



NATIONAL ASSEMBLY

FIRST SESSION

FORTIETH LEGISLATURE

Bill 70

An Act to amend the Mining Act

Introduction

**Introduced by
Madam Martine Ouellet
Minister of Natural Resources**

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EXPLANATORY NOTES

This bill amends the Mining Act in a number of ways.

Among other things, it adds a chapter containing provisions specific to Native communities.

Claim holders must notify the municipality and the landowner concerned within 60 days after registering a claim of the fact that they have obtained the claim, and must inform the municipality at least 30 days before performing work. They must also submit to the Minister of Natural Resources an annual operations plan and an annual report on all work performed by them.

The radius of the circle within which any excess amount spent for a claim may be used to renew other claims is reduced from 4.5 to 3.5 kilometres and the period during which excess amounts credited to a claim may be carried over is limited to 12 years.

An obligation is introduced to declare the discovery of mineral substances containing 0.1% or more of uranium oxide within 60 days after the discovery.

A mining lease cannot be granted until a rehabilitation and restoration plan, regarding which the certificate of authorization required under the Environment Quality Act has been issued, and a scoping and market study as regards processing in Québec are submitted to the Minister.

In the case of a metal mine project where the mine has a production capacity of less than 2,000 metric tons per day, a public consultation must be held before a mining lease may be granted.

When granting a lease, the Government may, on reasonable grounds, require that the economic spinoffs within Québec of mining the mineral resources authorized under the lease be maximized and may require the lessee to establish and maintain a monitoring committee to foster the involvement of the local community in the project as a whole.

Mining rights holders must provide information to the Minister about the quantity of ore extracted and its value, the duties paid under the Mining Tax Act, and the overall contributions paid by them.

Under the bill, the information the Minister obtains from holders of mining rights for the purposes of the Act is public information. However, data appearing in reports on exploration work in relation to amounts beyond the allowances that may be claimed under the Mining Tax Act remains confidential for two years, with the exception of data such as geological data.

A public consultation must be held before a peat lease or a lease to carry on an industrial activity or to engage in commercial export may be issued. The Minister may refuse to grant or may terminate a sand and gravel lease, in the public interest.

The power of expropriation given to holders of mining rights may only be exercised during the actual mining stage, and the holders are required to provide financial support to owners during negotiations to purchase a residential immovable or an immovable used for agricultural purposes and situated on farm land and to obtain a written authorization at least 30 days in advance in order to access the site.

The system of penal sanctions under the Mining Act is updated and various technical amendments are made to that Act.

The Act respecting land use planning and development is amended to allow regional county municipalities to delimit any mining-incompatible territory in their land use and development plan. The sites and parcels of land included in such territories are specified in the Mining Act and mineral substances included in them are withdrawn from mining activities.

Lastly, the Regulation respecting environmental impact assessment and review is amended in order to make all mineral processing plant construction and operation projects and all mine development and operation projects, where the processing or production capacity of the plant or the mine is 2,000 metric tons or more per day, and all such projects relating to rare earth processing, subject to an environmental assessment, regardless of the processing or production capacity of the project.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting land use planning and development (chapter A-19.1);
- Mining Act (chapter M-13.1).

REGULATION AMENDED BY THIS BILL:

- Regulation respecting environmental impact assessment and review (chapter Q-2, r. 23).

Bill 70

AN ACT TO AMEND THE MINING ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Mining Act (chapter M-13.1) is amended by inserting the following after the title of the Act:

“AS mineral resources are present throughout Québec and constitute social wealth for present and future generations;

AS mining has helped forge Québec’s identity and should continue to be a source of pride;

AS it is necessary to promote the optimal use of mineral resources in order to create as much wealth as possible for the people of Québec;

AS it is necessary to engage in mineral development in a manner respectful of the environment;

AS it is necessary to promote development that is associated with Québec communities and integrated into their environment;

AS it is necessary to pursue sustainable diversification of the regions’ economies;”.

