

Draft Regulation

Mining Act
(R.S.Q., c. M-13.1)

Mineral substances other than petroleum, natural gas and brine — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting mineral substances other than petroleum, natural gas and brine, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the proposed draft Regulation is to amend the Regulation respecting mineral substances other than petroleum, natural gas and brine to provide conditions to progressively reduce staking parks where a claim is obtained by ground staking on a parcel of land and not by map designation. A person will be able to obtain a claim by map designation provided there is no possible conflict with other mining titles. A statement and agreement procedure will be implemented to protect the rights of holders of staked claims. The proposed Regulation also permits the amalgamation of parcels of land to facilitate the management of mining titles. An agreement will be required between the holders of staked claims situated less than 400 metres from the mining right to be converted into a map designated claim. In addition, measures are introduced for the conversion of staked claims north of 52° north latitude.

The proposed Regulation makes it possible for a municipality or an intermunicipal board to obtain an exclusive lease to mine surface mineral substances provided a five-year plan is submitted for the construction, repair and maintenance of streets and the road network. It will also be possible to use the Universal Transverse Mercator (UTM) grid system to determine the location of the perimeter of a tailings site situated within an exclusive lease to mine surface mineral substances. The draft Regulation also prevents the granting or renewal of a lease to mine surface mineral substances if the applicant fails to file statements or pay royalties for any lease held. With respect to the restoration of mining sites, the Regulation proposes mining sites be subject to a rehabilitation and restoration requirement and the dismantling of a foundry and an iron ore or iron concentrate pelletizing plant.

Lastly, the proposed Regulation includes various consequential amendments to ensure harmonization with the Act to amend the Mining Act (2003, c. 15), the Geologists Act (R.S.Q., c. G-1.01) and the Forest Act (R.S.Q., c. F-4.1).

The draft Regulation has no significant impact on the public or businesses.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to Jean-Marc Charbonneau, Director, Direction du développement minéral, Ministère des Ressources naturelles, de la Faune et des Parcs, 5700, 4^e Avenue Ouest, bureau C 408, Charlesbourg (Québec) G1H 6R1; telephone: 1 800 363-7233, extension 5455; fax: (418) 643-9297.

PIERRE CORBEIL,
*Minister of Natural Resources,
Wildlife and Parks*

Regulation to amend the Regulation respecting mineral substances other than petroleum, natural gas and brine*

Mining Act
(R.S.Q., c. M-13.1, s. 306, pars. 2, 3, 9, 10, 12.2, 26.1
and 27; 2003, c. 15, s. 32)

1. Section 5 of the Regulation respecting mineral substances other than petroleum, natural gas and brine is amended by striking out “and a declaration certifying that the information given is accurate” in paragraph 3.

2. Section 6 is amended

(1) by deleting paragraph 2;

(2) by adding the following paragraphs at the end:

“(4) in the case of a parcel of land referred to in subparagraph 1 of the second paragraph of section 49 of the Act, the name, address and telephone number of the holder of the claim held on the parcel of land situated less than 1,000 metres from the parcel of land that is subject to the notice of map designation, and the number or the alphanumeric code identifying the claim;

(5) in the case of a parcel of land referred to in subparagraph 2 of the second paragraph of section 49 of the Act, an agreement containing the information referred to in section 18.”

* The Regulation respecting mineral substances other than petroleum, natural gas and brine, made by Order in Council 1042-2000 dated 30 August 2000 (2000, G.O. 2, 4512), was amended by the regulation made by Order in Council 1336-2000 dated 15 November 2000 (2000, G.O. 2, 5323).

3. Section 10 is amended

(1) by inserting the following after the first paragraph:

“The fees for the first renewal following the conversion of a claim situated north of the fifty-second degree north latitude shall, however, be fixed by adding the renewal fees for each staked claim covered by the application for conversion and by allocating the resulting total renewal fees among the converted claims in proportion to the respective area of each.”;

(2) by adding “but before the date of expiry of the claim” at the end of the second paragraph.

4. Section 11 is revoked.**5.** Section 14 is amended by deleting paragraph 3.**6.** Section 18 is amended

(1) by replacing “contiguous to” by “situated less than 400 metres from” and by striking out the second occurrence of “contiguous” in the part preceding subparagraph 1 of the first paragraph;

(2) by replacing “contiguous parcel of land to the lands” in subparagraph 1 of the first paragraph by “parcel of land located less than 400 metres from the parcels of land”.

