has already, in the past, been in one of the following situations:

(1) he operated or extracted surface mineral substances without having entered into a lease to mine surface mineral substances with the Minister nor obtained from him an authorization to extract such substances, except in the cases otherwise allowed by law;

(2) he failed to perform one of the obligations referred to in section 155 of the Act which he was required to comply with in respect of a lease to mine surface mineral substances or referred to in the second paragraph of section 140 of the Act which he was required to comply with in respect of an authorization to extract such substances.

### DIVISION IV ROYALTIES

60. For the purposes of this Division, a standard bale corresponds to 0.170 m<sup>3</sup> of peat-moss compressed to 50 %.

61. Except for the cases of exemption from payment of the royalty provided for in the third paragraph of section 155 of the Act, the royalty that must be paid pursuant to the first paragraph of that section by the holder of a lease to mine surface mineral substances or by the operator or person referred to in section 223.1 of the Act shall be fixed, for each of the surface mineral substances listed in the following table, according to the quantity of the extracted or alienated substances:

Surface mineral substances	Amount of royalty
Peat-moss	\$0.05 per standard bale of extracted peat-moss
Sand, gravel, clay and other unconsolidated deposits	\$0.68/m <sup>3</sup> of extracted substances (\$0.36/m.t.)
Building stone	\$4.40/m <sup>3</sup> of alienated substances
Crushed stone and any stone used for construction purposes	\$0.21/m.t. of extracted substances
Stone and sand used as silica ore and any stone used for the preparation of cement, such as limestone, calcite and dolomite	\$0.40/m.t. of extracted substances
Inert mine tailings from the ore treatment or from pyrometallurgy operations and surface mineral substances other than those described in this table	\$0.21/m.t. of extracted substances

m<sup>3</sup> = cubic metre

m.t. = metric ton

### DIVISION V ADDITIONAL AMOUNT PAYABLE FOR FAILING TO PERFORM THE OBLIGATIONS REFERRED TO IN SECTION 155 OF THE ACT

62. An additional amount payable by the holder of a lease to mine surface mineral substances or by an operator or person referred to in section 223.1 of the Act shall be added to the royalties in the following cases:

(1) where the report of extraction and alienation of surface mineral substances referred to in section 155 of the Act has not been sent to the Minister on the date prescribed in the first paragraph of section 59 of this Regulation or on the date fixed by the Minister under the second paragraph of section 155 of the Act;

(2) where the royalties fixed in the table provided for in section 61 of this Regulation have not been paid on the date on which the report must be sent to the Minister.

In the case provided for in subparagraph 1 of the first paragraph, the amount shall be \$50 for each report sent late. However, the amount shall be \$100 if the delay in the transmission of the report exceeds 15 days.

In the case provided for in subparagraph 2 of the first paragraph, the amount shall be equal to the interests accrued on the amount of royalties payable, capitalized monthly, calculated from the date on which the report should have been sent to the Minister, at the rate fixed under section 28 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31).

#### **DIVISION VI** CONDITIONS OF EXERCISE

**63.** The holder of a lease to mine surface mineral substances who operates a sand-pit shall deforest and remove the overburden and topsoil from the mining area over a distance of at least 20 metres from the working face, without however exceeding the area required for the operation prescribed for the year.

The holder of a non-exclusive lease to mine surface mineral substances who operates a sand-pit on lands in the domain of the State shall also store for restoration purposes the overburden and topsoil extracted from the mining area.

**64.** The holder of an exclusive lease to mine surface mineral substances shall mark on the parcel of land subject thereto, the perimeter of the parcel of land and its apexes by posts or boundary markers. The lines between the posts or boundary markers shall be marked on the land in such a way that they may be easily followed from one post or boundary marker to the next.

Posts or boundary markers must be driven with a precision equal to or greater than a metre.

**65.** The holder of an exclusive lease to extract peat-moss shall, where applicable, in accordance with the Environment Quality Act, rehabilitate and restore, during the term of his lease, the land disturbed by his mining activities.

#### **CHAPTER VII** WORK AND REPORTS

##### **DIVISION I** NATURE OF WORK

**66.** In this Chapter,

“qualified professional” means a mining engineer, a geologist or a geologist engineer holding a university degree in mining engineering, geology or geophysics with five years of experience *in pari materia*. (*professionnel qualifié*)

For the purposes of this Chapter, diamond drilling of drill-holes to five metres deep and less in rock constitutes sampling.

**67.** Prospecting work that may, in a report, be applied to the first term of the claim, in accordance with section 81 of the Act, shall comprise the exploration and examination of outcrops of rock and boulders, rock stripping, excavating in overburden and in rock and sampling.

**68.** For the purposes of sections 72, 94, 119 and 137 of the Act and of this Chapter, technical evaluation studies consist in a compilation and synthesis on geological and exploration work of the lands that are subject to mining rights carried out in order to assess the mineral potential.

For the purposes of the same provisions, property examination consists in the exploration and examination of outcrops of rock and boulders carried out on land that is subject to a mining right in order to find indicators of mineralization that may lead to the discovery of a mining field.

**69.** The holder of a claim, of a mining exploration licence, of a mining concession referred to in section 119 of the Act, or of an exploration licence for surface mineral substances shall carry out one or more of the following types of work:

(1) technical evaluation studies under the supervision of a qualified professional;

(2) exploration and examination of outcrops of rock and boulders;

(3) geological, geophysical or geochemical survey work carried out for mining exploration purposes under the supervision of a qualified professional, including line cutting required for those surveys where such work is declared and reported with the results of the survey for which it was made;

(4) rock stripping and excavating in overburden and in rock;

(5) sampling, including the accompanying analyses, and work to open a face for study purposes on land containing building stone;

(6) drill-holes bored in order to obtain cores, sludge and rock fragments and the analyses of those cores, sludge or fragments and the measure and recording of data along drilled holes under the supervision of a qualified professional;

(7) exploration and tests on samples from the land subject to a mining right where such exploration or tests are carried out by a laboratory, a testing station or a team under the supervision of a qualified professional with the aim of contributing to the discovery or improvement of technical methods for exploration;

(8) technical and economic studies on the pre-feasibility or the feasibility under the supervision of a qualified professional;

(9) surveying the perimeter of the land subject to a mining right and the location of the parcels of lands subject to a block of claims carried out in order to convert or substitute them into map designated claims;

(10) for the purposes of section 119 of the Act, mining carried out on the land subject to a mining concession;

(11) rehabilitation and restoration work, except work that, where required, was not carried out in accordance with the requirements of the rehabilitation and restoration plan imposed by law; rehabilitation and restoration work must however have been carried out on land for which types of work referred to in subparagraph 2, 4, 5 or 10 have already been included in a work report and where the Minister did not refuse that work pursuant to section 74, 97, 120 or 138 of the Act;

(12) safety measures prescribed in Division II of Chapter IX of this Regulation and, where there is cessation of mining activities, protection measures necessary to prevent any damage that may result from that cessation.

Work referred to in subparagraphs 2, 4 and 5 of the first paragraph shall be carried out under the supervision of a qualified professional in the cases provided for in sections 73, 81 and 82.