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

“CHAPTER I.1

“PROVISIONS SPECIFIC TO NATIVE COMMUNITIES

“**2.1.** This Act must be construed in a manner consistent with the obligation to consult Native communities. The Minister shall consult Native communities separately if the circumstances so warrant.

“**2.2.** Taking into account the rights and interests of Native communities is an integral part of reconciling mining activities with other possible uses of the territory.

“**2.3.** The Minister draws up, makes public and keeps up to date a Native community consultation policy specific to the mining sector.”

3. Section 6 of the Act is amended by inserting “in which they have rights and” after “use and displace.”.

4. Section 8 of the Act is amended by striking out “— mining exploration licences;”, “— seabed exploration licences;”, “— seabed mining leases;” and “— exploration licences for surface mineral substances;”.

5. Section 9 of the Act is replaced by the following section:

“9. Ownership of any real and immovable mining right is separate from ownership of the soil involved.

Use of the soil, before or after a mining right is granted, by a third person does not in any case confer a right to compensation on the holder of the mining right. The same applies to the transfer or granting of rights in lands in the domain of the State.

This section is declaratory.”

6. Section 10 of the Act is repealed.

7. Section 13 of the Act is amended by replacing paragraph 3 by the following paragraphs:

“(3) register any other instrument relating to the following mining rights:

— mining leases;

— mining concessions;

— leases to mine surface mineral substances;

— leases to produce petroleum and natural gas;

— leases to operate an underground reservoir; and

— authorizations to produce brine;

“(4) register promises to purchase relating to claims.”

8. The Act is amended by inserting the following section after section 13:

“13.1. The registrar shall register the authorizations granted under sections 66, 67, 69, 70, 106, 107, 140 and 150 in the public register of real and immovable mining rights.

The registrar shall make an entry in the register relating to the declarations of lease or claim holders concerning exploration for uranium or the discovery of mineral substances that contain 0.1% or more of triuranium octaoxide.”

9. Section 14 of the Act is amended

(1) by replacing “paragraph 3” in the first paragraph by “paragraph 3 or 4”;

(2) by striking out “, whether or not it is exempt from registration at the registry office of the registration division,” in the second paragraph.

10. Section 17 of the Act is replaced by the following section:

“17. The purpose of this Act is to promote mineral prospecting, exploration and development in keeping with the principle of sustainable development, while ensuring that Quebecers get a fair share of the wealth generated by mineral resources and taking into account other possible uses of the territory.

Another purpose of this Act is to ensure that non-renewable resources are used for the benefit of future generations.

A further purpose of this Act is to develop homegrown expertise in mineral resource exploration, development and processing in Québec.”

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

“27. No person may prospect on a parcel of land that is subject to a claim, a mining concession or a mining lease, or on a parcel of land referred to in section 304.1 or withdrawn from prospecting, mining exploration and mining operations under this Act, or by the effect of another Act, to the extent provided for in that Act.”

12. Section 29 of the Act is amended by striking out “Subject to section 92,” and “any land that is subject to a mining exploration licence, or”.

13. Section 30 of the Act is amended by replacing the first paragraph by the following paragraph:

“30. No person may stake or map designate a parcel of land withdrawn from prospecting, mining exploration and mining operations under this Act, or by the effect of another Act to the extent provided for in that Act.”

14. Section 32 of the Act is amended

(1) by striking out paragraph 1;

(2) by replacing paragraph 4 by the following paragraph:

“(4) reserved to the State under section 304;”;

(3) by striking out paragraph 5.

15. Section 38 of the Act is amended

(1) by inserting “in the case of staking, or before 9:00 a.m. in the case of map designation,” after “7:00 a.m.” in the first paragraph;

(2) by replacing “Pour les” at the beginning of the third paragraph in the French text by “Aux”.

