



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 63

**An Act to amend the Mining Act
and other provisions**

Introduction

**Introduced by
Madam Maïté Blanchette Vézina
Minister of Natural Resources and Forests**

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EXPLANATORY NOTES

This bill amends mainly the Mining Act in several ways.

The bill replaces the term “claim” by “exclusive exploration right” and updates the method of granting such a right as well as certain conditions governing its exercise, including with respect to the costs of work required to renew it.

The bill allows the Government to enter into agreements with Indigenous communities to determine the boundaries of a parcel of land where mineral substances forming part of the domain of the State are reserved to the State or withdrawn from prospecting, mining exploration and mining operations. The bill specifies the powers of the minister responsible for mines to impose conditions and obligations on a holder of a mining right, in particular to enable prioritization and conciliation of uses and preservation of the territory. It allows the minister, for those purposes, to require that any property or any ore extracted from the land subject to the mining right be removed or moved.

The bill allows the minister to prohibit or restrict access to a mining road or to land in the domain of the State on which mining activities have been carried out if the minister is of the opinion that the land or the substances found there present a serious risk to human safety. It also allows the minister, where a state of emergency declared by the Government or a situation makes it impossible for the holder of a mining right to comply with the holder's obligations, to prescribe any measure necessary with respect to the rights and obligations under the Mining Act.

The bill provides that a lease for the exploration of surface mineral substances is required for the mining of collector minerals and crystals, and that a specific mining lease is required for the mining of tailings.

The bill harmonizes the issue of mining operation rights with the issue of the authorizations required under the Environment Quality Act. It provides that all new mining projects are subject to the environmental impact assessment and review procedure. It updates the obligations and process for rehabilitating and restoring mining sites in order to introduce, among other things, an obligation for the

holder of the mining lease to perform monitoring and maintenance to ensure follow-up to the holder's rehabilitation and restoration work. It also provides for the cases where compensation is payable for harm caused to the environment by mining activities.

The bill provides for the withdrawal from prospecting, mining exploration and mining operations of mineral substances situated in lands in the private domain and within urbanization perimeters. It allows a regional county municipality where the extracted mineral substances are situated to apply, on its own initiative or at the request of a local municipality, for a partial or total lifting of the withdrawal.

The bill revises the cases where the minister may reserve mineral substances to the State or withdraw them from prospecting, mining exploration or mining operations, or temporarily suspend prospecting on, and the granting of mining rights in respect of, a parcel of land.

The bill also amends the Act respecting the lands in the domain of the State in order to, among other things, replace the name of the land use plan by "land use plan for the land area in the domain of the State" and to specify the scope of the plan. The bill amends the Sustainable Forest Development Act to allow the minister responsible for forests to modify various forest rights in order to limit the impacts on regional or local economic activity of a modification to allowable cuts in the region concerned or in an adjacent region.

Lastly, the bill contains consequential, miscellaneous and transitional provisions.

LEGISLATION AMENDED BY THIS BILL:

- Sustainable Forest Development Act (chapter A-18.1);
- Act respecting land use planning and development (chapter A-19.1);
- Mining Act (chapter M-13.1);
- Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2);
- Act respecting lands in the domain of the State (chapter T-8.1).

REGULATIONS AMENDED BY THIS BILL:

- Regulation respecting the sustainable development of forests in the domain of the State (chapter A-18.1, r. 0.01);
- Mining Regulation (chapter M-13.1, r. 2);
- Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1);
- Regulation respecting the environmental impact assessment and review of certain projects (chapter Q-2, r. 23.1).

REGULATION REVOKED BY THIS BILL:

- Ministerial Order respecting the types of construction that the holder of a claim, a mining exploration licence or a licence to explore for surface mineral substances may erect or maintain on lands of the domain of the State without ministerial authorization (chapter M-13.1, r. 3).

Bill 63

AN ACT TO AMEND THE MINING ACT AND OTHER PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

MINING ACT

1. Section 1 of the Mining Act (chapter M-13.1) is amended

(1) by inserting the following definitions in alphabetical order:

“**collector minerals and crystals**” means minerals and crystals, including gemstones, mined on the surface for commercial purposes and intended for collectors or for making jewellery;

“**holder of a mining right**” means a person who holds a mining title in accordance with this Act, including a business corporation, a partnership, an association of persons, a succession, a sequestrator, a trustee in bankruptcy, a monitor of financial affairs, a liquidator, a trustee or any other administrator of the property of others;”;

(2) by replacing “searched” in the definition of “**to prospect**” by “in which the prospecting is carried out”;

(3) by inserting “collector minerals and crystals;” after “gravel;” in the definition of “**surface mineral substances**”.

2. The Act is amended by inserting the following section after section 2.3:

“2.4. In order to reconcile mining activities with the activities pursued by Indigenous people for food, ritual or social purposes or the activities pursued in accordance with the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1), the Government may enter into, with an Indigenous nation represented by all the band councils of the communities forming the Indigenous nation, with the Makivik Corporation, the Kativik Regional Government or the Cree Nation Government, or with an Indigenous community represented by its band council, northern village council, Cree village council or Naskapi village council, an agreement determining the boundaries of a parcel of land where any mineral substance forming part of the domain of the State is reserved to the State, on the conditions fixed in the agreement, or is withdrawn from prospecting, mining exploration and mining operations.

The reservation or withdrawal provided for in the first paragraph takes effect on the date fixed by the agreement.

The reservation or withdrawal limits shall be registered in the public register of real and immovable mining rights.

The Minister may, by the registration of a notice in the public register of real and immovable mining rights, temporarily suspend prospecting on and the granting of mining rights in respect of a parcel of land whose boundaries are indicated in the notice, until the reservation or withdrawal provided for by the agreement takes effect.”

3. Section 4 of the Act is amended by inserting “, provided those substances were the subject of mining operations on (*insert the date of introduction of this bill*),” after “below” in the introductory clause of the first paragraph.

4. Section 5 of the Act is amended by striking out “before 1 January 1966 or in lands wherein the rights in or over mineral substances were revoked in favour of the State on or after 1 January 1966”.

5. Section 6 of the Act is replaced by the following section:

“**6.** The lessee of land in the domain of the State leased for purposes other than mining purposes may displace and use, for the lessee’s domestic needs, the mineral substances listed in section 5 on the parcel of land that is subject to the lessee’s rights.”

6. Section 13.1 of the Act is amended by replacing “106, 107, 140” in the first paragraph by “80.1, 106, 107, 140, 140.0.1”.

7. Section 17 of the Act is amended, in the first paragraph,

(1) by replacing “the principle of sustainable development” by “sustainable development and circular economy principles”;

(2) by replacing “mineral prospecting, exploration and development” by “prospecting and exploration for, and mining of, mineral substances, as well as their processing in Québec”.

8. Section 19 of the Act is replaced by the following section:

“**19.** Any person may prospect on land in the domain of the State in accordance with this division.”

9. Section 26 of the Act is amended

(1) by striking out “containing mineral substances forming part of the domain of the State”;

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

“However, a person prospecting on land leased by the State for purposes other than mining purposes must obtain the lessee’s authorization.”

10. Section 27 of the Act is replaced by the following section:

“27. It is prohibited to prospect on a parcel of land that is subject to an exclusive exploration right, a mining lease or a mining concession as well as on a parcel of land regarding which a temporary suspension notice has been issued or on a parcel of land where mineral substances are withdrawn from prospecting, mining exploration and mining operations under this Act.

It is prohibited to prospect on a parcel of land where mineral substances are reserved to the State, except to the extent provided for in sections 2.4 and 304.”

11. Sections 29 and 30 of the Act are repealed.

12. Section 30.1 of the Act is amended by replacing “No person may designate on a map or carry on mining exploration or mining operations work” by “It is prohibited to perform mining exploration or mining operation work”.

13. Section 34 of the Act is amended

(1) by replacing “the work to be performed on the land that will be subject to the claim” in the first paragraph by “prospecting”;

(2) by striking out the second paragraph.

14. Section 40 of the Act is amended

(1) by replacing “A claim” in the first paragraph by “An exclusive exploration right”;

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

“The expression “exclusive exploration right” also covers any claim obtained by staking or by map designation in accordance this Act before (*insert the date of assent to this Act*).”;

(3) by replacing ““staked claim”” and ““claim obtained by staking”” in the second paragraph by ““staked exclusive exploration right”” and ““exclusive exploration right obtained by staking””, respectively.

15. The Act is amended by inserting the following section after section 40:

“41. A person who complies with the conditions prescribed by regulation may designate on a map or hold an exclusive exploration right.

An exclusive exploration right may be registered in favour of the State.”

16. Section 42 of the Act is amended by replacing “a claim” and “shown in the” by “an exclusive exploration right” and “registered in the”, respectively.

17. Section 42.1 of the Act is amended

(1) by replacing “shown on the maps kept at the office of the registrar” in the first paragraph by “registered in the public register of real and immovable mining rights”;

(2) by replacing all occurrences of “claim” and “claim holder” by “exclusive exploration right” and “holder of an exclusive exploration right”, respectively.

18. Section 42.2 of the Act is amended

(1) by replacing “as shown on the maps” and “shown on the maps” in the first paragraph by “as registered in the public register of real and immovable mining rights” and “registered in the register”, respectively;

(2) by replacing “shown on the maps” in the second paragraph by “registered in the register”;

(3) by replacing “a claim”, “claim holder” and all other occurrences of “claim” by “an exclusive exploration right”, “holder of an exclusive exploration right” and “exclusive exploration right”, respectively.

19. Section 47 of the Act is amended by replacing “A claim” and “at the office of the registrar” by “An exclusive exploration right” and “in the public register of real and immovable mining rights”, respectively.

20. Section 49 of the Act is amended by adding the following paragraph at the end:

“Any notice that does not meet the requirement set out in the first paragraph is not admissible for consideration.”

21. Section 52 of the Act is amended

(1) by replacing subparagraphs 3 to 5 of the first paragraph by the following subparagraphs:

“(2) where the land is subject to a mining lease, a mining concession, an application for a mining lease or an application for a conversion of an exclusive exploration right under subdivision 5 of Division III of this chapter;

“(3) where the land’s mineral substances are withdrawn from prospecting, mining exploration and mining operations;

“(4) where the land is subject to a temporary suspension notice pursuant to section 304.1;

“(5) where the land is an outstanding geological site classified under section 305.1;

“(6) where the land has been designated on a map in contravention of sections 38 and 288;

“(7) where the land has been designated by a person who does not meet the conditions set out in the first paragraph of section 41; or

“(8) where the territory has an area of 0.1 hectares or less.”;

(2) by striking out “under section 304” in subparagraph 4 of the second paragraph;

(3) by striking out the fourth paragraph;

(4) by replacing “a claim” and “the claim” by “an exclusive exploration right” and “the exclusive exploration right”, respectively.