## **DIVISION II** **COSTS INCURRED FOR WORK**

**70.** Costs incurred for work prescribed in section 69 shall be the following:

(1) the cost for contractors and consultants;

(2) the costs of labour and those related to supervision on the land;

(3) the costs for the supply and rental of equipment;

(4) travel fees of the personnel and material to destination and from the land where the work is carried out;

(5) food and accommodation expenses of the personnel;

(6) building costs for temporary access roads;

(7) costs for tests and chemical analyses made for the purposes of exploring mineral substances;

(8) costs for producing reports, plans and maps;

(9) costs for the transportation of cores and samples;

(10) depreciation accounting fees of the equipment used on the land up to 10 % of all the fees related to the work declared and reported.

Those fees shall be supported by vouchers that must be provided to the Minister upon request.

**71.** The amount for the carrying out of the work prescribed in section 69 shall be used to reach the minimum costs for work determined in section 15, 36, 42 or 44.

The amount shall include, in the case of non-remunerated work, an amount equivalent to that which should have been paid for the carrying out of the work. The amount is computed on the basis of the average wages for the performance of similar work in the region where such work is carried out.

## **DIVISION III** **MINING WORK REPORTS**

**§1.** *Report on technical evaluation studies*

**72.** The report on technical evaluation studies shall include the following information:

(1) the number or the alphanumerical code identifying the mining right on the land from which work serving as a basis for the work was carried out;

(2) the purpose of the study, a compilation and a synthesis of the mining work performed previously on the land and the state of the geological knowledge of the sector concerned;

(3) the interpretations, conclusions and recommendations that result therefrom and the bibliographical references.

The report on technical evaluation studies shall also include, as schedules, plans and maps necessary for the understanding of the study, established to a scale that makes it possible to locate the work and to identify the geoscientific information.

The report shall be signed by a qualified professional under whose supervision studies were carried out and shall include the form of the declaration of the work, duly completed, provided by the Minister.

### *§2. Report of exploration work and examination of outcrops of rock and boulders*

**73.** The report of exploration work and examination of outcrops of rock and boulders shall describe the work carried out, include the analytical results obtained and be presented on the form supplied by the Minister entitled "Simplified mining work report".

The report of exploration work and examination of outcrops of rock and boulders shall include, where applicable, as schedules, the geological, geophysical, geochemical or other maps listed on the form referred to in the first paragraph, established to a scale that makes it possible to locate the work.

The report shall be signed by a qualified professional under whose supervision exploration and examination work was carried out where the amount spent for all the work, declared and reported during a given term, exceeds \$5 000 per mining right, and shall include the form of the declaration of the work, duly completed, supplied by the Minister.

The amount of the exploration and examination work shall be calculated regardless of the fact that it may have been carried out as prospecting work or property examination.

### *§3. Survey work report*

**74.** The survey work report shall cover the entire area of surveys and include the information required under section 75, 77 or 79 according to whether it is a report of geological, geophysical or geochemical surveys.

The survey work report shall also include the following elements:

(1) a title-page, a table of contents, a table of maps, a summary, the purpose of the survey, the data gathered and their interpretation, the conclusions, the recommendations resulting therefrom, a topographic map of the location of the work based on the national topographic system and bibliographical references;

(2) as a schedule to the report, the plans and maps established to a scale that makes it possible to locate the work, covering the entire area of the survey and indicating the information required under section 76, 78 or 80 depending on whether it is a report of geological, geophysical or geochemical surveys.

The report shall be signed by a qualified professional under whose supervision studies were carried out and shall include the work declaration form, duly completed, supplied by the Minister.

**75.** The following information shall be included in the survey work report, in the case of a report on geological surveys:

(1) a description of the local geology including the various rock units observed and, where applicable, the distribution and nature of the overburden, the stratigraphic succession, the characteristics of the contacts and metamorphic features, incorporating the results of analyses and microscopic study;

(2) a description of the structural geology, indicating the nature, attitude and orientation of the folds, foliation, cleavage and schistosity, lineation, shearing, joints, fractures and faults observed and, where applicable, the direction and the importance of the known or assumed displacements along the faults;

(3) a description of the economic geology, stating the character and extent of the observed mineralization, the location and description of the showings encountered and commented results of all analyses performed.

**76.** The following information shall be given by the plans and maps attached to the survey work report in the case of a report on geological surveys:

(1) where applicable, the outline of outcrops, the extent and type of glacial deposits, the location of significant mineralized boulders or boulder trains and the direction of glacial striae;

(2) the identification of the various rock types observed in the course of the geological survey or of previous work, which shall be designated by means of names, figures, letters or symbols whose meaning shall be given in the table of formations shown on at least one of the geological maps;

(3) the outline of geological contours, alteration zones, observed or assumed mineralized zones and the observed textural features;

(4) where applicable, the strike, dip and top of beds or rock units, of pillowed lava, the strike and dip of foliation, cleavage, schistosity, principal joints, shear zones and faults and the known or assumed direction of movement along such faults and shear zones; the trend and plunge of lineation, the axial trace and the type of folds;

(5) where applicable, the site from which tested and analyzed samples were taken, the location of drill-holes, exploration pits and trenches, areas of rock stripping, sand, gravel pits and quarries.

**77.** The following information shall be included in the survey work report, in the case of a report on geophysical surveys:

(1) the methods used in conducting the survey and controlling its precision, the instruments used, their characteristics and, where applicable, their reading constant;

(2) the technical data of the survey.

In addition, in the case of a report on airborne surveys, the survey work report shall also include the following information:

(1) the flight dates and the type of aircraft used;

(2) the spacing of the survey lines, the flight speed and the altitude above mean ground level.

The report on geophysical airborne surveys shall include the digital recording of the measurements taken by the airborne instruments. Those measures shall be recorded on a common use electronic medium and shall

include a description of the parameters and the format of the data.

**78.** The following information shall be given by the plans and maps attached to the survey work report, in the case of a report on geophysical surveys:

(1) where applicable, the geophysical readings taken at intervals or continuously along all survey lines or the corrected readings;

(2) the raw numerical data essential to the interpretation of the results plotted as profiles or contours.

The anomalies, observations and interpretations shall be shown by letters, numbers or symbols.

Notwithstanding the foregoing, in the case of a report on airborne geophysical surveys, the maps attached to the surveys shall indicate geophysical readings obtained or the corrected readings after data processing plotted as profiles or contours or anomalies in relation to the flight lines. The anomalies, observations and interpretations shall be identified by letters, numbers or symbols.

**79.** The following information shall be included in the survey work report, in the case of a report on geochemical surveys:

(1) the description of the vegetation covering the ground being surveyed and, where applicable, the identification of the sources of contamination;

(2) the name of the laboratory that performed the analyses;

(3) the type of mineralization sought, the nature of the material sampled, the method of sample preparation, the method of analysis used, the number of samples analysed and the elements determined in each analysis;

(4) the nature of the different layers of soil and unconsolidated sediments observed during the carrying out of the survey;

(5) where applicable, a description of the statistical method used and the results obtained.

**80.** The following information shall be indicated by the maps attached to the survey work report, in the case of a report on geochemical surveys:

(1) sampling sites and their number;

(2) the significant results obtained by analysis.



The report on geochemical surveys shall include synoptic maps of geochemical activity, where applicable.