16. Section 42 of the Act is amended

(1) by striking out “a mining exploration licence,” in the second paragraph;

(2) by replacing “on the maps kept at the office of the registrar. Any modification of the area and form of the parcel of land shall be recorded in a notice posted in a conspicuous place in the regional offices designated by ministerial order and in the office of the registrar, and shall take effect on the date indicated in the notice” in the third paragraph by “in the public register of real and immovable mining rights. Any modification takes effect on the date specified in the notice”.

17. Section 42.5 of the Act is amended by striking out “and if no mining exploration licence held by a third person is contiguous to that excess portion”.

18. Section 45 of the Act is amended by replacing “Except with the Minister’s authorization issued under section 58” by “Except in the cases provided for in sections 58 and 83”.

19. Section 46 of the Act is amended by striking out “or in a regional office designated by ministerial order”.

20. Section 47 of the Act is amended by striking out the second paragraph.

21. Section 48 of the Act is amended

(1) by replacing “The notice of staking must be accompanied with the following documents” in the introductory clause by “The following documents must be forwarded to the office of the registrar within 20 days of the staking”;

(2) by striking out “official” in paragraph 1;

(3) by striking out paragraphs 3 and 4.

22. Section 49 of the Act is amended

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

(2) by striking out subparagraph 2 of the second paragraph.

23. Section 50 of the Act is amended by striking out all occurrences of “or of map designation” and “or notice of map designation”.

24. Section 51 of the Act is amended by inserting “, 30.1,” after “30” in subparagraph 3 of the first paragraph.

25. Section 52 of the Act is amended, in the first paragraph,

(1) by inserting “, 30.1” after “30” in subparagraph 3;

(2) by adding the following subparagraph after subparagraph 4:

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

26. Section 59.1 of the Act is amended by striking out “, the agreement referred to in subparagraph 2 of that paragraph”.

27. Section 60.1 of the Act is amended by replacing “, and a copy of the notice must be posted in a conspicuous place at the office of the registrar” in the second paragraph by “and made public by the Minister”.

28. Section 61 of the Act is amended

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

“**61.** Subject to the special rules in the first paragraph of section 83.3 that apply to the conversion of claims into map designated claims, the first term of a claim expires two years after the claim is registered.”;

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

“If all or part of a claim lies within a mining-incompatible territory, it may only be renewed if work is performed on the claim during any term occurring after the delimitation of that territory.”

29. Section 62 of the Act is repealed.

30. Section 64 of the Act is amended by striking out “an exploration licence for surface mineral substances or” in paragraph 3.

31. Section 65 of the Act is amended by adding the following paragraphs at the end:

“With respect to lands granted, alienated or leased by the State for purposes other than mining purposes and lands subject to an exclusive lease to mine surface mineral substances, the claim holder must, within 60 days after registering the claim and in the manner determined by regulation, notify the owner, the lessee, the holder of the exclusive lease to mine surface mineral substances and the local municipality of the claim obtained.

If the claim is in the territory of a local municipality, the claim holder must also inform the municipality, at least 30 days before the work begins, of the work to be performed.”

32. Section 67 of the Act is amended by adding “in an amount equal to the amounts spent since 24 October 1988 for the work required under section 72 and reported to the Minister by the claim holder” at the end of the second paragraph.

33. Section 69 of the Act is amended

(1) by replacing “geological or geochemical sampling” in the first paragraph by “sampling”;

(2) by adding “for the purpose of determining the characteristics of the ore” at the end of the first sentence in the second paragraph;

(3) by striking out “metallurgical” in the second paragraph;

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

“The application for authorization must be accompanied by the fee prescribed by regulation.”

34. Section 71 of the Act is replaced by the following section:

“**71.** Stone may be extracted from lands in the domain of the State, without compensation to the claim holder, for the construction or maintenance of State works.”

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

“**71.1.** The notice of staking or map designation of a claim must be filed with a plan of the work to be performed in the coming year. Such a plan must also be submitted on each anniversary date of the registration of the claim.

A report on the work performed under the plan in the previous year must be submitted to the Minister on each anniversary date of the registration of the claim.”