22. The Act is amended by inserting the following section after section 52:

“**52.1.** The Minister may impose on a holder of an exclusive exploration right, at the time the Minister considers appropriate, conditions and requirements that, despite the provisions of this Act, may, in particular, concern the work to be performed, in the following cases:

(1) for a public interest reason, in particular to prevent or limit impacts on local and Indigenous communities; or

(2) to enable prioritization or reconciliation of uses and preservation of the territory.”

23. Section 55 of the Act is replaced by the following section:

“**55.** The decision to refuse a notice of map designation must be in writing, give reasons and be notified to the interested person within 15 days.”

24. Section 57 of the Act is repealed.

25. Section 60.1 of the Act is amended

(1) in the first paragraph,

(a) by replacing “indicate them on maps kept at the office of the registrar” by “register them in the public register of real and immovable mining rights”;

(b) by replacing all occurrences of “claims” by “exclusive exploration rights”;

(2) by replacing the second and third paragraphs by the following paragraph:

“A log of modifications to the boundaries of the territories in which exclusive exploration rights may be obtained by map designation shall be kept in the register.”

26. Section 61 of the Act is amended

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

“An application for renewal that has been transmitted even though the holder of an exclusive exploration right has failed to comply with one of the conditions set out in subparagraphs 1 and 2 of the second paragraph is not admissible for consideration.”;

(2) by replacing the fourth paragraph by the following paragraph:

“If all or part of an exclusive exploration right lies within a mining-incompatible territory or an urbanization perimeter, sections 73 and 75 to 78 do not apply to renewals after the delimitation of that territory or that urbanization perimeter.”;

(3) by replacing “a claim”, “claim holder”, “A claim”, both occurrences of “claims” and all occurrences of “the claim” by “an exclusive exploration right”, “holder of the claim”, “An exclusive exploration right”, “exclusive exploration rights” and “the exclusive exploration right”, respectively.

27. Section 63 of the Act is amended

(1) by replacing “the claim holder” in paragraph 2 by “the holder of the exclusive exploration right”;

(2) by replacing all occurrences of “claim” by “exclusive exploration right”.

28. Section 64 of the Act is amended by replacing “a claim” and “the claim” in the introductory clause by “an exclusive exploration right” and “the exclusive exploration right”, respectively, and by replacing “rechercher des” in that clause in the French text by “faire de l’exploration de”.

29. Section 65 of the Act is amended

(1) by striking out the last sentence of the second paragraph;

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

“The Minister shall, within 60 days after the exclusive exploration right is registered, notify the local municipality and, as the case may be, the Indigenous

nation or community concerned of the existence of that right and publish a notice to that effect on the department’s website. Where land that is subject to the exclusive exploration right is granted, alienated or leased by the State for purposes other than mining purposes or is subject to an exclusive lease to mine surface mineral substances, the Minister shall also notify the owner, the lessee and the holder, as the case may be, of the lands.”;

(3) by replacing all occurrences of “claim”, the first two occurrences of “claim holder” and the last occurrence of “claim holder” by “exclusive exploration right”, “holder of an exclusive exploration right” and “holder of the exclusive right”, respectively.

30. Section 66 of the Act is replaced by the following sections:

“65.1. The holder of an exclusive exploration right shall hold an information session, in the region of the land subject to the right, with the representatives of any local municipality and, as the case may be, any Indigenous nation or community concerned at least 30 days before exploration work determined by regulation begins and, subsequently, each year that the work continues. During an information session, the holder of an exclusive exploration right shall present, in particular, annual work planning that complies with the standards prescribed by regulation. The representatives may submit observations and present information complementary to that presented by the holder of an exclusive exploration right.

The holder shall publish on its website or by another means of publication authorized by the Minister, within 30 days after the information session, the documents presented at, as well as a summary of, the session.

“66. The holder of an exclusive exploration right shall not erect or maintain any construction or permanent facility on lands in the domain of the State without obtaining an authorization under the Act respecting the lands in the domain of the State (chapter T-8.1).

The holder of an exclusive exploration right shall not erect or maintain any construction or temporary installation on lands in the domain of the State without obtaining the Minister’s authorization, except in the case of a portable shelter that can be dismantled and is made of pliable material stretched over rigid supports.

The authorization provided for in the second paragraph is issued for a period of one year where the conditions prescribed by regulation are met. The Minister may extend the authorization for one-year periods.

“66.1. A holder of an exclusive exploration right must notify the Minister in writing on becoming aware of a third person erecting or maintaining a construction or facility on the parcel of land subject to the holder’s right.”

31. Section 67 of the Act is amended

(1) by replacing “claim holder to explore for mineral substances” in the third paragraph by “holder of an exclusive exploration right to explore”;

(2) by replacing “claim”, “a claim” and “claim holder” by “exclusive exploration right”, “an exclusive exploration right” and “holder of the exclusive exploration right”, respectively.

32. Section 69.1 of the Act, enacted by section 44 of chapter 8 of the statutes of 2022, is amended by adding the following paragraph at the end:

“Where the authorization concerns sampling work, the Minister may attach conditions or obligations to it to maximize the economic spinoffs within Québec.”

33. Section 70 of the Act is amended by replacing “Where, on land of the domain of the State, and before the registration of any claim, an improvement consistent with the regulation already exists,” by “Where an improvement and a strip of land adjacent to it, where applicable, as defined by regulation, are situated on lands in the domain of the State that are subject to the exclusive exploration right.”.

34. Section 71.1 of the Act is amended

(1) by replacing “claim holder” in the first paragraph by “holder of the exclusive exploration right”;

(2) by striking out the second paragraph.

35. Section 72 of the Act is amended

(1) in the first paragraph,

(a) by replacing “claim holder” and both occurrences of “claim” by “the holder of the exclusive exploration right” and “exclusive exploration right”, respectively;

(b) by striking out the last sentence;

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

“A regulation may also prescribe the amounts spent that are accepted in the minimum cost of the work as well as the period for which they are accepted.”;

(3) by replacing “The claim holder” by “The holder of an exclusive exploration right”.

36. Section 73 of the Act is replaced by the following section:

“73. A holder of an exclusive exploration right who has performed and reported, within the time prescribed, work whose cost represents at least 90% of the minimum cost required under section 72 may, to enable the renewal of his exclusive exploration right, pay the Minister an amount equal to twice the difference between the minimum cost of the work that should have been performed and the work reported.”

37. Section 76 of the Act is replaced by the following section:

“76. The holder of an exclusive exploration right may, for the renewal of his right, apply to the sole amount necessary for that purpose and before the date on which the right expires, all or part of the amounts spent for work performed in respect of an exclusive exploration right for which excess amounts have been spent, provided that the land that is subject to the exclusive exploration right whose renewal is applied for is situated entirely within a 4.5-kilometre radius circle measured from the geometrical centre of the land subject to the exclusive exploration right for which excess amounts have been spent.”

38. Section 79 of the Act is amended

(1) by replacing “a claim”, “claim holder” and “submit a new” in the first paragraph by “an exclusive exploration right”, “holder” and “amend his”, respectively;

(2) by striking out the second paragraph.

39. The Act is amended by inserting the following section after section 80:

“80.1. A holder of an exclusive exploration right must obtain the authorization of the Minister, using a form supplied by the latter, to transfer all or part of the holder’s right during the first term of the right.

The Minister shall authorize the transfer once the work required under section 72 has been performed on the land subject to the right.

Any transfer of an exclusive exploration right in contravention of this section is null and void.”

40. Section 83 of the Act is amended

(1) by replacing both occurrences of “the claim holder” in the second paragraph by “the holder of the exclusive exploration right”;

(2) by replacing “A claim holder” and both occurrences of “claim” by “A holder of an exclusive exploration right” and “exclusive exploration right”, respectively.

41. Section 83.14 of the Act is amended

- (1) by replacing both occurrences of “the claim holder” by “the holder”;
- (2) by replacing all occurrences of “claim” and “claims” by “exclusive exploration right” and “exclusive exploration rights”, respectively.

42. Section 83.15 of the Act is amended

- (1) by replacing “reproduced on the maps kept in the office of the registrar” and “to the third paragraph of” in the first paragraph by “registered in the public register of real and immovable mining rights” and “to”, respectively;
- (2) by replacing both occurrences of “claim holder”, both occurrences of “claims” and all other occurrences of “claim” by “holder of the exclusive exploration right”, “exclusive exploration rights” and “exclusive exploration right”, respectively.

43. The Act is amended by inserting the following sections before section 100:

“98. A holder of exclusive exploration rights must provide the Minister, where applicable, with the scoping and market study provided for in section 101 within the time limit prescribed in the second paragraph of section 31.3 of the Environment Quality Act (chapter Q-2) for the transmission of the impact assessment statement.

“99. The Minister shall make public the rehabilitation and restoration plan as submitted for approval under section 232.1 and register it in the public register of real and immovable mining rights for information and public consultation purposes as part of the environmental impact assessment and review procedure provided for by the Environment Quality Act (chapter Q-2).”

44. Sections 101 and 101.0.1 of the Act are replaced by the following sections:

“101. The Minister shall grant a mining lease in respect of all or part of a parcel of land that is subject to one or more exclusive exploration rights where the following conditions are met:

- (1) the rehabilitation and restoration plan provided for in section 232.1 has been approved;
- (2) a financial guarantee has been provided in accordance with section 232.4;
- (3) the holder of exclusive exploration rights has provided a project feasibility study presenting, in particular, an estimate of the deposit’s mineral resources and reserves, certified by an engineer or a geologist who meets the qualification requirements prescribed by regulation;

(4) the authorization required under section 31.5 of the Environment Quality Act (chapter Q-2) for mining operation work has been issued;

(5) for the mining of mineral substances determined by regulation and according to the standards prescribed in the regulation, the holder of exclusive exploration rights has provided the Minister with a scoping and market study that concerns, among other things, the integration of the proposed mining operations in a circular economy and the processing in Québec of the mineral substances extracted;

(6) the holder of exclusive exploration rights has provided the Minister, on request, with any document and information relating to the mining project; and

(7) the holder of exclusive exploration rights has complied with the conditions and paid the annual rental prescribed by regulation.

In the case of a project for the mining of tailings, the Minister shall grant a lease giving only the right to mine those tailings.