*§4. Report on stripping and excavation work*

**81.** The report on stripping and excavation work shall present the objective of the work carried out and include the following information:

- (1) the references to the geological and analytical data already available;
- (2) the observed or measured geological data;
- (3) the correlation between the information already available and that from the work carried out, as well as the interpretations, estimates, conclusions and recommendations resulting therefrom;
- (4) where applicable, the sampling methods used, the inspection methods of their validity as well as the results of those inspections;
- (5) where applicable, the analytical results, the inspection procedures of those analyses as well as the results of those inspections.

The report on stripping and excavation work shall also include, as schedules, the plans and maps established to a scale that makes it possible to locate the work and identify the geological information.

The report shall be signed by a qualified professional under whose supervision stripping and excavation work was carried out where the amount spent for all the work, declared and reported during a given term, exceeds \$5 000 per mining right, and shall include the work declaration form, duly completed, supplied by the Minister. Where the amount spent for all the work does not exceed \$5 000 per mining right, the report may be presented on the form entitled "Simplified mining work report".

The amount of the stripping and excavation work shall be calculated regardless of the fact that it may have been carried out as prospecting work .

*§5. Report on sampling work and on work to open a face*

**82.** The report on sampling work and on work to open a face shall present the objective of the work carried out and shall include the following information:

- (1) the observed or measured geological data;

- (2) where applicable, the description of the sampling and inspection methods used, including the sampling method and the inspection method of those samplings;

- (3) where applicable, the analytical results, the inspection procedures of those analyses as well as the results of those inspections;

- (4) where applicable, the description of the various quality control methods and the manner in which the results were compiled.

The report on sampling work and on work to open a face shall also include, as schedules, the following elements:

- (1) the plans and maps established to a scale that makes it possible to locate the work and identify the geological information;

- (2) where applicable, the analysis certificates giving the complete results obtained for each sample whose number corresponds to that indicated on the plans and maps and the certificates giving all the inspection results of the samplings and analyses.

The report shall be signed by a qualified professional under whose supervision sampling work was carried out where the amount spent for all the work, declared and reported during a given term, exceeds \$5 000 per mining right, and shall include the work declaration form, duly completed, supplied by the Minister. Where the amount spent for all the work does not exceed \$5 000 per mining right, the report may, as for the work, be presented on the form entitled "Simplified mining work report".

The report shall also be signed by a qualified professional under whose supervision the work to open a face was carried out where the amount spent for all the work, declared and reported during a given term, exceeds \$10 000 per mining right, and shall include the work declaration form, duly completed, supplied by the Minister. Where the amount spent for all the work does not exceed \$10 000 per mining right, the report may, as for the work, be presented on the form entitled "Simplified mining work report".

The analysis certificates referred to in subparagraph 2 of the second paragraph shall be dated and signed by the person in charge of the laboratory where the analyses were carried out.

The amount of the work to open a face for sampling shall be calculated regardless of the fact that it may have been carried out as prospecting work.

### §6. Report on drill-holes

**83.** The report on drill-holes shall present the objective of the work carried out and shall include the following information:

- (1) the observed or measured geological data;
- (2) the sampling method for cores, sludge or rock fragments that was used and the inspection methods for the samplings and the results of those inspections;
- (3) the analytical results, the inspection procedures of those analyses as well as the results of those inspections.

The report on drill-holes shall also include, as schedules, the following elements:

(1) the maps established to a scale allowing to locate the work and identify the geological information, including the location of each drill-hole collar and its horizontal projection with reference to the boundaries of the land subject to the mining right;

(2) where applicable, the analysis certificates giving the complete results obtained for each sample whose number corresponds to that indicated in survey newspapers and the certificates giving all the inspection results of the samplings and analyses, including those of the dual holes;

(3) a logbook indicating, for each of the holes, including the dual holes for inspection:

(a) the identification of the hole, the altitude of the collar, the diameter of the hole, its depth, the survey methods used, its direction, the angle measures carried out and the method used, the presence of the casing and the rectangular UTM coordinates (Universal Transverse Mercator) and the zone, enabling to locate the test hole, defined according to the North American Datum 1927 (NAD27), and its system of geodesic coordinates, or according to the North American Datum 1983 (NAD83), and its system of geodesic coordinates in effect, in compliance with the National Topographic System of Canada (NTS);

(b) the depth and nature of overburden penetrated, the consecutive depths of intersection of the various rocks or varieties of the same rock, the mineralogy and structural information, alterations and, where applicable, the nature, distribution and abundance of mineralization;

(c) where applicable, the recording of the lost intervals or partial recovery, or the recording of intervals contaminated by crumbling walls;

(d) the depth and length of each of the sections analysed, the results obtained from those analyses and the inspection results of those analyses;

(e) the tridimensional orientation method of the drill-hole used and the results of the measures and inspections carried out;

(f) the storage site of the drill-hole cores or samples of percussion drilling or reverse circulation.

The report shall be signed by a qualified professional under whose supervision work was carried out and shall include the work declaration form, duly completed, supplied by the Minister.

The analysis certificates referred to in subparagraph 2 of the second paragraph shall be dated and signed by the person in charge of the laboratory where the analyses were carried out.

The record of drill-holes referred to in subparagraph 3 of the second paragraph shall be signed by a qualified professional who proceeded with the examination of cores, sludge or fragments.

### §7. Report on research work

**84.** The report on research work shall include the following elements:

(1) a report on research and tests

(a) containing a summary of the work previously done on the land where such work justifies the research work carried out and indicating all the sources of reference on the data derived from previous work;

(b) indicating the methods used for sampling and for research work, the correlation determined between the former samplings and those carried out under research work, and the validity of the samples submitted in relation to the collection of data, considering the various geological or mineralogy areas observed during the detailed mapping or from the interpretations;

(c) specifying the purpose and the methods of the research and testing project, the name and dates of participation of each laboratory, testing station, body, institution or corporation which participated in it and, indicating in each case, the purpose of each one, the methods used, the results obtained and the interpretation and conclusions derived therefrom;

(d) indicating the quality controls carried out during the research and test performance;

(2) a plan or a detailed geological map established to a scale that makes it possible to describe the geological environment of the samples; the plans and maps must identify and number the sites where the samples used for research and tests were taken and the other samples located in the immediate environment.

The report on research work shall include the work declaration form, duly completed, supplied by the Minister. The report on research and tests referred to in subparagraph 1 of the first paragraph shall be signed by a qualified professional under whose supervision work was carried out.

*§8. Report on technical and economic studies on the pre-feasibility or the feasibility*

**85.** The report on technical and economic studies on the pre-feasibility or the feasibility shall include the following information:

(1) the number or the alphanumerical code identifying the mining right on which the work used as a basis for studies was carried out;

(2) the purpose of the study, the manner in which it was carried out and a summary of the work accomplished previously on the land justifying the studies performed;

(3) the complete geoscientific and technical data obtained including, where applicable, the environmental impact assessment of the mining project where that study is prepared under the requirements of the Environment Quality Act.

The report on technical and economic studies on the pre-feasibility or the feasibility shall also include, as schedules, the plans and maps necessary for the understanding of the study, established to a scale that makes it possible to locate the work and identify the geoscientific information, in particular the following maps and plans:

(a) geological and compilation maps locating mineralized showings and zones, trenches, rock excavations, geophysical and geochemical anomalies, drill-holes and mineralized intersections, underground work and sampling points;

(b) detailed plans and sections of mineralized deposits and surface work carried out in depth showing the samples taken and the content obtained.