36. Section 72 of the Act is amended by replacing the first sentence in the second paragraph by the following sentence: “The claim holder must, not later than that day, report to the Minister on all the work performed, including work for which an exploration allowance or a pre-production development allowance may be claimed under the Mining Tax Act (chapter I-0.4), whether or not it actually is.”

37. Section 73 of the Act is amended

- (1) by inserting “twice” after “an amount equal to”;
- (2) by replacing “equal to” by “twice”.

38. Section 75 of the Act is replaced by the following section:

“75. Amounts spent during the term of a claim to perform work in excess of the minimum cost prescribed by regulation and excess amounts accumulated for the claim as at *(insert the date of coming into force of section 38 of this Act)* may be applied to the six subsequent terms of the claim, subject to the special rules for the conversion of staked claims into map designated claims.”

39. Section 76 of the Act is amended by replacing “4.5” by “3.5”.

40. Section 77 of the Act is repealed.

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

“78. Excess amounts spent in respect of a claim by its holder may be applied, in accordance with section 76, towards the renewal of another claim regarding which the holder has made a promise to purchase by way of an instrument registered in the public register of real and immovable mining rights.

If those excess amounts were spent by a person who is not the holder of the claim concerned but who has made a promise to purchase in the manner described in the preceding paragraph, the amounts spent may be applied, with the claim holder’s written consent, towards the renewal of a claim held by that person or regarding which the person has made a promise to purchase in the manner described in the preceding paragraph.”

42. The Act is amended by inserting the following section after section 81:

“81.1. A claim holder is required to declare to the Minister and to the Minister of Sustainable Development, Environment and Parks any discovery of mineral substances containing 0.1% or more of triuranium octaoxide within 60 days after the discovery.”

43. Section 82 of the Act is amended by replacing “he shall expropriate the claim” in the third paragraph by “he shall terminate the claim and pay compensation equal to the amounts spent since 24 October 1988 for the work required under section 72 and reported to the Minister by the claim holder”.

44. Section 83 of the Act is amended by adding the following paragraph at the end:

“However, the claim holder may abandon only part of the claim with a view to the classification of an outstanding geological site or a protected area or for any other reason considered sufficient by the Minister. In such a case, the

Minister may give the claim holder authorization to move, disturb or replace a post delimiting the staked parcel of land.”

45. Section 83.1 of the Act is repealed.

46. Section 83.2 of the Act is amended by striking out “with respect to a parcel of land situated in Îles-de-la-Madeleine or in any territory other than a territory referred to in section 83.1,” and “also” in the first paragraph.

47. Section 83.6 of the Act is repealed.

48. Section 83.6.1 of the Act is replaced by the following section:

“83.6.1. The Minister may, on the Minister’s own initiative, convert a staked claim into a map designated claim in accordance with sections 83.3 to 83.5.”

49. Sections 83.7 to 83.13 of the Act are repealed.

50. Division IV of Chapter III of the Act, comprising sections 84 to 99, is repealed.

51. Section 100 of the Act is amended by striking out “, except where he is authorized to do so pursuant to a seabed mining lease”.

52. Section 101 of the Act is replaced by the following section:

“101. The Minister shall grant a lease in respect of all or part of a parcel of land that is subject to one or more claims if the claim holder establishes the existence of indicators of the presence of a workable deposit, meets the conditions and pays the annual rental prescribed by regulation.

The lease cannot be granted before the rehabilitation and restoration plan is approved in accordance with this Act, and the certificate of authorization mentioned in section 22, 31.5, 164 or 201 of the Environment Quality Act (chapter Q-2) has been issued.

The Minister shall make public the rehabilitation and restoration plan as submitted to the Minister for approval and register it in the public register of real and immovable mining rights for public information and consultation purposes as part of the environmental impact assessment and review procedure provided for in the Environment Quality Act.