“101.0.1. The Minister may, when granting the mining lease subject it to conditions or obligations in the following cases:

(1) to enable prioritization or reconciliation of uses and preservation of the territory;

(2) for a public interest reason, in particular to prevent or limit impacts on local and Indigenous communities;

(3) where the lease concerns land where mineral substances are reserved to the State; and

(4) to maximize the economic spinoffs within Québec of the mining project.

The conditions and obligations may, among other matters and despite the provisions of this Act, concern the work to be performed on the land.”

45. Section 101.0.2 of the Act is repealed.

46. Section 101.0.3 of the Act is amended

(1) by replacing the first and second paragraphs by the following paragraph:

“The lessee shall establish a monitoring committee, whose mandate is determined by regulation, to foster the involvement of the local community within 30 days after the lease is issued, unless a committee has already been established for the same project.”;

(2) by replacing “of a Native community consulted” in the fourth paragraph by “of each of the Indigenous nations or communities consulted, as the case may be,”;

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

“However, the Minister may authorize a different committee composition if the lessee shows that it is impossible to find a representative of each sector.

The committee shall be maintained until all the work provided for by the rehabilitation and restoration plan has been completed.”

47. Section 103 of the Act is amended

(1) by replacing “claims” by “exclusive exploration rights”;

(2) by striking out “, and the work to be performed during the current year in the territory is not reduced”.

48. Section 104 of the Act is amended

(1) by inserting “, except for a lease granted for the mining of tailings, whose term, determined by the Minister, is up to 10 years” at the end of the first paragraph;

(2) by replacing subparagraphs 2 and 2.1 of the second paragraph by the following subparagraphs:

“(2) has submitted a report establishing that he has conducted mining operations for at least 2 years during the lease’s period of validity, where it has been granted for the mining of tailings, or in the last 10 years in other cases;

“(2.1) has provided the Minister, for the mining of mineral substances determined by regulation and according to the standards prescribed in the regulation, with a scoping and market study that concerns, among other things, the integration of the mining operations in a circular economy and the processing in Québec of the mineral substances extracted;”.

49. Section 111 of the Act is amended by inserting “or inert tailings” after “Stone”.

50. The Act is amended by inserting the following section after section 116:

“116.1. The grantee shall pay the annual duties prescribed by regulation before January 31 of each year.”

51. Sections 118 and 118.1 of the Act are replaced by the following sections:

“118. From (*insert the date of coming into force of this Act*), the grantee shall, for each 10-year period following that date, perform mining operation work for at least two years.

“118.1. The grantee shall, within six months after the date of coming into force of this section, transmit to the Minister a scoping and market study that concerns, among other things, the integration of the mining operations in a circular economy and the processing in Québec of the mineral substances extracted for the mining of mineral substances determined by regulation and according to the standards prescribed in the regulation. The grantee shall transmit a revised scoping and market study every 10 years.

“118.2. On an application by the grantee, the Minister may convert a mining concession into a mining lease. The application for conversion must be filed using the form supplied by the Minister, and contain the information and be accompanied by the fee prescribed by regulation.

The provisions applicable to a mining lease obtained by conversion apply, with the exception of sections 101 and 101.0.1.”

52. Section 120 of the Act is amended

(1) by replacing the first paragraph by the following paragraphs:

“Every lessee and every grantee shall prepare a report in the manner prescribed by regulation. The report must indicate or include, for each mine,

(1) the activities carried out and the quantity and value of the ore extracted between 1 January and 31 December of the previous year;

(2) the duties paid under the Mining Tax Act (chapter I-0.4) during the previous year;

(3) the overall contributions paid;

(4) a characterization of the mineral substances found in the tailings derived from the mining project; and

(5) the other information determined by regulation.

Every five years, the report provided for in the first paragraph must also include information concerning the processing in Québec of the mineral substances extracted and their shipping outside Québec.

At the lessee’s or grantee’s option, the report shall be transmitted either

(1) to the Minister, not later than the 150th day following the end of the lessee’s or grantee’s fiscal year or, in the case of a natural person, of the calendar year; or

(2) to the Autorité des marchés financiers at the same time as the statement required under the Act respecting transparency measures in the mining, oil and gas industries (chapter M-11.5).”;

(2) by replacing “first” in the second paragraph by “third”.

53. The Act is amended by inserting the following section after section 121:

“121.1. The Minister may, if he considers it necessary, correct the perimeter of a mining lease or mining concession registered in the public register of real and immovable mining rights to bring it into conformity with the survey.”

54. Section 122 of the Act is amended by adding the following paragraph at the end:

“A mining lease or mining concession is deemed to be abandoned from the date of notification, to the right holder, of the authorization provided for in subparagraph 4 of the first paragraph.”

55. The Act is amended by inserting the following section after section 123:

“123.1. A lessee or grantee may not transfer his right before the financial guarantee has been provided in accordance with section 232.4, 232.5 or 232.7.

Any transfer of a lease or concession in contravention of the first paragraph is null and void.

This section does not apply to a transfer having occurred under the Companies’ Creditors Arrangement Act (Revised Statutes of Canada, 1985, chapter C-36) or the Bankruptcy and Insolvency Act (Revised Statutes of Canada, 1985, chapter B-3).”

56. Section 140 of the Act is amended by inserting “, except a person who extracts or mines surface mineral substances for the construction or maintenance of a forest road on lands in the domain of the State as part of the person’s forest development activities within the meaning of the Sustainable Forest Development Act (chapter A-18.1)” at the end of the first paragraph.

57. The Act is amended by inserting the following section after section 140:

“140.0.1. The Minister may, within the perimeter and on the conditions he determines, authorize another minister or an agency that is a mandatary of the State to extract or mine a surface mineral substance for the period necessary for the construction or maintenance of a State work.”

58. Section 140.1 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

“An applicant for a lease to mine surface mineral substances must, after transmitting the application, hold a public consultation in the region of the land where the project is situated, in the manner prescribed by regulation, where

(1) the lease is a peat lease or a lease to carry on an industrial activity or to engage in commercial export; and

(2) the lease is for the carrying out of a mining project that is not subject to the environmental impact assessment and review procedure provided for by the Environment Quality Act (chapter Q-2).”;

(2) by striking out the third paragraph.

59. Section 141 of the Act is amended by striking out “, or where the lease is applied for by the State for the construction or maintenance of a public highway or other State works” in the second paragraph.

60. The Act is amended by inserting the following section after section 141:

“141.1. A non-exclusive lease may only be for a single loose deposit of mineral substances in their natural state. The perimeter of such a deposit shall be determined by the Minister according to the perimeter authorized under section 22 of the Environment Quality Act (chapter Q-2) or declared in accordance with section 31.0.6 of that Act and shall be registered in the public register of real and immovable mining rights.”

61. Section 142 of the Act is amended

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

“No lease, other than a peat lease, may be granted before, where applicable, the ministerial authorization provided for in section 22 of the Environment Quality Act (chapter Q-2) has been obtained or the declaration of compliance provided for in section 31.0.6 of that Act has been filed.”;

(2) in the second paragraph,

(a) by striking out “, except to the State,”;

(b) by replacing “fourth” by “fifth”;

(3) in the third paragraph,

(a) by striking out “to explore for mineral substances”;

(b) by replacing “a claim” and “the claim” by “an exclusive exploration right” and “the exclusive exploration right”, respectively.

62. Sections 142.0.1 and 142.0.2 of the Act are replaced by the following sections:

“142.0.1. The Minister may refuse an application for a non-exclusive lease for a loose deposit of mineral substances in their natural state that has

never been mined, that has been the subject of rehabilitation and restoration measures or in respect of which the available quantity of mineral substances is insufficient.

“142.0.2. The Minister may, to enable prioritization or conciliation of land uses and of land preservation, or for a public interest reason, in particular to prevent or limit impacts on local and Indigenous communities,

- (1) refuse an application for a lease or its renewal;
- (2) make the granting or the renewal of a lease subject to conditions and obligations the Minister determines;
- (3) grant a lease for a smaller area than the one applied for; or
- (4) terminate a lease or reduce the area subject to it.

Where the Minister terminates a lease in accordance with subparagraph 4 of the first paragraph, he shall grant the lease holder a lease in respect of another parcel of land. Failing that, the Minister shall pay to the holder compensation equal to the amounts spent for the work performed on the land.

No lease in respect of another parcel of land may be granted before, where applicable, the ministerial authorization provided for in section 22 of the Environment Quality Act (chapter Q-2) has been obtained or the declaration of compliance provided for in section 31.0.6 of that Act has been filed.”

63. Section 142.1 of the Act is amended

- (1) by striking out “to explore for mineral substances” in the fifth paragraph;
- (2) by replacing both occurrences of “a claim” and all other occurrences of “claim” by “an exclusive exploration right” and “exclusive exploration right”, respectively.

64. Section 144 of the Act is amended

- (1) in the first paragraph,
 - (a) by replacing “provided for” in subparagraph 1 by “as well as the strip of land adjacent to it, defined”;
 - (b) by striking out “à la recherche,” in subparagraph 2 in the French text;
 - (c) by adding the following subparagraph at the end:

“(6) a parcel of land covered by an authorization given under the second paragraph of section 140 or section 140.0.1.”;

- (2) in the second paragraph,
- (a) by replacing “6” in subparagraph 3 by “5”;
- (b) by striking out “under section 304” in subparagraph 4.

65. Section 145 of the Act is replaced by the following sections:

“145. The perimeter of the parcel of land that is subject to an exclusive lease, except a peat lease, shall be determined by the Minister in accordance with the following criteria:

- (1) it shall be comprised within a single perimeter;
- (2) it shall not exceed an area of 100 hectares; and
- (3) it shall be included within the perimeter authorized under section 22 of the Environment Quality Act (chapter Q-2) or declared in accordance with section 31.0.6 of that Act.

The Minister may grant a lease for a smaller area than the one requested if he considers it necessary in order to guarantee the supply required for the exercise of a lease already granted or of other leases that could subsequently be granted.

“145.1. The perimeter of the parcel of land that is subject to a peat lease shall be determined by the Minister in accordance with the following criteria:

- (1) it shall be comprised within a single perimeter; and
- (2) it shall not exceed an area of 300 hectares.

Despite the first paragraph, the Minister may grant such a lease in respect of a parcel of land having an area in excess of 300 hectares in order to guarantee a supply of peat for a period of approximately 50 years, taking into account the operation’s projected rate of production and production capacity.