The plans and maps referred to in the second paragraph shall indicate, for each of the lands, the number or the alphanumerical code identifying the mining right on the land from which the work used as a basis for studies was carried out and the perimeter of the land.

The report on technical and economic studies shall be signed by a qualified professional under whose supervision the studies were carried out and shall include the work declaration form, duly completed, supplied by the Minister.

**DIVISION IV**  
**SPECIAL PROVISIONS APPLICABLE TO**  
**CERTAIN WORK REPORTS**

**86.** Reports that must be signed by a qualified professional in accordance with Division III of this Chapter shall also include a written declaration indicating the monetary interests the signee has in the mining rights or holds through a legal person, a partnership or an enterprise.

**87.** Reports, plans and maps concerning the surveys carried out during the term referred to in section 81 of the Act shall indicate and comment on the results for the whole area covered by the survey.

**88.** When an airborne geophysical survey covers lands subject to mining rights belonging to more than one holder, each one may use the survey, provided that the work report includes sufficient proof that the holder contributed to the cost of the survey proportionately to the area of the lands on which he holds mining rights.

In such a case, only the amount paid by each holder for that part of the survey covering the lands on which he holds a mining right may be declared and the documents and information required under sections 74 and 77 and in the third paragraph of section 78 do not have to be forwarded or supplied if they have already been submitted and cover the same lands.

**89.** The report on activities provided for in section 222 of the Act may be accepted as a mining work report required under the third paragraph of section 119 of the Act.

**DIVISION V**  
**QUALITY OF REQUIRED DOCUMENTS**

**90.** Reports, plans and maps referred to in this Chapter shall be established so that they may be clearly and precisely reproduced by photographic or digital processes.

To that end, they shall meet the following requirements:

- (1) writing shall be printed or typed;
- (2) plans and maps shall carry no information on photomosaic;
- (3) scales of maps shall be graphic and digital;
- (4) legends of plans and maps shall use symbols other than colours; colour may be used together with another symbol;
- (5) plans and maps shall indicate:
  - (a) at the four corners, either the geographical (latitude, longitude) or rectangular UTM coordinates (Universal Transverse Mercator) and the zone, defined according to the North American Datum 1927 (NAD27), and its system of geodesic coordinates, or according to the North American Datum 1983 (NAD83), and its system of geodesic coordinates in effect in accordance with the National Topographic System of Canada (NTS);
  - (b) the location of any geodesic station or other survey or topographic marker and of any control station that the work was tied in with;
  - (c) the perimeter of the land where the work was carried out, topographic landmarks as well as roads, rivers, lakes, township and seigniorial boundaries and, where applicable, range and lot lines.

**91.** Any report related to mining work shall include a map of mining titles to a scale of 1:50 000 locating the mining property where the work was carried out and the perimeter of the lands where the work was carried out.

#### **CHAPTER VIII MINING SURVEY**

**92.** In addition to following the instructions of the Minister given under the second paragraph of section 210 of the Act, the land surveyor who does the mining survey of a land subject to a mining right shall

- (1) in the case of a claim, examine the notice of staking or map designation and the map or sketch included with them;
- (2) draw straight lines between the apexes of lands subject to a mining right while complying with the limits of the older claims in the case of a claim obtained by staking;

(3) note and describe in the certificate which shall be included with the survey documents any irregularity he discovers while surveying land subject to a mining right.

**93.** The land surveyor's certificate shall be presented in the form prescribed in Schedule II.

#### **CHAPTER IX GENERAL PROVISIONS APPLICABLE TO ANY PERSON CARRYING ON MINING OPERATIONS**

##### **DIVISION I PLANS, NOTICES, RECORDS AND REPORTS**

**94.** The following plans or certified copies of the plans shall be sent to the Minister in accordance with section 223 of the Act:

(1) a surface plan showing the boundaries of the land that is subject to a mining right, watercourses and water bodies, railways, power lines, surface openings of any underground works, open-pit mines, accumulation areas, as defined in section 107, including those located outside the limits of the land, and the areas of those accumulation areas that were subject to restoration work, buildings and other installations, tailing stockpiles and rock outcrops and all other works carried out on the surface;

(2) plans of underground works showing for each level, drifts, cross-cuts, shafts and raises, shelters, emergency exits and all outlets to other mines;

(3) plans in the form of vertical sections showing the position of underground works and open-pit mines in relation to the surface of the land and that of the bedrock.

Those plans shall comprise all the works existing in the mine on 31 December of the year preceding their transmission and be drawn to a scale not smaller than 1:2 500 for underground works or not smaller than 1:5 000 for surface works.

**95.** The written notice that shall be sent to the Minister under section 224 of the Act shall include the following information:

- (1) the date on which the work is to begin;
- (2) the name of the mine or project and the names and addresses of the operator and of the holder of the mining right;

(3) the name and address of the manager or of the person to whom notices shall be sent under the Act;

(4) the nature of the mining operations.

However, where work is resumed after an interruption of six months or more, the notice shall give the date on which the work resumed and, where applicable, the changes that occurred since the interruption in relation to the information referred to in subparagraphs 2, 3 and 4 of the first paragraph.

**96.** The following are the plans and records that shall be kept up-to-date in accordance with the first paragraph of section 225 of the Act:

(1) the plans referred to in section 94;

(2) plans showing geological and geophysical findings, samples with their content in metals or minerals determined by test or analysis;

(3) a record of all drill-holes giving for each drill-hole, its location, direction, angle, the name and description of rocks intersected and their thickness and the samples taken with their content in metals or minerals determined by test or analysis.

Plans required under subparagraph 2 of the first paragraph shall, in the same manner as those prescribed in subparagraph 1, be drawn to a scale not smaller than 1:2 500 for underground works or not smaller than 1:5 000 for surface works.

**97.** The record of excavations and drill-holes that shall be kept up-to-date in accordance with the second paragraph of section 225 of the Act, shall include the same information as the record of drill-holes prescribed in subparagraph 3 of the first paragraph of section 96.

**98.** The documents that shall be submitted to the Minister in accordance with the second paragraph of section 226 of the Act are the plans and record prescribed in subparagraphs 2 and 3 of the first paragraph of section 96.

In addition, the operator shall report the quantity and nature of the unmined mineralized deposits.

## **DIVISION II**

### **SAFETY MEASURES WHEN MINING OPERATIONS ARE DISCONTINUED**

**99.** The holder of a mining right or an operator who temporarily or permanently discontinues mining operations shall seal off or cover surface openings of shafts,

raises, adits, declines or any other similar access to underground works, by means of reinforced concrete slabs or stone, sand or gravel backfill. He may however provide an opening equipped with a grate giving access to bats, if the situation justifies it.

Mine shafts shall be sealed off or covered in accordance with this section, even if the head frame or shaft house is left in place.

**100.** Reinforced concrete slabs used to seal off the access to a mine shall have the following characteristics:

(1) where they are cast in place, be equipped with an opening of 100 millimetres in diameter topped with a metal tube 1 metre high curved downward allowing ventilation;

(2) comply with or be equivalent to the standard specified in the plan appearing in Schedule III and have a minimum thickness of 150 millimetres where the concrete used in their fabrication has a strength of at least 30 megapascals and neither the opening nor the slab have a width exceeding 1.50 metres;

(3) be equipped with an engraved inscription indicating the year of their fabrication and the name of the mine where they are installed.