An application for a mining lease must be accompanied by a survey of the parcel of land involved, unless it has already been entirely surveyed, a report describing the nature, extent and probable value of the deposit, certified by an engineer or a geologist who meets the qualification requirements determined by regulation, and a project feasibility study as well as a scoping and market study as regards processing in Québec.

At the Minister's request, the holder of the mining right shall provide the Minister with any document and information relating to the mining project.

The Minister may subject the mining lease to conditions designed to avoid conflicts with other uses of the territory.”

53. The Act is amended by inserting the following sections after section 101:

“101.0.1. In the case of a metal mine project where the mine has a production capacity of less than 2,000 metric tons per day, the applicant for a mining lease must, before submitting the application and in the manner prescribed by regulation, hold a public consultation in the region where the project is situated. The applicant shall then send a report on the consultation to the Minister and the Minister of Sustainable Development, Environment and Parks.

The rehabilitation and restoration plan required under section 232.1 must be accessible to the public at least 30 days before the consultation begins. The Minister shall decide on the adequacy of the consultation and may impose any additional measure.

The first paragraph does not apply to a rare earth project.

“101.0.2. When granting a lease, the Government may, on reasonable grounds, require that the economic spinoffs within Québec of mining the mineral resources authorized under the lease be maximized.

“101.0.3. The lessee establishes a monitoring committee to foster the involvement of the local community in the project as a whole. The committee monitors the work performed under the mining lease and endeavours to maximize jobs, contracts and other economic spinoffs for local communities. The committee may bring to the Minister's attention, and submit recommendations to the Minister concerning, any matter relating to mining operations that calls for government action.

The committee must be established within 30 days after the lease is issued and must be maintained until all the work provided for in the rehabilitation and restoration plan has been completed.

The committee members are chosen in the manner determined by the lessee.

The lessee determines the number of representatives who are to sit on the committee. However, the committee must include at least one representative of the municipal sector, one representative of the economic sector, one member of the public and, if applicable, one representative of a Native community consulted by the Government with respect to the project. A majority of the committee members must be independent from the lessee. All must be from the region in which the mining lease is granted.”

54. Section 103 of the Act is amended

(1) by replacing “mining rights” by “claims”;

(2) by replacing “shall be reduced by the area of the land subject to the lease and, in the case of a mining exploration licence, the required work” by “is reduced by the area of the land subject to the lease, and the work”.

55. Section 104 of the Act is amended

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

“(2.1) has provided the Minister with a scoping and market study as regards processing in Québec;”;

(2) by replacing “and the regulations” in subparagraph 4 of the second paragraph by “, the Mining Tax Act (chapter I-0.4) and the regulations”;

(3) by replacing “an extension thereof on the conditions, for the rental and for the term he determines” in the last paragraph by “five-year extensions”.

56. Section 111 of the Act is amended by striking out “Sand, gravel or”.

57. Section 118 of the Act is replaced by the following section:

“**118.** The grantee shall commence mining operations within five years after (*insert the date of assent to this Act*).”

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

“**118.1.** Before beginning mining operations and every 20 years after they begin, a grantee shall send the Minister a scoping and market study as regards processing in Québec.”

59. Sections 119 and 120 of the Act are replaced by the following sections:

“**119.** Before mining operations begin and 20 years after they begin, the Minister may require that an agreement be entered into with the grantee for the purpose of maximizing the economic spinoffs within Québec of mining the mineral resources authorized under the mining concession.

“**120.** On each anniversary date of a mining lease or mining concession, the lessee or grantee, as applicable, shall send the Minister a report showing the quantity of ore extracted during the previous year, its value, the duties paid under the Mining Tax Act (chapter I-0.4) during that period, the overall contributions paid by the lessee or grantee and any other information determined by regulation.”

60. Section 121 of the Act is amended by replacing “119” in the second paragraph by “100”.

61. Section 122 of the Act is amended by replacing “consultation with” in paragraph 4 by “obtaining a favourable opinion from”.