The perimeter of the parcel of land shall be adjusted according to the perimeter authorized under section 22 of the Environment Quality Act (chapter Q-2) or declared in accordance with section 31.0.6 of that Act.”

66. Section 148 of the Act is amended

(1) by replacing subparagraph 2 of the second paragraph by the following subparagraph:

“(2) has extracted the minimum quantity of mineral substances that is prescribed by regulation;”;

(2) by inserting “and subject to the same conditions” before “, the Minister may” in the fourth paragraph;

(3) by inserting the following paragraph after the fourth paragraph:

“Despite the preceding paragraphs, if the lessee has not extracted the minimum quantity of mineral substances that is prescribed by regulation, the Minister may extend the term of the lease for a single two-year period to allow the lessee to remove the surface mineral substances already extracted and set aside.”

67. Section 149 of the Act is amended by replacing “has access to the parcel of land subject to his lease” in the first paragraph by “or the person who has obtained an authorization under the second paragraph of section 140 or section 140.0.1 has a right of access to the parcel of land that is subject to the lessee’s or person’s right”.

68. Section 151 of the Act is amended by replacing “and gravel” by “, gravel and inert tailings”.

69. Section 152 of the Act is replaced by the following section:

“**152.** The lessee shall comply with the conditions of the lease prescribed by regulation.”

70. Section 155 of the Act is amended

(1) by inserting “or set aside” after “alienated” in the first paragraph;

(2) by striking out subparagraph 3 of the third paragraph.

71. The Act is amended by inserting the following section after section 155:

“**155.1.** The holder of a non-exclusive lease must submit, along with the report provided for in the first paragraph of section 155, a financial contribution for the rehabilitation and restoration of a loose deposit of mineral substances in their natural state, the amount of which is fixed by regulation.

No financial contribution is required from the holder where the lease is required for the construction or maintenance, on lands in the domain of the State, of

(1) a mining road;

(2) a forest road, if it is used for forest development activities within the meaning of the Sustainable Forest Development Act (chapter A-18.1);

(3) all or part of a road in respect of which a municipality has obtained an authorization to see to its maintenance and repair in accordance with section 66 of the Municipal Powers Act (chapter C-47.1); or

(4) a road by a non-profit organization determined by the Minister.”

72. Section 156 of the Act is amended by adding the following paragraph at the end:

“The lease is deemed to be abandoned from the date of notification, to its holder, of the authorization provided for in subparagraph 3 of the first paragraph.”

73. Section 207 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

“Every document sent, filed or received for the purposes of this Act is deemed to have been sent, filed or received on the date and at the hour and minute it is received, as the case may be, by the registrar or by the Minister.”;

(2) by replacing “at the office of the registrar” in the second paragraph by “, as the case may be, by the registrar or by the Minister”.

74. The Act is amended by inserting the following section after section 207:

“**207.1.** A representative must be designated, as prescribed by regulation, where a mining right is held by more than one holder. The representative shall act as the mandatary of all the holders in their relations with the Minister.”

75. Section 213 of the Act is amended by inserting “or designated as a biological refuge or as wetlands of interest” after “forest ecosystem” in the fifth paragraph.

76. The Act is amended by inserting the following section after section 215:

“**215.1.** The Minister may, at any time, require the holder of a mining right to remove or move, within the time fixed by the Minister, any property or extracted ore situated on the land subject to the mining right in order to enable prioritization or conciliation of uses and preservation of the territory or for a public interest reason, in particular to prevent or limit impacts on local and Indigenous communities.”

77. Section 216 of the Act is amended

(1) by replacing “a claim” in the first paragraph by “an exclusive exploration right”;

(2) by striking out “and may be removed by the Minister at the expense of the holder of the mining right” in the fourth paragraph.

78. Section 216.1 of the Act is replaced by the following section:

“216.1. If a person referred to in section 215.1 or 216 fails to remove or move the property or ore as prescribed by that section, the Minister may remove it at the person’s expense.”

79. Section 224 of the Act is replaced by the following section:

“224. The holder of a mining right or an operator shall transmit to the Minister, at least 30 days before beginning mining exploration or mining operation work determined by regulation or resuming it after a suspension of six months or more, a notice that complies with the standards established by regulation.

Any person exploring, extracting or mining tailings referred to in the second paragraph of section 7 on lands in the private domain must, in the cases provided for by regulation, and at least 30 days before beginning exploration, extraction or mining operation work, transmit to the Minister a notice that complies with the standards established by regulation.

The person referred to in the second paragraph must also prepare a report in the manner prescribed by regulation. The report must indicate, for each mine,

(1) the activities carried out and the quantity and value of the ore extracted between 1 January and 31 December of the previous year;

(2) the duties paid under the Mining Tax Act (chapter I-0.4) during the previous year, where applicable;

(3) the overall contributions paid;

(4) a characterization of the mineral substances from the tailings; and

(5) the other information determined by regulation.

Every five years, the report provided for in the third paragraph must also include information concerning the processing in Québec of the ore extracted and its shipping outside Québec.

At the person’s option, the report shall be transmitted either

(1) to the Minister, not later than the 150th day following the end of the person’s fiscal year or, in the case of a natural person, of the calendar year; or

(2) to the Autorité des marchés financiers at the same time as the statement required under the Act respecting transparency measures in the mining, oil and gas industries (chapter M-11.5).

The Autorité des marchés financiers shall send the report received under subparagraph 2 of the fifth paragraph to the Minister without delay.”

80. The Act is amended by inserting the following sections after section 231:

“232. The following persons must rehabilitate and restore, in accordance with this Act, the land on which they carry out their mining activities in order to make reparation for any harm caused to the environment:

(1) every holder of a mining right who performs exploration work determined by regulation or agrees to such work being performed on the land subject to his mining right;

(2) every operator who performs mining operation work determined by regulation in respect of mineral substances listed in the regulation;

(3) every person who operates a mineral substance concentration or processing plant; and

(4) every person who performs mining operation work determined by regulation in respect of tailings.

The rehabilitation and restoration obligation includes work to restore the affected land to a satisfactory condition as well as the monitoring and maintenance required to ensure follow-up to the work carried out.

“232.0.1. A person referred to in the first paragraph of section 232 who transfers, as the case may be, his mining right, the land on which he carries out his mining activities, or his concentration or processing plant is liable to pay a compensation to the Minister for the harm caused by his activities to the environment, as prescribed by regulation.

The Minister may waive payment of that compensation in exchange for the implementation of a more efficient rehabilitation and restoration method for the land used for mining activities.

The first paragraph does not apply to a transfer of mining rights referred to in section 123.1.”

81. Section 232.1 of the Act is replaced by the following section:

“232.1. The persons referred to in the first paragraph of section 232 must submit a rehabilitation and restoration plan to the Minister for approval and perform the rehabilitation and restoration work as well as the monitoring and

maintenance required to ensure follow-up to the work in accordance with the approved plan.”

82. Section 232.2 of the Act is amended by replacing “in section 232.1” by “in the first paragraph of section 232”.

83. Sections 232.3 and 232.4 of the Act are replaced by the following sections:

“232.3. The rehabilitation and restoration plan must comply with the standards prescribed by regulation and contain, in particular,

(1) a description of the rehabilitation and restoration work relating to the activities of the person submitting the plan and intended to restore the land affected by the activities to a satisfactory condition;

(2) if the land is affected by tailings, containment work and, if required, work to put in place, operate and maintain any infrastructure that could result from the presence of tailings on the land;

(3) if progressive restoration work is possible, the conditions and phases of completion of the work;

(4) the conditions and phases of completion of the work in the event of final cessation of mining activities;

(5) commitments related to the monitoring and maintenance required for follow-up to the rehabilitation and restoration work;

(6) a detailed assessment of the anticipated costs for carrying out the rehabilitation and restoration work and for the follow-up to the work; and

(7) in the case of an open-pit mine, a backfill feasibility study.

“232.4. A person referred to the first paragraph of section 232 must, in accordance with the standards established by regulation, provide and maintain a guarantee covering the anticipated costs for carrying out the rehabilitation and restoration work and for the follow-up to the work, as determined in the plan.

Where the guarantee is property or a sum of money, the property or money is exempt from seizure.”

84. Section 232.5 of the Act is amended

(1) by replacing the first paragraph by the following paragraphs:

“The Minister may, before approving a rehabilitation and restoration plan, require any amendment or subject his approval to other conditions and obligations that he determines.

The Minister may require, for the approval of the plan, payment of a provisional financial guarantee, in accordance with the standards established by regulation.

The Minister shall approve the plan after obtaining a favourable opinion from the Minister of Sustainable Development, Environment and Parks.”;

(2) by replacing “232.1” in the second paragraph by “232”.

85. Section 232.6 of the Act is amended

(1) by inserting the following subparagraph after subparagraph 3 of the first paragraph:

“(3.1) before carrying out work that is not provided for in or does not comply with the approved plan;”;

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

“In the case of an emergency, a person may carry out work not provided for in the plan and submit a revised plan within a reasonable time.”

86. Section 232.7 of the Act is amended by replacing “in section 232.1” in the second and third paragraphs by “in the first paragraph of section 232”.

87. Section 232.7.1 of the Act is replaced by the following section:

“232.7.1. The rehabilitation and restoration work must begin, in respect of each of the activities covered by the plan, at the time specified by the plan or, failing that,

(1) within three years after a cessation of the mining operations; or

(2) on the cessation of activities in other cases.

However, the Minister may require that the work begin earlier, or authorize one or more extensions of the time limit. The first extension shall not exceed three years and any additional extension shall not exceed one year.”

88. Section 232.8 of the Act is amended

(1) by replacing “232.1 to 232.7” in the first paragraph by “232 and 232.1 to 232.7.1”;

(2) by replacing the first sentence of the second paragraph by the following sentence: “If the person concerned fails to comply with the Minister’s prescription within the time granted, the Minister may, at the person’s expense and in addition to any other civil, administrative or penal sanction, carry out any research or study, prepare the rehabilitation and restoration plan, or cause the work provided for by such a plan to be performed at the person’s expense.”

89. Section 232.9 of the Act is amended by replacing “230, 231, 232” by “231, 232.4, 232.5, 232.7”.

90. Section 232.10 of the Act is replaced by the following sections:

“232.10. The Minister shall declare being satisfied with the rehabilitation and restoration work carried out by a person referred to in the first paragraph of section 232 where the work was, in the Minister’s opinion, carried out in accordance with the plan approved by him, where no sum of money is due to him because of the performance of the work, and where the Minister obtained a favourable opinion from the Minister of Sustainable Development, Environment and Parks.