Reinforced concrete slabs must be proportionately thicker than what is prescribed under subparagraph 2 of the first paragraph in order to give them strength equivalent to that prescribed in that subparagraph where the concrete used in their fabrication has a strength of less than 30 megapascals or when the width of the opening or slab used is greater than 1.50 metres.

**101.** Reinforced concrete slabs other than those cast in place may consist of several sections at least 1.50 metres in width and must comply with or be equivalent to the standard specified in the plan appearing in Schedule III and be equipped with eye-bolts, openings or any other fixture in order to make it possible to move them.

**102.** Reinforced concrete slabs used to seal off or cover the access to a mine must be placed on the concrete of the rims or directly on the bedrock where the openings are not made of concrete.

Where a slab of reinforced concrete is laid or cast directly onto the rock of the opening, the space between the latter and the surface level must be backfilled with sand, gravel or other similar material.

**103.** Underground worksites with a surface opening shall be filled in with mineral substances and the

land levelled so as to be harmonized with the surrounding topography.

Backfill may be replaced by a fence built around the worksite at a sufficient distance from the latter, established according to geotechnical considerations of rocky walls or overlying soils according to the following standards:

(1) the fence shall be made of 9-gauge galvanized link steel, with openings not exceeding 60 millimetres on a side;

(2) the fence shall be at least 2.50 metres high and the wire mesh shall be welded to the posts and to the horizontal supports or fixed by fastening straps bolted or riveted or by any other fastening means that will prevent it from being stolen;

(3) the end and corner posts and the posts supporting gates shall be made of galvanized steel 90 millimetres in diameter; the others shall be 60 millimetres in diameter and shall not be more than 3 metres apart;

(4) the top rail used as a horizontal support shall be made of galvanized steel pipe at least 45 millimetres in diameter;

(5) except when posts are inserted in rock, the holes in which posts are inserted shall be 1.20 metres deep, 300 millimetres in diameter at the opening and they shall be filled with concrete when the posts are inserted;

(6) in rock, holes used to hold posts shall be at least 500 millimetres deep and have the necessary diameter to insert posts and concrete therein;

(7) gates shall be of the same height as the fence.

**104.** Signs warning of the danger of the access to a mine and the underground worksites with a surface opening shall be placed at the entrance of the access road to the mine and on each of the sides of the fence or gate surrounding the danger sites, at an interval allowing their visibility, at a distance that may not exceed 30 metres.

Warning signs shall be made up of a non-corrosive metallic substance and shall bear the word “danger”.

**105.** Where the stability of surface pillars may not be insured on a long term basis, a fence built according to the standards prescribed in the second paragraph of section 103 shall be installed around the zone in question at a sufficient distance from the latter, established according to geotechnical considerations of rocky walls and overlying soils.

Signs warning of the danger of the zone in question shall be provided at the locations referred to in the first paragraph of section 104, at an interval allowing their visibility, at a distance that may not exceed 30 metres.

The second paragraph of section 104 shall apply, *mutatis mutandis*, to the signs referred to in this section.

**106.** The safety measures prescribed in this division shall be checked annually and maintained in good order.

### **DIVISION III** **REHABILITATION AND RESTORATION** **MEASURES**

**107.** In this Division:

“accumulation area” means a parcel of land intended for the accumulation of mineral substances, overburden, concentrates or tailings. (*aire d'accumulation*)

**108.** The following constitute the exploration work referred to in subparagraph 1 of the first paragraph of section 232.1 of the Act:

(1) any excavation for the purpose of mining exploration, involving one of the following:

(a) the movement of 10 000 m<sup>3</sup> or more of unconsolidated deposits;

(b) rock stripping or the movement of unconsolidated deposits covering an area of 10 000 m<sup>2</sup> or more;

(c) the extraction or movement of mineral substances for geological or geochemical sampling in amounts of 500 metric tons or more;

(2) any work carried out in respect of material deposited in accumulation areas, in particular either of the following:

(a) drill-holes;

(b) the excavation, movement or sampling of accumulated material or cover material;

(3) any underground work related to mining exploration, in particular one of the following:

(a) the sinking of access ramps and shafts, and any other excavation;

(b) the dewatering of mine shafts and keeping of excavations dry;

(c) the restoration of worksites or other underground works;

(d) the hoisting of mineral substances to the surface;

(4) the preparation of accumulation areas for the activities referred to in subparagraphs 1, 2 or 3.

For the purposes of subparagraph 1, “unconsolidated deposits” means any mineral substance covering the bedrock, except those deposited in accumulation areas.

**109.** The following constitute the mining operations referred to in subparagraphs 2 and 4 of the first paragraph of section 232.1 of the Act:

(1) any activity related to the open-pit or underground extraction of ore or mine tailings, including one of the following:

(a) drawing and transportation;

(b) sinking various shafts and access ramps, and any other excavation;

(c) crushing;

(d) keeping excavations dry;

(2) the processing of ore or mine tailings, excluding refining and the pelletizing of iron ore or iron concentrate but including one of the following:

(a) preparation, including one of the following:

- i. washing;
- ii. wet and dry sieving;
- iii. crushing;
- iv. grinding;
- v. classifying;

(b) beneficiation, including one of the following:

- i. gravity concentration;
- ii. flotation;
- iii. cyanidation;
- iv. magnetic separation;
- v. heap leaching or *in situ* leaching;

(c) solid-liquid separation, including one of the following:

- i. settling and thickening;
- ii. filtration;
- iii. drying;
- iv. agglomeration;

(3) the preparation of accumulation areas for the activities referred to in paragraphs 1 and 2;

(4) in the case of foundry activities, only the preparation of an accumulation area constitutes a mining operation;

(5) exploration activities listed in section 108 where they are involved in the operations referred to in this section.

**110.** The mineral substances referred to in subparagraph 2 of the first paragraph of section 232.1 of the Act include any mineral substance other than petroleum, natural gas, brine and surface mineral substances.

“Surface mineral substances” refers to the substances listed in section 1 of the Act, except however inert mine tailings used in construction, for the manufacture of construction materials or for the alteration of soils.

**111.** The amount of the guarantee referred to in section 232.4 of the Act shall correspond to 70 % of the anticipated cost, in dollars, of carrying out that part of the work required under the plan that relates to the rehabilitation and restoration of accumulation areas. For mining activities that ended before 9 March 1997, the amount of the guarantee is limited to 15 % of that anticipated cost.

**112.** Taking into account any amount already paid pursuant to section 232.5 of the Act, a person referred to in subparagraph 1 of the first paragraph of section 232.1 of the Act shall submit to the Minister, in accordance with the following rules, the guarantee determined under section 111:

(1) where the exploration work is expected to last one year or less, the total guarantee shall be submitted within 15 days following receipt of approval of the rehabilitation and restoration plan;

(2) where the exploration work is expected to last more than one year, the guarantee shall be submitted in annual payments:

(a) the first annual payment shall be made within 15 days following receipt of approval of the rehabilitation and restoration plan, and shall correspond to the anticipated cost of the rehabilitation and restoration work required under the plan in respect of activities that have already been carried out or that will be carried out during the year;

(b) each subsequent annual payment shall be made on the anniversary of the date of approval of the plan and shall correspond to the anticipated cost of the reha-

bilitation and restoration work required under the plan in respect of activities that will be carried out during the year.