62. Divisions VI and VII of Chapter III of the Act, comprising sections 127 to 139, are repealed.

63. Section 140 of the Act is amended by replacing “Notwithstanding the first paragraph” at the beginning of the second paragraph by “In the event of a disaster”.

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

“140.1. An applicant for a peat lease or a lease to carry on an industrial activity or to engage in commercial export shall hold a public consultation on the project in the region where the project is situated and in the manner prescribed by regulation after submitting the application.

At the Minister’s request, the applicant shall provide the Minister with any document or information relating to the public consultation. The Minister shall decide on the adequacy of the consultation and may impose any additional measure.

The Minister may subject the lease to conditions designed to avoid conflicts with other uses of the territory or to follow up on comments received during the public consultation.”

65. Section 142 of the Act is amended by replacing the third paragraph by the following paragraph:

“No exclusive lease is granted if the parcel of land concerned is subject to a mining lease, a mining concession or an exclusive lease to mine surface mineral substances in favour of a third person or if an application for a mining lease has been filed in favour of a third person. Nor is such a lease granted if the parcel of land concerned is subject to a claim in favour of a third person, unless the lease applied for is only to mine a surface mineral substance referred to in paragraph 2 of section 64 and excluded from the exclusive right to explore for mineral substances granted to the holder under the claim.”

66. The Act is amended by inserting the following sections after section 142:

“142.0.1. The Minister may refuse an application for a sand and gravel lease, in the public interest. The Minister may also refuse such an application in order to avoid conflicts with other uses of the territory.

“142.0.2. The Minister may, at any time and in the public interest, terminate a sand and gravel lease. In such a case, the Minister shall grant the

lease holder a lease in respect of another parcel of land. Failing that, the Minister shall compensate the holder for the loss suffered.

The Minister may reduce the leased area for the same reasons and subject to the same conditions.”

67. Section 142.1 of the Act is amended by striking out “on a parcel of land subject to a licence to explore for surface mineral substances held by the applicant, or to an application” in the fifth paragraph.

68. Section 144 of the Act is replaced by the following section:

“**144.** The following sites and parcel of land may not be leased:

- (1) a parcel of land subject to an improvement provided for by regulation;
- (2) a parcel of land withdrawn from prospecting, mining exploration and mining operations;
- (3) a parcel of land regarding which a temporary suspension notice has been issued in accordance with section 304.1;
- (4) an outstanding geological site classified under section 305.1; and
- (5) a parcel of land used as a cemetery within the meaning of the Act respecting Roman Catholic cemetery companies (chapter C-40.1) or established as a cemetery in accordance with the Non-Catholic Cemeteries Act (chapter C-17).

The Minister may refuse to grant a lease or may grant a lease subject to conditions and obligations which may concern, among other matters and despite this Act, the work required to be performed if the lease concerns a parcel of land

- (1) situated in an Indian reserve;
- (2) designated as a migratory bird sanctuary under the Migratory Birds Convention Act, 1994 (Statutes of Canada, 1994, chapter 22);
- (3) where the mineral substances referred to in section 6, except sand and gravel, are being mined or have been mined in the past; or
- (4) reserved to the State under section 304.”

69. Section 147 of the Act is amended

- (1) by replacing “for one year” in the introductory clause of the second paragraph by “, no more than 10 times, for one-year periods”;

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

“The Minister may extend the term of a lease following the tenth renewal, for one-year periods.”

70. Section 148 of the Act is amended

(1) by replacing “by mere notice, for a term not exceeding five years” in the introductory clause of the second paragraph by “no more than twice, for five-year periods”;

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

“After the second renewal of the lease, the Minister may grant 5-year extensions or, in the case of a peat lease, 15-year extensions.”

71. The Act is amended by inserting the following section after section 150:

“**150.1.** Five percent of the area of any parcel of land subject to a lease to mine surface mineral substances is reserved to the State for public development purposes.”