The declaration provided for in the first paragraph releases the person from the obligations set out in sections 232 to 232.7.1, except the monitoring and maintenance required to ensure follow-up to the rehabilitation and restoration work carried out.

The follow-up to the rehabilitation and restoration work must be conducted during the period specified by the approved plan, which period shall not exceed 15 years from the date on which the Minister declares being satisfied, in accordance with the first paragraph.

“232.10.1. The Minister may release a person from the obligations set out in sections 232 to 232.7.1 where the Minister agrees to let a third person assume the obligations.

The Minister shall issue a certificate attesting that the person has been released from those obligations.

“232.10.2. The Minister shall, at the time the Minister declares being satisfied under the first paragraph of section 232.10, return or reimburse to the person referred to in the first paragraph of section 232 the part of the financial guarantee relating to the anticipated costs for the rehabilitation and restoration work.

The Minister shall return or reimburse the rest of the guarantee once the follow-up obligation set out in the plan in respect of the rehabilitation and restoration work ends.

“232.10.3. The Minister may require from the person referred to in the first paragraph of section 232 the payment of financial compensation as prescribed by regulation for the follow-up to the rehabilitation and restoration work that must be carried out on lands in the domain of the State at the end of the rehabilitation and restoration plan.

The Minister may, in particular, make the remittance or reimbursement of part of the financial guarantee conditional on the payment of the compensation.”

91. Section 232.12 of the Act is amended by replacing “232.1” by “232”.

92. Section 233.1 of the Act is amended by inserting “, even after the expiry of the mining right, where applicable” at the end.

93. The Act is amended by inserting the following division after section 233.1:

“DIVISION III.1

“CIVIL LIABILITY

“233.2. Every person is required, irrespective of anyone’s fault and up to, for each event, an amount determined by regulation, to make reparation for any harm or injury caused through or in the course of his activities in the exercise of a mining right or in the implementation of a rehabilitation and restoration plan, including a loss of non-use value relating to a public resource. Beyond that amount, such a person may be required to make reparation for harm or injury caused through the person’s fault or the fault of any of his subcontractors or employees in the performance of their functions. The person nevertheless retains his right to bring a legal action, for the entire harm or injury, against the author of the fault.

No person referred to in the first paragraph may be relieved of liability by proving that the harm or injury resulted from superior force. The cases of apportionment of liability set out in the Civil Code apply to any action brought against such a person for sums in excess of the amount prescribed by the first paragraph and to any recursory action brought by the person. Only the Government may bring a legal action to recover a loss of non-use value relating to a public resource.

This section does not apply to harm caused to the environment for which reparation must be made in accordance with a rehabilitation and restoration plan.

“233.3. The holder of a mining lease or mining concession situated on lands in the domain of the State must hold insurance, whose amount, term and coverage are determined by regulation, that covers the holder’s civil liability for harm or injury caused through or in the course of his activities in the exercise of his right or, among other things, in the implementation of the rehabilitation and restoration plan.

The term of the required insurance coverage shall not exceed 15 years from the date on which the Minister releases such a person from his obligations in accordance with sections 232.10 and 232.10.1.”

94. Section 234 of the Act is amended by replacing the introductory clause of the first paragraph by the following:

“**234.** In order to ensure that every lessee or grantee recovers the economically workable mineral substance that is the subject of his mining activities in accordance with generally recognized best practices, the Minister may”.

95. The Act is amended by inserting the following section after section 234:

“**234.1.** In keeping with circular economy principles and in order to promote the mining of tailings, in particular those containing critical and strategic minerals, in accordance with generally recognized best practices, the Minister may, on the conditions and within the time he determines,

(1) require the lessee or grantee to mine the mineral substances found in tailings;

(2) impose on the lessee or grantee any measure to promote the mining of tailings.

If the lessee or grantee fails to comply with the requirements or measures imposed under the first paragraph, the Minister may order the suspension of activities for the period he determines.

The Minister may require from the lessee or grantee any document or information enabling the Minister to ascertain the implementation of the requirements and the measures imposed under this section.”

96. Section 240 of the Act is amended by striking out “or, where the project is subject to the environmental impact assessment and review procedure provided for in subdivision 4 of Division II of Chapter IV of Title I of the Environment Quality Act (chapter Q-2), by the Government”.

97. Section 242 of the Act is amended, in the first paragraph,

(1) by striking out “of Transport”;

(2) by replacing “part of the costs” by “all or part of the costs”.

98. Section 244 of the Act is replaced by the following section:

“244. The Minister must inform the holder of a forestry right provided for in the Sustainable Forest Development Act (chapter A-18.1) if all or part of the route of a mining road that the Minister plans to build is situated in the territory subject to the right.”

99. Section 245 of the Act is amended

(1) by striking out “of Transport” in the first paragraph;

(2) by replacing “except with the authorization of the Minister of Natural Resources and Wildlife and subject to the conditions he determines” in the third paragraph by “without first obtaining the authorizations required under the Sustainable Forest Development Act (chapter A-18.1)”.

100. Section 246 of the Act is replaced by the following section:

“246. The Government may, by regulation, make the provisions of the Highway Safety Code (chapter C-24.2) that relate to highway traffic and safety applicable to a mining road.”

101. Section 247 of the Act is amended by striking out “of Transport”.

102. Sections 248 and 249 of the Act are repealed.

103. Section 250 of the Act is amended by striking out “secondary”.

104. Section 251 of the Act is replaced by the following sections:

“251. The Minister may generally or specially authorize any person to act as an inspector to see to the enforcement of this Act and the regulations.

An inspector may have access to and inspect any place where an activity governed by this Act or the regulations is carried on. The inspector may, in such cases and by any reasonable, appropriate means,

(1) record the state of a place or of property situated there;

(2) collect samples, conduct tests and perform analyses;

(3) carry out any necessary excavation or drilling to assess the state of the premises;

(4) install any measuring apparatus necessary for taking measurements on the premises and subsequently remove the apparatus;

(5) take measurements, including continuous measurements, using an apparatus the inspector installs or that is already on the premises, for any reasonable period of time he determines;

(6) access a facility, including a secure facility, that is on the premises;

(7) set in action or use an apparatus or equipment to ensure that the inspection is properly conducted or require the apparatus or equipment to be set in action or used within the time and according to the conditions he specifies;

(8) require any information relating to the application of this Act and the regulations and the communication of any related documents for examination, recording and reproduction;

(9) use any computer, equipment or other thing that is on the premises to access data relating to the application of this Act and the regulations that is contained in an electronic device, computer system or other medium or to inspect, examine, process or reproduce such data; and

(10) be accompanied by any person whose presence is considered necessary for the purposes of the inspection, who may then exercise the powers set out in subparagraphs 1 to 9.

The inspector may also immediately seize any thing if he has reasonable grounds to believe that the thing constitutes proof of an offence under this Act.

The rules established by the Code of Penal Procedure (chapter C-25.1) apply, with the necessary modifications, to things seized by the inspector under the second paragraph, except in respect of section 129 for the custody of the thing seized. In such a case, the inspector has custody of the thing seized even when it is submitted in evidence and until a judge declares it forfeited or orders it returned to its owner, unless the judge decides otherwise. However, the Minister may authorize an inspector to entrust the offender with custody of the thing seized, and the offender must accept custody of it until a judge declares it forfeited or orders it returned to its owner.

The holder of a mining right or the owner, lessee or custodian of a place being inspected and any person found there must lend assistance to the inspector in performing his duties.

The obligation set out in the fifth paragraph also applies to persons accompanying the inspector.

“251.1. An inspector may require, by any means that allows proof of receipt at a specific time, that a person communicate to the inspector any document or information relating to the application of this Act and the regulations, within the time and according to the conditions the inspector specifies.

“251.2. An inspector may order the suspension of any mining operation work being performed on surface mineral substances if he has reasonable grounds to believe that this Act or the regulations are being contravened.

In such a case, the inspector shall notify, as soon as possible, his decision in writing, with reasons, to the person who is the subject of the suspension, specifying the measures to be taken to remedy the situation.

The inspector shall authorize resumption of the work when he considers that the situation has been remedied.

A person who is the subject of a suspension may, within 10 days after notification of the inspector’s decision, apply for a review of the suspension by the Minister.”

105. Section 252 of the Act is repealed.

106. Section 253 of the Act is amended by striking out “signed by the Minister”.

107. Section 255 of the Act is amended by replacing “inspector for official acts” by “inspector or a person accompanying the inspector for acts”.

108. Section 258 of the Act is amended by striking out “signed by the Minister”.

109. The Act is amended by inserting the following sections after section 259:

“260. The Minister may generally or specially authorize any person to act as a penal investigator for the enforcement of this Act and the regulations.

“260.1. In no case may legal proceedings be taken against the investigator or the penal investigator for acts performed in good faith in the course of his duties.”

110. Section 261 of the Act is amended by inserting “, on the Minister’s recommendation,” after “may”.

111. Section 262 of the Act is replaced by the following section:

“262. The Minister shall notify to the grantee or owner the Minister’s intention to recommend to the Government the revocation of rights under section 261.”

112. Section 288 of the Act is amended by replacing the first and second paragraphs by the following paragraphs:

“No person may designate on a map an exclusive exploration right or apply for a lease to mine surface mineral substances on all or part of a parcel of land

that was subject to a mining lease, mining concession or lease to mine surface mineral substances that was revoked before 9:00 a.m. on the 31st day after the revocation of such a right became enforceable.

However, the holder of the revoked mining right shall not designate on a map an exclusive exploration right or apply for a lease to mine surface mineral substances on all or part of the parcel of land that was subject to the revoked mining right before an additional 30-day period.”

113. Section 291 of the Act, amended by section 45 of chapter 8 of the statutes of 2022, is replaced by the following section:

“291. Every decision rendered under section 42.4, 53, 58, 58.1, 61, 63, 69.1, 74, 82, 101.0.1, 101.1, 104 or 121.1, the second paragraph of section 141, section 142.0.1, 142.0.2, 147, 148, 215.1 or 231, the third paragraph of section 232.5, subparagraph 4 of the first paragraph of section 232.6, the first paragraph of section 232.7, 232.8, 232.10.3 or 232.11, section 234 or 234.1, the third paragraph of section 251.2, or section 278 or 281 must be in writing and give the reasons on which it is based. It shall be notified within 15 days to the person concerned and, in the case of a decision rendered under section 42.4, to every holder of a mining right that may be affected by the decision.”

114. Section 299 of the Act is amended by replacing “of the contested decision” by “prepared for the purpose of rendering the decision being contested”.