**113.** Taking into account, where applicable, any amount already paid pursuant to section 232.5 of the Act, a person referred to in subparagraphs 2 to 4 of the first paragraph of section 232.1 of the Act shall submit to the Minister, in accordance with the rules set forth in the following table and paragraphs, the guarantee determined under section 111:

#### SCHEDULE OF ANNUAL PAYMENTS PER \$1 OF GUARANTEE DETERMINED UNDER SECTION 111

Expected duration of activities	Payments														
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1	1.0														
2	1.0	-													
3	.250	.750	-												
4	.111	.333	.556	-											
5	.063	.187	.313	.437	-										
6	-	.063	.187	.313	.437	-									
7	-	.040	.120	.200	.280	.360	-								
8	-	.028	.083	.139	.194	.250	.306	-							
9	-	.020	.061	.102	.143	.184	.225	.265	-						
10	-	-	.020	.061	.102	.143	.184	.225	.265	-					
11	-	-	.016	.047	.078	.109	.141	.172	.203	.234	-				
12	-	-	.012	.037	.062	.086	.111	.136	.161	.185	.210	-			
13	-	-	.010	.030	.050	.070	.090	.110	.130	.150	.170	.190	-		
14	-	-	-	.010	.030	.050	.070	.090	.110	.130	.150	.170	.190	-	
15	-	-	-	.008	.025	.041	.058	.074	.091	.107	.124	.141	.157	.174	-

(1) for the purposes of the above table, the expected duration of activities corresponds to the shorter of the following: the expected duration of the activities, determined from the approval or revision of the plan and rounded off to the nearest whole number, or 15 years, calculated from the approval or revision of the plan;

(2) where applicable, the first payment of the guarantee is required within 15 days following approval of the plan, and the subsequent payments are required on the anniversary dates of the plan;

(3) where the activities are expected to last less than ten years, a payment may be postponed until the time of the next annual payment, in which case the amount of the postponed payment is added to that of the next annual payment; no further postponement is possible until the postponed payment and the next annual payment have been made, and no postponement is possible in respect of the last two required payments;

(4) where the activities are expected to last ten years or more, two consecutive payments may be postponed until the next annual payment, in which case the amount of the postponed payments is added to that of the next annual payment; no further postponement is possible until the postponed payments and the next annual payment have been made, and no postponement is possible in respect of the last three required payments.

**114.** Notwithstanding sections 112 and 113, the persons referred to in those sections, who must provide more than one guarantee during a given year, may provide during that year a single guarantee covering the total amount of the guarantees, provided that the description of the guarantees included in various rehabilitation and restoration plans be the same as regards the form of guarantees.

Payment of the guarantee covering the total amount of guarantees shall be carried out on one of the first dates where, during the given year, the guarantees had to be provided.



115. The person referred to in section 232.1 of the Act shall submit a guarantee to the Minister in one of the following forms or in a combination thereof:

(1) a cheque made out to the Minister of Finance of Québec;

(2) bonds issued or guaranteed by Québec or another province of Canada, by Canada or by a municipality in Canada and having a market value at least equal to the amount of the guarantee exigible. Registered bonds shall be submitted with a power of attorney on behalf of the Minister of Finance and, where applicable, with a resolution authorizing the person who signs the power of attorney;

(3) guaranteed investment certificates or term deposit certificates, in Canadian dollars, issued on behalf of the Minister of Finance by a bank, a savings and credit union or a trust company. Such certificates shall have a term of at least 12 months, shall be automatically renewable until the issue of a certificate of release provided for in section 232.10 of the Act and shall not include any restriction in respect of redemption during its term;

(4) an irrevocable and unconditional letter of credit issued on behalf of the Gouvernement du Québec by a bank, a savings and credit union or a trust company;

(5) a security or a guarantee policy issued on behalf of the Gouvernement du Québec by a legal person legally empowered to act in that quality;

(6) a security provided by a third party on behalf of the Gouvernement du Québec. The person providing the security shall also provide an immovable hypothec of the first rank whose net liquidation value is at least equal to the amount of the guarantee required;

(7) a trust constituted in accordance with the provisions of the Civil Code of Québec and meeting the following requirements:

(a) the purpose of the trust is to ensure completion of the work provided for in the rehabilitation and restoration plan under sections 232.1 to 232.10 of the Act;

(b) the Minister of Finance and the person referred to in section 232.1 of the Act are joint beneficiaries of the trust;

(c) the trustee is a bank, a savings and credit union or a trust company;

(d) the trust patrimony is comprised only of sums in cash, or of bonds or certificates of the same type as those referred to in subparagraphs 2 and 3 of the first paragraph of this section.

The financial institutions referred to in subparagraphs 3, 4 and 7 of the first paragraph must be empowered by law to carry on the activities provided for in those subparagraphs.

116. In the case of a trust, interest yielded by the trust patrimony belongs to the trust. Interest kept as part of the trust patrimony shall not be used as payment of the guarantee.

117. The guarantees referred to in subparagraphs 1 to 3 of the first paragraph of section 115 shall be received on deposit by the Minister of Finance pursuant to the Deposit Act (R.S.Q., c. D-5).

118. Where a guarantee is given under subparagraph 3 or 7 of the first paragraph of section 115, the contract that constitutes the guarantee shall include the following conditions:

(1) the purpose of the guarantee is to ensure completion of the work provided for in the rehabilitation and restoration plan under sections 232.1 to 232.10 of the Act;

(2) no person may make withdrawals or be reimbursed without having obtained the certificate of release provided for in section 232.10 of the Act or a reduction in the guarantee under section 232.7 of the Act. That prohibition also applies to any form of compensation that may be made by the bank, the savings and credit union, the trust company or the trustee;

(3) where section 232.8 of the Act applies, payment of the guarantee is exigible at the Minister's request;

(4) the bank, the savings and credit union, the trust company or the trustee shall provide the Minister with the information it possesses concerning the contract;

(5) in case of dispute, the courts of Québec are the sole competent courts;

(6) in the case of a trust:

(a) the trustee shall be domiciled in Québec;

(b) the trustee shall see to the management of the trust at the expense of the settlor or of the person referred to in section 232.1 of the Act;

(c) the trust terminates when the Minister

i. issues a certificate of release provided for in section 232.10 of the Act or the trust is replaced by another guarantee that complies with the requirements of this Regulation;

ii. acts on the condition provided for in subparagraph 3 of the first paragraph of this section.

A person referred to in section 232.1 of the Act shall submit to the Minister a certified copy of the original contract.