7. Section 22 is amended by replacing “The number” at the beginning of the first paragraph by “Subject to section 22.1, the number”.

8. The following is inserted after section 22:

“**22.1.** The term of the claims situated north of the fifty-second degree north latitude and converted into map designated claims is deemed, for the purposes of determining the minimum cost of the work referred to in section 22, to be the first turn.”.

9. The following is inserted after section 29:

**“DIVISION VII.1
AMALGAMATION AND REPLACEMENT
OF MAP DESIGNATED CLAIMS**

29.1 Sections 17, 19 to 24 and 26 to 29 apply, with the necessary modifications, to the application for the amalgamation of map designated claims referred to in subdivision 7 of Division III of Chapter III of the Act.

29.2 Sections 17 to 24 and 26 to 29 apply, with the necessary modifications, to the application for replacement referred to in subdivision 8 of Division III of Chapter III of the Act.”.

10. Section 47 is amended by striking out “with respect to the production site that is subject to the application and”.

11. Section 51 is amended

(1) by inserting the following after the first paragraph:

“Where the application is submitted by a municipality or an intermunicipal board, the reports referred to in subparagraphs 3 and 4 of the first paragraph are replaced by a five-year plan for the construction, repair and maintenance of streets and the road network.”;

(2) by replacing “an engineer or a qualified geologist within the meaning of the fourth paragraph of section 101 of the Act” in the third paragraph by “a geologist who is a member of the Ordre des géologues du Québec or an engineer who is a member of the Ordre des ingénieurs du Québec”.

12. Section 66 is amended by replacing the definition following “qualified professional” by “means a geologist who is a member of the Ordre des géologues du Québec or an engineer who is a member of the Ordre des ingénieurs du Québec”.

13. Section 109 is amended

(1) by striking out “and the pelletizing of iron ore or iron concentrate” in the part preceding subparagraph *a* of paragraph 2;

(2) by deleting paragraph 4.

14. Section 125 is amended by adding the following at the end of subparagraph 2 of the first paragraph after “State;”: “if the site is situated on a parcel of land subject to an exclusive lease to mine surface mineral substances, its perimeter may be defined by UTM (Universal Transverse Mercator) rectangular coordinates and the zone, according to the North American Datum of 1983 (NAD83), and its system of geodesic coordinates in effect, in compliance with the National Topographic System (NTS) of Canada; in the latter case, the apex of the perimeter shall be numbered on the map and a list of the corresponding coordinates shall be attached to the map;”.

15. Sections 133 and 134, the first paragraph of section 135 and section 136 are revoked.

16. The following is inserted after section 138:

“**138.1.** The second paragraph of section 10 and section 22.1 of this Regulation apply only to applications for conversion filed after (*insert the date of coming into force of this Regulation*), but before (*insert the date occurring two years after the date of coming into force of this Regulation*).”.

17. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Draft Regulation

Forest Act
(R.S.Q., c. F-4.1)

Operating permits for wood processing plants — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting operating permits for wood processing plants, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to include plants that manufacture mulch and absorbents such as bedding from round timber in the classes of wood processing plants, and to exclude plants that use 2,000 cubic metres or less of timber from those classes.

The impact on businesses is as follows: a new class of plants will need to obtain an operating permit and plants that use 2,000 cubic metres or less of timber will no longer need to obtain a permit.

Any interested person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 45-day period, to Marc Ledoux, Associate Deputy Minister for Forests, Ministère des Ressources naturelles, de la Faune et des Parcs, 880, chemin Sainte-Foy, 10^e étage, Québec (Québec) G1S 4X4.

PIERRE CORBEIL,
*Minister of Natural Resources,
Wildlife and Parks*

Regulation to amend the Regulation respecting operating permits for wood processing plants*

Forest Act
(R.S.Q., c. F-4.1, s. 172, 1st par., subpar. 16)

1. Section 1 of the Regulation respecting operating permits for wood processing plants is amended

(1) by replacing “the classes of wood processing plants are:” in the first sentence by “only wood processing plants in any of the following classes are considered to be wood processing plants transforming more than 2,000 cubic metres of timber annually:”;

(2) by adding “, mulch and absorbents such as bedding” at the end of paragraph 7.

2. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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* The Regulation respecting operating permits for wood processing plants, made by Order in Council 908-88 dated 8 June 1988 (1988, *G.O.* 2, 2351), was last amended by the regulation made by Order in Council 861-2003 dated 20 August 2003 (2003, *G.O.* 2, 2725). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2004, updated to 1 March 2004.