115. Section 304 of the Act is amended

(1) in subparagraph 1 of the first paragraph,

(a) by striking out “à la recherche,” in the introductory clause in the French text;

(b) by inserting “geological” before “exploration” in the text after the first dash;

(c) by replacing “the Groundwater Catchment Regulation (chapter Q-2, r. 6)” in the text after the eighth dash by “a regulation made under subparagraph *k* of section 46 of the Environment Quality Act (chapter Q-2)”;

(d) by replacing “in accumulation areas under sections 232.1 and 232.11” in the text after the ninth dash by “on the termination of a mining lease, a mining concession or a lease to mine surface mineral substances”;

(e) by inserting “and wetlands of interest” after “refuges” in the text after the tenth dash;

(2) by replacing subparagraph 2.1 of the first paragraph by the following subparagraph:

“(2) reserve to the State or withdraw from prospecting, mining exploration and mining operations any mineral substance forming part of the domain of the State in order to allow the implementation of the land use plan for the land area in the domain of the State prepared under the Act respecting lands in the domain of the State (chapter T-8.1);”;

(3) by replacing “mining” in the second paragraph by “geological”;

(4) by replacing the third and fourth paragraphs by the following paragraphs:

“The Minister must, by order, reserve to the State the mineral substances forming part of the domain of the State where, under section 142.0.2, the Minister has refused an application for a lease to mine surface mineral substances or has terminated such a lease.

The Minister may allow, by order, on the conditions he determines, prospecting, mining exploration or mining operations in accordance with this Act for the mineral substances reserved to the State that are determined by the Minister.

The Minister must, by order, reserve to the State the mineral substances forming part of the domain of the State that are situated in a parcel of land that is included in a mining-incompatible territory and in respect of which a withdrawal has been lifted, under section 304.1.2, in order to allow, under certain conditions, the mining of sand and gravel. The Minister shall not allow, by the order, prospecting, mining exploration or mining operations for other substances on the parcel of land concerned.”;

(5) by striking out the sixth paragraph.

116. Section 304.1 of the Act is replaced by the following sections:

“304.0.1. Any mineral substance forming part of the domain of the State and situated in a parcel of land that is the subject of a decision of a minister or of the Government made under another Act and in the manner prescribed in that Act that reserves the mineral substance to the State or withdraws it from prospecting, mining exploration and mining operations is so reserved or withdrawn.

“304.1. The Minister may, by the registration of a notice in the public register of real and immovable mining rights, temporarily suspend prospecting on and the granting of mining rights in respect of a parcel of land whose boundaries are indicated in the notice, until a decision takes effect with regard to

(1) the reserving to the State or the withdrawal from prospecting, mining exploration and mining operations of any mineral substance forming part of the domain of the State that is situated in the parcel of land under the first paragraph of section 304 or under another Act pursuant to section 304.0.1;

(2) the classification of an outstanding geological site on the parcel of land under section 305.1; or

(3) the withdrawal provided for in section 304.1.1 in respect of the parcel of land.

The suspension takes effect on the date indicated in the notice.

The suspension under subparagraph 3 of the first paragraph is for a period of six months and it may be renewed by the Minister for the same period.”

117. Section 304.1.1 of the Act is amended, in the first paragraph,

(1) by replacing “a claim” by “an exclusive exploration right”;

(2) by inserting “or within an urbanization perimeter” after “mining-incompatible territory”;

(3) by striking out “à la recherche,” in the French text;

(4) by replacing “the territory is shown on the maps kept at the office of the registrar” by “a notice is registered in the public register of real and immovable mining rights”.

118. The Act is amended by inserting the following sections after section 304.1.1:

“304.1.2. Despite section 304.1.1, the Minister may, on the application of a local municipality, partially lift a withdrawal covering the mineral substances forming part of the domain of the State that are situated in a parcel of land included in a mining-incompatible territory in order to allow the mining of sand or gravel on the conditions the Minister determines.

“304.1.3. Any mineral substance forming part of the domain of the State that is situated in a parcel of land in the private domain that is not included within an urbanization perimeter, except mineral substances situated in a parcel of land that is subject to a mining right in force or to a notice of map designation received before (*insert the date of introduction of this bill*), is withdrawn from prospecting, mining exploration and mining operations.

Any mineral substance forming part of the domain of the State that is situated in a parcel of land in the private domain that is not included within an urbanization perimeter and on which, at the time of the expiry, abandonment or revocation of the exclusive exploration right to which the land is subject,

exploration work has not been performed, reported, and approved by the Minister since 24 October 1988 is also withdrawn from prospecting, mining exploration and mining operations.

“304.1.4. The regional county municipality where the withdrawn mineral substances are situated may, on its own initiative or at the request of a local municipality where the withdrawn mineral substances are situated, apply to the Minister, by resolution, for the partial or total lifting of the withdrawal.

Where more than 10 years have elapsed since a partial or total lifting of a withdrawal under the first paragraph, the regional county municipality may, on its own initiative or at the request of a local municipality where the mineral substances concerned are situated, apply to the Minister, by resolution, for the partial or total reinstatement of the withdrawal.

Where a regional county municipality does not decide on a request made to it by a local municipality for the lifting or reinstatement of a withdrawal within 120 days after the request, the local municipality may apply to the Minister, by resolution, for the lifting or reinstatement.

A regional county municipality may require, from a local municipality that requests it to lift or reinstate a withdrawal, any document, information or study that the regional county municipality considers relevant for assessing the request. The 120-day time limit prescribed in the third paragraph is suspended until the documents have been received by the regional county municipality.

The Minister shall register in the public register of real and immovable mining rights any lifting or reinstatement of a withdrawal for which a regional county municipality or local municipality applies to the Minister. The modification takes effect on the date specified in the register.

For the purposes of this section, with the necessary modifications, the following shall be considered regional county municipalities:

(1) the urban agglomeration councils of Ville de Montréal, Ville de Québec, Ville de Longueuil, Ville de La Tuque and Municipalité des Îles-de-la-Madeleine; and

(2) the local municipalities whose territory is not included in that of a regional county municipality, excluding a local municipality whose territory is included in that of an urban agglomeration whose central municipality is referred to in subparagraph 1.

“304.1.5. The Minister may, by order, designate certain mineral substances as critical and strategic minerals. The order shall be published in the *Gazette officielle du Québec*.”

119. Section 305.1 of the Act is amended by replacing “shown on maps kept at the office of the registrar” in the third paragraph by “registered in the public register of real and immovable mining rights”.

120. Section 305.5 of the Act is amended by replacing “filed in the office of the registrar” in the second paragraph by “registered in the public register of real and immovable mining rights”.

121. The Act is amended by inserting the following division after section 305.5:

“DIVISION III

“EMERGENCY RESPONSE

“305.6. Despite any contrary provision, the Minister may, by order, prohibit or restrict access to a mining road or to land in the domain of the State on which mining activities have been carried out if the Minister is of the opinion that the land or the substances found there present a serious risk to human safety.

The Minister shall prohibit or restrict such access for up to one year on the conditions he determines. The prohibition or restriction may be renewed for other maximum periods of one year in the presence of the same risks.

The order shall be disseminated by the most efficient means available to ensure that the population of the territory where the land or mining road is situated is rapidly informed, and shall be published in the *Gazette officielle du Québec*.

An order made under this section comes into force on the date specified in the order or, in the absence of such a date, on the date of the order’s dissemination.

“305.7. Despite any contrary provision, where a state of emergency is declared by the Government or where a situation makes it impossible in fact to comply with the obligations relating to the exercise of mining rights by their holder, the Minister may prescribe any measure necessary in respect of the rights and obligations under this Act.

A measure prescribed under the first paragraph shall be published in the *Gazette officielle du Québec* and takes effect on the date indicated. The measure is applicable for the period the Minister determines, which shall not exceed one year following the end of the state of emergency or of the situation. If necessary to prevent or limit serious or irreparable harm, the Minister may, during the following five years, extend the period each year before its expiry.

Before adopting or extending such measures, the Minister must take into consideration the uses and preservation of the territory and the impacts on local and Indigenous communities.”

122. Section 306 of the Act, amended by section 46 of chapter 8 of the statutes of 2022, is again amended

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

“(1.1) determine the conditions for designating on a map or holding an exclusive exploration right under section 41;”;

(2) by striking out “licence or” in paragraph 2;

(3) by striking out “or a licence” in paragraph 3;

(4) by striking out “licence or” in paragraph 5;

(5) by replacing “claims” and “first” in paragraph 8 by “exclusive exploration rights” and “second”, respectively;

(6) by inserting the following paragraphs after paragraph 8.2:

“(8.2.1) determine, for the purposes of section 65.1, the exploration work for which an information session must be held and the standards applicable to the preparation of the annual work planning that must be presented during the session;

“(8.2.2) prescribe the conditions for issuing an authorization to erect or maintain a construction or temporary installation referred to in section 66;”;

(7) by inserting “and exempt work, in certain cases and on certain conditions, from the obligation to obtain an authorization” at the end of paragraph 8.3;

(8) by replacing “define the improvements” in paragraph 9 by “define the improvements and the strips of land adjacent to them”;

(9) by replacing paragraph 10.1 by the following paragraphs:

“(10.0.1) prescribe the method for indexing the minimum cost of work;

“(10.1) prescribe, for the purposes of section 72, the amounts spent that are accepted in the minimum cost of work as well as the period for which they are accepted;”;

(10) by striking out paragraph 12;

(11) by replacing both occurrences of “a claim” in paragraph 12.1 by “an exclusive exploration right”;

(12) by replacing all occurrences of “claims” in paragraphs 12.3 to 12.6 by “exclusive exploration rights”;

(13) by inserting the following paragraphs after paragraph 12.6:

“(12.7) determine, for the purposes of sections 98, 101, 104 and 118.1, the standards applicable to the preparation of a scoping and market study as well as the substances for which such a study must be prepared;

“(12.8) determine, for the purposes of section 101, the standards applicable to a project feasibility study;”;

(14) by replacing paragraphs 12.11 and 12.12 by the following paragraph:

“(12.11) determine the mandate and the operating rules of the monitoring committee established under section 101.0.3;”;

(15) by inserting the following paragraphs after paragraph 13:

“(13.0.1) prescribe the amount of the annual duties payable by a grantee;

“(13.0.2) determine the information and fee that must accompany the mining concession conversion application provided for in section 118.2;