**119.** The purpose of the irrevocable and unconditional letter of credit provided for in subparagraph 4 of the first paragraph of section 115, of the security or guarantee policy provided for in subparagraph 5 of the first paragraph of that section and of the security provided for in subparagraph 6 of the first paragraph of that section is to guarantee payment of the cost of the work where the requirements of sections 232.1 to 232.10 of the Act are not met. The contract shall have a term of at least 12 months and shall include clauses providing that:

(1) in the case of non-renewal, termination, revocation or cancellation, the guarantor shall notify the Minister at least 60 days before the date fixed for the expiry, termination, revocation or cancellation of the guarantee;

(2) in the case of non-renewal, termination, revocation or cancellation, the guarantor remains responsible, where the requirements of sections 232.1 to 232.10 of the Act are not met, for the payment of the cost of the work involved in mining operations carried out before the date of expiry, termination, non-renewal or revocation up to the amount covered by the letter of credit, the security or guarantee policy. That responsibility shall hold until the issue of a certificate of release provided for in section 232.10 of the Act, unless the person in question has deposited an alternative guarantee or the guarantor has deposited the amount covered by the letter of credit, the security or guarantee policy in a trust that complies with this Regulation where the Minister of Finance and the guarantor are joint beneficiaries;

(3) where applicable, the obligation is several, with a waiver of the benefits of discussion and division;

(4) the guarantor consents to the Minister's being able at any time after the sending of a notice of 60 days to make changes to the rehabilitation and restoration plan and waives pleading against the Minister any ground of defence pertaining to the content of the plan;

(5) where section 232.8 of the Act applies, payment of the guarantee is exigible at the Minister's request;

(6) in the case of dispute, the courts of Québec are the sole competent courts.

A person referred to in section 232.1 of the Act shall submit to the Minister a certified copy of the original contract.

**120.** In the case of a guarantee submitted in accordance with subparagraph 6 of the first paragraph of section 115, where the third party is a legal person, a certified copy of the resolution or internal by-law authorizing the signatory to offer the guarantee and establish a hypothec shall be submitted to the Minister.

**121.** The guarantee given may be replaced at any time by another guarantee that complies with the requirements of this Regulation.

**122.** Any form of guarantee is exigible at the Minister's request in accordance with section 232.8 of the Act.

**123.** A guarantee shall be kept in force until the issue of a certificate of release provided for in section 232.10 of the Act.

#### **DIVISION IV**

##### **SITE FOR THE STORAGE OF MINE TAILINGS**

**124.** The application for approval of a site to be used as a storage area for mine tailings that must be submitted to the Minister in accordance with section 241 of the Act shall be done in writing and include the following information:

(1) the name, address and telephone number of the applicant and of the persons in charge of the design, installation and operation of the site to be used as a storage area for mine tailings;

(2) the location of other sites considered and the reasons justifying the choice of the location of the site applied for;

(3) the physical and chemical description of the mine tailings, the expected quantity, the means of transportation and storage and the description of the equipment which will be used;

(4) the name, address and telephone number of the owners of the surface and the holders of real and immovable mining rights;

(5) where applicable, the nature of the agreement entered into with the owners of the surface and the holders of real and immovable mining rights.

**125.** The application for approval shall be accompanied by the following documents:

(1) a plan, established to a scale of 1:5 000, showing the areas used for the transportation and storage of tailings and specifying the surface area of the projected site for the storage of mine tailings;

(2) a survey plan of the site to be used as a storage area for mine tailings where the latter is situated on lands in the domain of the State;

(3) a report containing the geological data on the land to be used as a storage area for mine tailings.

The plan referred to in subparagraph 1 of the first paragraph shall be certified, dated and signed by an engineer and the survey plan referred to in subparagraph 2 of the first paragraph shall be made by a land surveyor in accordance with Chapter VIII of this Regulation and the instructions of the Minister given under the second paragraph of section 210 of the Act.

## **CHAPTER X MISCELLANEOUS**

### **DIVISION I CONTENT OF CERTAIN APPLICATIONS**

**126.** Where one of the applications referred to in Chapters II to VI is submitted by more than one person, the information related to the applicant must be provided for each of the persons and the respective percentage of the rights that each of them holds or will hold on a mining right.

**127.** Where the application made is one of those referred to in Chapters II to VI and where the applicant is a legal person, he shall provide the address of his office and, where applicable, the address of his main place of business in Québec.

In addition, in the case of an application for a mining lease, an application for an exclusive lease to mine surface mineral substances or an application for renewal of either of the leases, the applicant, if he is a legal person, shall also provide a certified copy of the resolution or the internal by-law authorizing the person submitting the application to do it on behalf of the applicant.

### **DIVISION II OTHER FEES AND DUTIES**

**128.** Subject to the first paragraph of section 29, the registration fee for the public register of real and immovable mining rights, of a transfer or of another instrument referred to in paragraph 3 of section 13 of the Act relating to a real and immovable mining right, respecting mineral substances other than petroleum, natural gas and brine shall be \$12.50 per mining right, up to a maximum of \$1 250 per instrument.

The fee for the issue of a certificate of any entry in the public register of real and immovable mining rights of a mining right for mineral substances other than petroleum, natural gas and brine shall be \$2.

**129.** The duties payable for taking part in a drawing of lots referred to in sections 207 and 207.1 of the Act that must be paid in advance by the person who intends to take part therein shall be, in addition to the entry fee, \$100 per application, in the case of an application for authorization referred to in sections 32 or 33 of the Act, or \$100 per mining right in other cases.

A single duty for taking part in a drawing of lots shall be granted per application for authorization or per mining right.

For the purposes of the drawing of lots, a legal person, its subsidiaries and their directors, officers, representatives and employees are deemed to constitute a single and same applicant. For the purposes of the drawing of lots, a natural person, his representatives and their employees are also deemed to constitute a single and same applicant.

**130.** The fee that must be included with the application for the revocation of claims made under section 280 of the Act or under section 152 of chapter 24 of the Statutes of 1998 shall be \$110 for each claim contested.

### **DIVISION III METHOD OF PAYMENT**

**131.** Payment of amounts of money prescribed in this Regulation shall be made in cash, by cheque or money order payable to the Minister of Finance of Québec or by magnetic card referred to in section 3 of the Règlement sur la perception et l'administration des revenus et des recettes du gouvernement, made under the Financial Administration Act (R.S.Q., c. A-6) by C.T. 175175 dated 23 October 1990.

## CHAPTER XI PENAL

132. Every holder of a lease to mine surface mineral substances who operates a sand-pit and who contravenes any of the provisions of the first paragraph of section 63 is guilty of an offence punishable according to section 319 of the Act.

Every holder of a non-exclusive lease to mine surface mineral substances who operates a sand-pit on lands in the domain of the State and who contravenes any of the provisions of the second paragraph of section 63 is also guilty of an offence punishable according to section 319 of the Act.

## CHAPTER XII TRANSITIONAL PROVISIONS ENACTED UNDER SECTION 158 OF THE ACT TO AMEND THE MINING ACT AND THE ACT RESPECTING THE LANDS IN THE PUBLIC DOMAIN (1998, c. 24)

133. Where a claim obtained by map designation before 22 November 2000 is extended on a parcel of land whose area and shape do not correspond, after that date, to those determined by the Minister and reproduced on the maps kept at the office of the registrar, the holder of the claim may apply to the Minister for the substitution of one or several map designated claims and whose parcels of land that are subject thereto must try to correspond to the area and shape determined by the Minister in accordance with the third paragraph of section 42 of the Mining Act.

The rules provided for in sections 42.1 to 42.4 of the Act that govern the claims obtained by conversion of mining rights into map designated claims shall apply, *mutatis mutandis*, to the map designated claims obtained after an application for substitution of claims made under this section.

134. The application for substitution of claims must be filed on the form provided by the Minister, contain the information provided for in the first paragraph of section 17 and be accompanied with, where applicable, the written agreement or survey plan referred to in section 18. Those provisions and section 19 shall apply, *mutatis mutandis*, to an application for substitution as if it were an application for conversion of mining rights into map designated claims.