72. Section 155 of the Act is amended, in the third paragraph,

(1) by replacing subparagraph 2 by the following subparagraph:

“(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); however, royalties remain payable if the work is carried out pursuant to a forestry permit issued under section 73 of that Act for forest development activities other than the harvest of timber to supply a wood processing plant;”;

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

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

“(5) a road, by a non-profit organization determined by the Minister.”

73. Section 156 of the Act is amended by replacing “consultation with” in paragraph 3 by “obtaining a favourable opinion from”.

74. Section 207 of the Act is amended

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

“**207.** A staking or map designation notice, an application for a lease or for an authorization under section 32 or 33, a report, an application for

exemption from the work required under this Act or an application for the renewal or conversion of mining rights is deemed to have been sent, filed or received on the date it is received at the office of the registrar.”;

(2) by striking out “to a licence to explore for surface mineral substances or” and “or map designated”, wherever it appears in the second paragraph;

(3) in the third paragraph,

(a) by replacing “32, 33 or 194.1” by “32 or 33”;

(b) by striking out “or a regional office designated by ministerial order” and “or, if they are filed in person at a regional office designated by ministerial order, according to the order in which they are received at that office”;

(4) in the fourth paragraph,

(a) by replacing “visée” in the French text by “visées”;

(b) by inserting the following sentence after the first sentence: “Map designation notices for which the order of receipt cannot be determined in accordance with the preceding paragraph shall also be admitted in the order established by a drawing of lots.”

75. Section 207.1 of the Act is repealed.

76. Section 212 of the Act is replaced by the following section:

“**212.** A holder of a mining right may not claim compensation from another holder of a mining right for the deposit of mine tailings on the parcel of land subject to the former’s right, except in the case of a mining lease or a mining concession.”

77. Section 213 of the Act is amended by replacing “Il” in the first paragraph in the French text by “Le titulaire de droit minier”.

78. Sections 213.2 and 213.3 of the Act are repealed.

79. Section 215 of the Act is replaced by the following section:

“**215.** The documents and information obtained by the Minister from holders of mining rights for the purposes of this Act are public. The Minister makes such documents and information public in the manner the Minister sees fit.

However, the reports on exploration work required under the second paragraph of section 72 remain confidential for two years after the date of the work. Only the geological, geochemical, geophysical and analytical data contained in those reports is made public.

The following are made public once a year for each mining lease, mining concession and lease to mine surface mineral substances:

- (1) the quantity and value of the ore extracted during the previous year;
- (2) the royalties paid during the previous year; and
- (3) the overall contributions paid by the holder.

The following are also made public:

- (1) the rehabilitation and restoration plan approved by the Minister; and
- (2) the total amount of the financial guarantee required.

However, the data contained in an agreement entered into between a holder of a mining lease or a mining concession and a community is not made public and may only be used for statistical purposes.

This section applies subject to the restrictions on rights of access prescribed by section 28 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).”

80. Section 216 of the Act is amended

- (1) by striking out “, mining exploration licence or exploration licence for surface mineral substances” in the first paragraph;
- (2) by inserting the following paragraph after the second paragraph:

“Before the date of abandonment, revocation or expiry of the lease, the holder of a lease to mine surface mineral substances shall remove all the property and any extracted surface mineral substances from the parcel of land subject to the lease.”;

- (3) by replacing “ore” and “or” in the third paragraph by “mineral substances” and “and”, respectively.

81. The Act is amended by inserting the following section after section 216:

“216.1. All the documents required for the purposes of this Act and the regulations must be submitted in the formats determined by the Minister. The documents must be sent in the manner prescribed and to the place specified by the Minister, as applicable.

Those rules apply, in particular, to the data necessary for showing, in the public register of real and immovable mining rights, the territories identified as mining-incompatible under section 304.1.1.”

82. Section 225 of the Act is amended by replacing “They” at the beginning of the first paragraph by “The holder of mining rights and the operator”.