“(13.0.3) determine the manner in which information, including information concerning the processing in Québec of the mineral substances extracted and their shipping outside Québec, must be presented in the report provided for in the first paragraph of section 120 or the third paragraph of section 224;”;

(16) by inserting the following paragraphs after paragraph 14:

“(14.1) determine the manner in which the public consultation required under section 140.1 is to be held;

“(14.1.1) prescribe the minimum quantity of mineral substances to be extracted for renewal of an exclusive lease in accordance with section 148;

“(14.1.2) determine the applicable elements, scales and methods for establishing the amount of the financial contribution to be paid under section 155.1;”;

(17) by inserting the following paragraph after paragraph 21.1:

“(21.2) determine the terms and conditions applicable to the designation of a representative under section 207.1;”;

(18) by inserting the following paragraph after paragraph 23:

“(23.1) determine, for the purposes of section 224, the mining exploration or mining operation work for which a notice must be transmitted to the Minister;”;

(19) by inserting “security and” before “protective” in paragraph 26;

(20) by inserting the following paragraph after paragraph 26:

“(26.0.1) determine the applicable elements, scales and methods for establishing the amount of the financial compensation to be paid under sections 232.0.1 and 232.10.3 and the applicable terms of payment, interest and penalties;”;

(21) by replacing “232.1” in paragraph 26.1 by “232”;

(22) by replacing paragraph 26.2 by the following subparagraphs:

“(26.1.1) prescribe the standards that the rehabilitation and restoration plan must comply with;

“(26.2) establish the standards relating to the financial guarantee to be provided under section 232.4 or 232.5;”;

(23) by inserting the following paragraphs after paragraph 26.4:

“(26.4.1) determine, by event, the amount up to which a person is required to make reparation for harm or injury caused through or in the course of his activities in the exercise of a mining right under section 233.2;

“(26.4.2) determine, for the purposes of section 233.3, the amount, term and coverage of the civil liability insurance required according to the different mining rights and the level of risk;”;

(24) by striking out “secondary” in paragraph 28;

(25) by striking out paragraph 29.3.

123. Section 307 of the Act is amended

(1) by adding the following paragraph at the beginning:

“The conditions referred to in paragraph 1.1 of section 306 for designating on a map or holding an exclusive exploration right may vary according to classes of persons.”;

(2) by replacing all occurrences of “a claim”, “the claim” and “claims” by “an exclusive exploration right”, “the exclusive exploration right” and “exclusive exploration rights”, respectively.

124. Section 308 of the Act is amended

- (1) by inserting “or a mining concession” after “lease”;
- (2) by replacing “and 3” by “, 3 and 13.0.1”.

125. Section 309 of the Act is amended by inserting “collector minerals and crystals,” after “gravel,” in the third paragraph.

126. Section 312 of the Act is repealed.

127. Section 313.2 of the Act is amended by inserting “security and” before “protective”.

128. Section 313.3 of the Act is repealed.

129. The Act is amended by inserting the following section before section 314:

“313.4. A person who refuses or neglects to provide or transmit within the time granted the documents, information or reports required under this Act or the regulations is guilty of an offence and is liable to a fine of \$500 to \$5,000 in the case of a natural person and \$1,500 to \$30,000 in any other case, unless another fine is prescribed under this Act.”

130. Section 314 of the Act is amended

- (1) by inserting “65.1, 98,” after “sections” in paragraph 1;
- (2) by inserting the following paragraph after paragraph 2:
“(2.1) contravenes an order made under section 305.6 or 305.7;”.

131. Section 315 of the Act is replaced by the following section:

“315. A person who

(1) contravenes any of the provisions of the first and second paragraphs of section 66, sections 81.1, 155, 155.1, 207.1, 233.1 or the fifth paragraph of section 251;

(2) hinders or attempts to hinder, in any way, the exercise of the functions of an inspector, an administrative investigator, a penal investigator or any person responsible for accompanying them, in particular by deceiving them by concealment or misrepresentation;

(3) refuses or neglects to provide information or to obey any order that an inspector, an administrative investigator or a penal investigator may require or give under this Act; or

(4) conceals or destroys a document or property relevant to an inspection or an investigation

is guilty of an offence and is liable to a fine of \$2,500 to \$250,000 in the case of a natural person and \$7,500 to \$1,500,000 in any other case.”

132. Section 316 of the Act, amended by section 47 of chapter 8 of the statutes of 2022, is again amended

(1) by inserting “27,” after “sections”;

(2) by replacing “216” and “233, 240 and 241” by “215.1, 216” and “232.7.1, 232.8, 233, 233.3, 240 and 241”, respectively.

133. Section 318 of the Act is amended by replacing “total amount” by “amount of the temporary guarantee or”.

134. Section 322 of the Act is amended by replacing “314” by “313.4”.

135. The Act is amended by inserting the following section after section 379.1:

“380. Secondary mining roads referred to in section 248, as it read on (*insert the date preceding the date of assent to this Act*), are mining roads under the Minister’s responsibility from (*insert the date of assent to this Act*).

Mining roads built, modified or maintained, with the authorization of the Government, before (*insert the date preceding the date of assent to this Act*), remain under the responsibility of the Minister of Transport.

The Minister of Transport may decide that certain mining roads referred to in the second paragraph, whose management has been entrusted to the Minister of Transport under the first paragraph of section 2 of the Act respecting roads (chapter V-9), are no longer mining roads, from the date the Minister determines.

Notice of a decision made under the third paragraph shall be published in the *Gazette officielle du Québec*.

Sections 242 to 247, as they read on (*insert the date preceding the date of assent to this Act*), apply to the mining roads referred to in the second paragraph. The immunity provided for in section 250 applies to the Minister of Transport in respect of mining roads that remain under the Minister of Transport’s responsibility.”

136. Section 382 of the Act is amended by striking out “, except the provisions concerning mining roads, which shall be administered by the Minister of Transport”.

137. The Act is amended by replacing all occurrences of “claim holder”, “a claim” and “claims” and all other occurrences of “claim” by “holder of an exclusive exploration right”, “an exclusive exploration right”, “exclusive exploration rights” and “exclusive exploration right”, respectively.

SUSTAINABLE FOREST DEVELOPMENT ACT

138. Section 46 of the Sustainable Forest Development Act (chapter A-18.1) is amended by striking out “, but may not be prior to 1 April following the year the change was applied for” in the second paragraph.

139. Section 87 of the Act is amended by replacing paragraph 2.1 by the following paragraph:

“(2.1) determine, for permits other than a sugar bush management permit, the conditions for revising the permit while it is in effect and at the time of its renewal, in particular to apportion the reduction in annual volumes of timber following a reduction in the allowable cuts;”.

140. Section 106 of the Act is amended by striking out “, that is, after 31 March of the following year” in the first paragraph.

141. Section 107 of the Act is amended

(1) by striking out “in a region covered by several timber supply guarantees”;

(2) by replacing “vary the reduction in consequence” by “apportion the reduction between the guarantee holders of the region concerned and of the adjacent regions”.

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

142. Section 5 of the Act respecting land use planning and development (chapter A-19.1) is amended by inserting “on lands in the domain of the State outside urbanization perimeters” at the end of the fifth paragraph.

ACT RESPECTING THE MINISTÈRE DES RESSOURCES NATURELLES ET DE LA FAUNE

143. The Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2) is amended by inserting the following sections after section 12.2:

“**13.** The Minister may, by order, determine the particular method, medium or format that must be used to present or send a document or information under an Act or regulation under the Minister’s responsibility.

The Minister may, by order, determine the method, medium or format the Minister uses to communicate or send a document or information to a person.

For the purposes of this section, the Minister may require registration with a single-window departmental point of service on the conditions the Minister determines.

14. If an Act or regulation under the Minister’s responsibility prescribes the holding of an information session or a public consultation, such a session may be held by a technological means that makes it possible for participants to hear each other simultaneously.

If the session or the consultation must be held in a determined place, the technological means must be reasonably accessible to persons who reside there.”

144. Section 17.12.12 of the Act is amended, in subparagraph 4 of the first paragraph,

(1) by inserting “and of the circular economy” after “mineral potential”;

(2) by inserting “, processing” after “exploration”.

ACT RESPECTING THE LANDS IN THE DOMAIN OF THE STATE

145. The heading of Division III of Chapter II of the Act respecting the lands in the domain of the State (chapter T-8.1) is amended by replacing “DES TERRES” in the French text by “DU TERRITOIRE”.

146. Section 21 of the Act is amended

(1) by replacing “a land use plan for any part of the domain of the State he determines” in the first paragraph by “, for any part of the domain of the State that he determines, a land use plan for the land area in that domain”;

(2) by replacing the second and third paragraphs by the following paragraphs:

“The land use plan shall define the Government’s policy directions with regard to uses and preservation of land in the domain of the State and of the resources found there. In order to enable prioritization and reconciliation of uses and preservation of the land area in the domain of the State, the plan shall establish the application zones and the intentions and purposes for each of them. The plan may also establish specific objectives for certain zones.

The land use plan shall integrate the land uses for the land area in the domain of the State established under other Acts.”

147. Section 23 of the Act is amended

(1) by replacing “land included in the territory of a regional county municipality, the Minister of Municipal Affairs, Regions and Land Occupancy” in the first paragraph by “a land area included in the territory of a regional county municipality, the Minister”;

(2) by replacing all occurrences of “lands” in the second and third paragraphs by “the land area”;

(3) by replacing “lands comprised in the territory” in the fourth paragraph by “a land area included in the territory”.

148. Section 24 of the Act is amended by replacing “lands comprised in one of the territories referred to in paragraphs 1 to 4, the Minister of Municipal Affairs, Regions and Land Occupancy” in the introductory clause of the first paragraph by “a land area included in the territories referred to in subparagraphs 1 to 4, the Minister”.

149. The Act is amended by inserting the following section after section 24:

“24.1. The Minister may amend the land use plan with the collaboration of the ministers concerned by the amendment.

An amendment to the land use plan must be approved by the Government.”

150. Section 25 of the Act is amended

(1) by replacing the first sentence of the first paragraph by the following sentence: “Where, under section 24.1, an amendment is proposed to a plan respecting a land area included in the territory of a regional county municipality or of a metropolitan community, the Minister shall transmit, for an opinion, the proposed amendment to the council of the municipality or community or to both councils if the amendment is proposed to a plan respecting a land area included both in the territory of a regional county municipality and in the territory of a metropolitan community.”;

(2) in the second paragraph,

(a) by replacing “lands comprised” by “a land area included”;

(b) by striking out “of Municipal Affairs, Regions and Land Occupancy”.