135. The claims obtained by substitution shall replace the substitution claims from the date of issue of the certificates of registration of the claims thus obtained and the date of registration of the claims is deemed to be the date of substitution.

For the purposes of the application of the second paragraph of section 16, the age of the claims obtained by substitution shall be established according to the date of substitution.

The rules provided for in the second paragraph of sections 80 and 81 of the Act shall apply, *mutatis mutandis*, where a claim obtained by map designation before 22 November 2000 was subject to a substitution of claims applied for under section 133 of this Regulation and the reference to the date of conversion provided for in those sections becomes a reference to the date of substitution.

136. The substitution of a claim applied for under section 133 shall be made in accordance with the rules that apply to the conversion of a claim applied for under section 83.2 of the Act and sections 83.3 to 83.5 of that Act and 20 to 22 of this Regulation shall apply, *mutatis mutandis*, to such an application of substitution.

Notwithstanding the foregoing, section 83.5 of the Act and section 22 of this Regulation do not apply where an application for substitution is filed with the Minister before 22 November 2002; in that case, the claims obtained following the substitution are, for the purposes of establishing the minimum cost of the work to be performed for further renewals of those claims after the first renewal following the date of substitution, deemed to be at their first term.

Sections 23, 24, 26, 27 and 29 of this Regulation regarding the cases in which and conditions according to which a mining right may be converted into map designated claims and the effects of conversion on rights granted to third persons shall apply, *mutatis mutandis*, to the substitution of a claim applied for under section 133.

137. The holder of a claim obtained in accordance with the second paragraph of section 355 of the Act and who, according to the third paragraph of that section, is exempt from payment of the fee prescribed under the Mining Act for the renewal of his claim loses in respect of that claim the benefit of that exemption, as soon as his claim is subject to a substitution applied for under section 133 of this Regulation.

## CHAPTER XIII OTHER TRANSITIONAL AND FINAL PROVISIONS

138. Section 4 of this Regulation shall apply to every staking tag even to that issued before 22 November 2000, by taking into account however, in the latter case, the time already elapsed; it does not have for effect to validate the tags whose term has expired on that date.

139. The provisions of sections 5 and 7 of the Regulation respecting mineral substances other than petroleum, natural gas and brine, made by Order in Council 1443-88 dated 21 September 1988 and amended by Order in Council 1217-91 dated 4 September 1991, shall continue to apply to the notices of staking submitted on 22 November 2000 or after that date in the place and stead of sections 5 and 7 of this Regulation, where the land covered by the notice of staking was staked before that date.

140. Notwithstanding section 15 of this Regulation, the minimum cost of the work to be carried out by the holder of a claim obtained prior to 22 November 2000 is, for the purposes of his first renewal following that date, that provided for in section 11 of the Regulation respecting mineral substances other than petroleum, natural gas and brine made by Order in Council 1443-88 dated 21 September 1988, except if, before the first renewal, the claim was subject to a conversion or substitution.

The same applies for the purposes of the application of the second paragraph of section 83.3 of the Act, where the holder of a claim carries out the conversion or substitution of his claim before the first renewal after 22 November 2000.

This section shall apply where the minimum cost of the work prescribed in section 11 is less than that prescribed in this Regulation.

141. An application for a mining exploration licence made prior to 22 November 2000 shall be continued and decided in accordance with the provisions of sections 13 and 14 of the Regulation respecting mineral substances other than petroleum, natural gas and brine, made by Order in Council 1443-88 dated 21 September 1988 and amended by Order in Council 1217-91 dated 4 September 1991.

142. Notwithstanding section 36 of this Regulation, the minimum cost of the work that must be carried out by the holder of the mining exploration licence shall be, for the term of the current licence, that provided for in section 15 of the Regulation respecting mineral substances other than petroleum, natural gas and brine, made by Order in Council 1443-88 dated 21 September 1988.

143. An application for an exploration licence for surface mineral substances prior to 22 November 2000 shall be continued and decided in accordance with the provisions of section 27 of the Regulation respecting mineral substances other than petroleum, natural gas and brine, made by Order in Council 1443-88 dated 21 September 1988 and amended by Order in Council 1217-91 dated 4 September 1991.

144. The provisions of paragraph 3 of section 47 of the Regulation respecting mineral substances other than petroleum, natural gas and brine, made by Order in Council 1443-88 dated 21 September 1988, shall continue to apply to the holder of an exploration licence for surface mineral substances for the purposes of the first renewal of the licence after 22 November 2000.

145. With the exception of the annual rental provided for in the second paragraph of section 39, the rights, rentals and fees provided for in this Regulation are indexed on 1 April 2003 and then on 1 April every two years, according to the evolution of the general Consumer Price Index for Canada, during the two years preceding the indexing. That evolution shall be calculated on the basis of the ratio between the index for the year preceding the indexing and the index for the year two years prior to that year. The index for a year is the average of the monthly indexes published by Statistics Canada.

The rights, rentals and fees indexed in the prescribed manner shall be reduced to the nearest dollar where they contain a fraction of a dollar less than \$0.50; they shall be increased to the nearest dollar where they contain a fraction of a dollar equal to or greater than \$0.50.

The Minister of Natural Resources shall publish the results of the indexing in Part 1 of the *Gazette officielle du Québec*. He may also employ any other means to ensure that the results of the indexing are more widely publicized.

146. This Regulation replaces the Regulation respecting mineral substances other than petroleum, natural gas and brine, made by Order in Council 1443-88 dated 21 September 1988.

147. This Regulation comes into force on 22 November 2000.

**SCHEDULE I**

(ss. 8, 10 and 15)

REGION LOCATED SOUTH OF QUÉBEC  
COMPRISING THE TERRITORIES  
CORRESPONDING TO THOSE IN THE LEAFLETS  
OF THE NATIONAL TOPOGRAPHIC SYSTEM OF  
CANADA (NTS) IDENTIFIED BELOW:

1. 21E02	15. 21L01	23. 31G01	25. 31H01	39. 31I01
2. 21E03	16. 21L02	24. 31G02	26. 31H02	40. 31I02
3. 21E04	17. 21L03		27. 31H03	41. 31I03
4. 21E05	18. 21L04		28. 31H04	42. 31I07
5. 21E06	19. 21L05		29. 31H05	43. 31I08
6. 21E07	20. 21L06		30. 31H06	
7. 21E09	21. 21L07		31. 31H07	
8. 21E10	22. 21L08		32. 31H08	
9. 21E11			33. 31H09	
10. 21E12			34. 31H10	
11. 21E13			35. 31H11	
12. 21E14			36. 31H14	
13. 21E15			37. 31H15	
14. 21E16			38. 31H16	

The NTS leaflets, identified in this Schedule, are those established to a scale 1:50 000 and the geographical coordinates (latitude and longitude) establishing the limit of the parcels of land are those defined according to the North American Datum 1983 (NAD83).

**SCHEDULE II**

(s. 93)

## LAND SURVEYOR'S CERTIFICATE

I certify that I have carefully examined the land within the boundaries (*enter the mining title and its number or alphanumeric code*) that I surveyed and I have found nothing on it that may lead me to believe or suspect that the mining right may be the object of a dispute, except the following:

“(note)”.

**SCHEDULE III**  
(ss. 100 and 101)

**COVER-SLAB FOR SURFACE OPENINGS OF MINING WORK**