151. The Act is amended by inserting the following sections after section 25:

“25.1. Sections 22 to 24, the second paragraph of section 24.1 and section 25 do not apply when the Minister integrates into the land use plan a use of the land area in the domain of the State that is established under another Act.

“25.2. The Minister may ask another minister or a person, body, municipality or metropolitan community to send him any information or document he considers necessary for the preparation or amendment of the land use plan.”

152. Section 35.1 of the Act is amended by adding the following paragraphs at the end:

“At the end of a period of 30 years from the date of the sale, any restrictive clause attached to the sale ceases to apply, and the sale becomes irrevocable.

The second paragraph also applies to any restrictive clause attached to a sale made before (*insert the date of assent to this Act*), unless the Minister has waived the clause before that date.”

REGULATION RESPECTING THE SUSTAINABLE DEVELOPMENT OF FORESTS IN THE DOMAIN OF THE STATE

153. Section 120 of the Regulation respecting the sustainable development of forests in the domain of the State (chapter A-18.1, r. 0.01) is amended by replacing “The holder of a lease to mine surface mineral substances referred to in section 140 of the Mining Act (chapter M-13.1) must, before the expiry of the lease,” by “A person who uses a sandpit for the construction, improvement, repair, maintenance or decommissioning of forest roads must, within 30 days after the end of that use,”.

154. Section 159 of the Regulation is amended by replacing subparagraph 7 of the second paragraph by the following subparagraph:

“(7) every person who contravenes section 120.”

MINING REGULATION

155. Section 6 of the Mining Regulation (chapter M-13.1, r. 2) is amended by replacing “on the maps kept at the office of the registrar” in paragraph 3 by “in the public register of real and immovable mining rights”.

156. Section 38 of the Regulation is amended by inserting “as well as a survey of the parcel of land involved, unless it has already been entirely surveyed” at the end of the second paragraph.

157. Section 51 of the Regulation is amended by replacing “reproduced on the maps kept at the office of the registrar” in the third paragraph by “registered in the public register of real and immovable mining rights”.

MINISTERIAL ORDER RESPECTING THE TYPES OF
CONSTRUCTION THAT THE HOLDER OF A CLAIM, A MINING
EXPLORATION LICENCE OR A LICENCE TO EXPLORE FOR
SURFACE MINERAL SUBSTANCES MAY ERECT OR MAINTAIN
ON LANDS OF THE DOMAIN OF THE STATE WITHOUT
MINISTERIAL AUTHORIZATION

158. The Ministerial Order respecting the types of construction that the holder of a claim, a mining exploration licence or a licence to explore for surface mineral substances may erect or maintain on lands of the domain of the State without ministerial authorization (chapter M-13.1, r. 3) is revoked.

REGULATION RESPECTING THE REGULATORY SCHEME
APPLYING TO ACTIVITIES ON THE BASIS OF THEIR
ENVIRONMENTAL IMPACT

159. Section 116 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1) is amended by replacing “lease or other document giving the applicant rights to” in subparagraph 1 of the first paragraph by “of the application for a lease or of any other document confirming the right to mine”.

REGULATION RESPECTING THE ENVIRONMENTAL IMPACT
ASSESSMENT AND REVIEW OF CERTAIN PROJECTS

160. Section 22 of Part II of Schedule 1 to the Regulation respecting the environmental impact assessment and review of certain projects (chapter Q-2, r. 23.1) is replaced by the following section:

“(22) MINING ACTIVITY

For the purposes of this section,

(1) “mine” means all the surface and underground infrastructures forming part of a mineral substance operation, except surface mineral substances within the meaning of the Mining Act (chapter M-13.1); and

(2) “operation area” means the surface area authorized under the Act or, if there is no such surface area, the surface area occupied by the mine; if the project includes an ore treatment plant, the operation area also includes the area of the plant referred to in section 23.

The following projects are subject to the procedure:

(1) work required for the operation of a new mine;

(2) where the operation of a mine was authorized under section 31.5 of the Act before (*insert the date of assent to this Act*) or is the subject of such an authorization as of that date, work required for any expansion of 50% or more of the mine operation area; and

(3) where the operation of a mine was not authorized under section 31.5 of the Act before (*insert the date of assent to this Act*)

(a) work required for any expansion of 50% or more of the mine operation area;

(b) work required for any project to increase the maximum daily extraction capacity by 50% or more;

(c) work that increases the maximum daily extraction capacity of a metal ore mine to 2,000 metric tons or more;

(d) work that increases the maximum daily extraction capacity of an ore mine other than a metal ore mine to 500 metric tons or more; and

(e) work required to resume the operation of a mine that underwent dismantling or restoration work after its operation stopped.”

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

161. An owner or operator who, on (*insert the date of introduction of this bill*), performs mining operation work in respect of mineral substances referred to in section 4 of the Mining Act (chapter M-13.1) must send to the Minister, not later than (*insert the date that is six months after the date of assent to this Act*), a written notice that includes the following information:

(1) the name and address of the owner and of the operator;

(2) the designation of the lot on which the deposit that is the subject of mining operation work is situated; and

(3) the description of the extent of the deposit and its limits and of any mining operation work in progress on the deposit.

The Minister must, within 60 days after receipt of the notice, determine whether the mineral substances are the subject of mining operations within the meaning of section 4 of the Mining Act, as amended by section 3 of this Act.

The owner or operator may contest the Minister’s decision before the Court of Québec. Sections 296 to 300 and 303 of the Mining Act apply to the contestation, with the necessary modifications.

The right to mineral substances referred to in section 4 of the Mining Act is revoked in favour of the State, without compensation, on the date determined by the Minister, provided that the mineral substances are not the subject of mining operations, in accordance with this section, and that a contestation under the third paragraph is no longer possible.

The Minister publishes a notice of the revocation in the *Gazette officielle du Québec* that indicates

- (1) the name of the owner;
- (2) the name of the municipality in which the deposit is situated;
- (3) the designation of the lot on which the deposit is situated; and
- (4) the date of the revocation.

162. Leases to mine surface mineral substances for the mining of mineral substances referred to in section 5 of the Mining Act are, as applicable, amended or revoked without compensation so that their perimeter does not include land granted or alienated by the State for purposes other than mining purposes.

163. The instruments registered in the public register of real and immovable mining rights relating to an exclusive exploration right obtained or registered, as applicable, before 10 December 2013, that are not referred to in subparagraphs 2 and 4 of section 13 of the Mining Act are without effect against the State.

The registrar may withdraw the instruments referred to in the first paragraph from the register.

164. Installations and constructions erected before (*insert the date preceding the date of assent to this Act*) in accordance with section 66, as it read before being amended by section 30 of this Act, are deemed, for a period of one year following the coming into force of that section 30, to have been authorized in accordance with the second paragraph of section 66 of the Mining Act, as amended.

165. Section 73 of the Mining Act applies to the renewal of exclusive exploration rights in force on (*insert the date of assent to this Act*), except the first renewal to which section 73, as it read before that date, applies.

166. Section 101.0.1 of the Mining Act, replaced by section 44 of this Act, applies to mining lease applications pending on (*insert the date of assent to this Act*).

167. Section 101.0.3 of the Mining Act, as amended by section 46 of this Act, applies to mining concessions.

A holder of a mining lease or mining concession in force on (*insert the date preceding the date of assent to this Act*) must establish a monitoring committee, in accordance with section 101.0.3, before (*insert the date that is one year after the date of assent to this Act*).

168. A mining lease granted for the mining of collector minerals and crystals in force on (*insert the date preceding the date of assent to this Act*) is deemed to be an exclusive lease to mine surface mineral substances granted under section 140 of the Mining Act, with the necessary modifications, for the unexpired term of the lease, which must not exceed 10 years.

169. Section 142.0.2 of the Mining Act, replaced by section 62 of this Act, applies to applications for a lease to mine surface mineral substances pending on (*insert the date of assent to this Act*).

170. Section 145 of the Mining Act, replaced by section 65 of this Act, and section 145.1 of the Mining Act, enacted by section 65 of this Act, do not apply to an exclusive lease to mine surface mineral substances granted before (*insert the date of assent to this Act*).

171. The first and second paragraphs of section 224 of the Mining Act, replaced by section 79 of this Act, do not apply to mining exploration or mining operation work that begins before (*insert the date that is 60 days after the date of assent to this Act*).

172. The urbanization perimeters delimited in a land use and development plan in accordance with the Act respecting land use planning and development (chapter A-19.1) as well as lands in the private domain are excluded from the mining-incompatible territories delimited in such a land use plan before (*insert the date of assent to this Act*).

173. The formats, manners and places determined or prescribed under section 216.1 of the Mining Act, as it read on (*insert the date preceding the date of assent to this Act*), are deemed to have been determined by the Minister under section 13 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2), enacted by section 143 of this Act.

174. Unless the context indicates otherwise or this Act provides otherwise, in any Act, regulation or other document, “claim” and “mining claim” are replaced by “exclusive exploration right”, and “claims” and “claim holder” are replaced by “exclusive exploration rights” and “holder of an exclusive exploration right”, respectively.

175. Unless the context indicates otherwise, in any Act or regulation, the expressions “land use plan”, “public land use plan” and “land use plan for the lands in the domain of the State” are replaced by “land use plan for the land area in the domain of the State”.

176. The provisions of this Act come into force on (*insert the date of assent to this Act*), except

(1) section 30, which comes into force on the date of coming into force of the first regulation made under paragraph 8.2.1 of section 306 of the Mining Act, amended by section 122 of this Act;

(2) section 35, which comes into force on the date of coming into force of the first regulation made under paragraph 10.1 of section 306 of the Mining Act, amended by section 122 of this Act;

(3) section 39, which comes into force on (*insert the date that is one year after the date of assent to this Act*);

(4) section 51, to the extent that it enacts section 118.1 of the Mining Act, which comes into force on the date of coming into force of the first regulation made under paragraph 12.7 of section 306 of the Mining Act, enacted by section 122 of this Act;

(5) section 74, which comes into force on the date of coming into force of the first regulation made under paragraph 21.2 of section 306 of the Mining Act, amended by section 122 of this Act;

(6) section 93, to the extent that it enacts section 233.2 of the Mining Act, which comes into force on the date of coming into force of the first regulation made under paragraph 26.4.1 of section 306 of the Mining Act, amended by section 122 of this Act;

(7) section 93, to the extent that it enacts section 233.3 of the Mining Act, which comes into force on the date of coming into force of the first regulation made under paragraph 26.4.2 of section 306 of the Mining Act, amended by section 122 of this Act.