83. Section 226 of the Act is amended

(1) by inserting “and the Minister of Sustainable Development, Environment and Parks” before “a written notice” in the first paragraph;

(2) by replacing “informing the Minister” and “transmit to the Minister a copy” in the first paragraph by “informing them” and “a copy”, respectively;

(3) by replacing the third paragraph by the following paragraph:

“In the event of a strike or lock-out, the notice required under the first paragraph must be sent within four months after the beginning of the strike or lock-out.”

84. Sections 228 and 229 of the Act are repealed.

85. Section 231 of the Act is replaced by the following section:

“231. In addition to the protective measures necessary to prevent any damage and the safety measures prescribed by regulation, the Minister may, if mining activities are temporarily or permanently discontinued, order the holder of a mining right or the operator to take any measure imposed by the Minister.

The Minister may cause the work to be done at the expense of a holder of a mining right or operator who fails to comply with the Minister’s orders or the regulatory prescriptions.

The first paragraph does not apply in the case of a strike, lock-out, cessation of underground exploration or operation of a mine for a period of less than six months.”

86. Section 232 of the Act is repealed.

87. Section 232.1 of the Act is amended by replacing the introductory clause by the following introductory clause:

“232.1. The following persons must submit a rehabilitation and restoration plan to the Minister for approval and carry out the work provided for in the plan:”.

88. Section 232.2 of the Act is replaced by the following section:

“232.2. The rehabilitation and restoration plan submitted by a person identified in section 232.1, other than an applicant for a mining lease, must be approved by the Minister before mining activities begin.”

89. Section 232.3 of the Act is amended

(1) by replacing “an estimate” in paragraph 4 by “a detailed estimate”;

(2) by adding the following paragraph after paragraph 4:

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

90. Section 232.4 of the Act is amended by replacing the first paragraph by the following paragraphs:

“232.4. A person identified in section 232.1 must furnish a guarantee covering the anticipated cost of completing the work required under the rehabilitation and restoration plan to the extent provided for in this Act and in accordance with the standards established by regulation.

Such work must include

(1) the rehabilitation and restoration of accumulation areas;

(2) geotechnical soil stabilization;

(3) the securing of openings and surface pillars;

(4) water treatment; and

(5) road-related work.”

91. Section 232.5 of the Act is amended by replacing “consultation with” in the first paragraph by “obtaining a favourable opinion from”.

92. The Act is amended by inserting the following section after section 232.7:

“232.7.1. Rehabilitation and restoration work must begin within three years after operations cease. However, the Minister may exceptionally require that the work begin within a shorter period, or authorize one or more extensions. The first extension may not exceed three years and additional extensions may not exceed one year.”

93. Section 232.10 of the Act is amended

(1) by replacing paragraphs 1 and 2 by the following paragraphs:

“(1) if the Minister is satisfied that the rehabilitation and restoration work has been completed in accordance with the rehabilitation and restoration plan approved by the Minister, and if no sum of money is due to the Minister with respect to the performance of the work; and

“(2) if the Minister is satisfied that the condition of the land affected by the mining activities no longer poses a risk for the environment or for human health and safety and, in particular, poses no risk of acid mine drainage.”;

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

“The Minister may also release a person from the obligations set out in sections 232.1 to 232.7 and issue a certificate to that effect if the Minister agrees to let a third person assume the obligations.

The Minister shall issue the certificate after obtaining a favourable opinion from the Minister of Sustainable Development, Environment and Parks.”

94. Section 233 of the Act is amended by inserting “and of the Minister” after “mine”.

95. The Act is amended by inserting the following section after section 233:

“233.1. A person specially or generally authorized by the Minister to carry out work related to protective measures or rehabilitation and restoration work may enter, at any reasonable time, any place where an activity governed by this Act or the regulations is carried on.”

96. Section 235 of the Act is replaced by the following section:

“235. On lands granted, alienated or leased by the State for purposes other than mining purposes or on lands subject to an exclusive lease to mine surface mineral substances, the holder of a mining right or the owner of mineral substances must obtain a written authorization at least 30 days in advance in order to access the site or may acquire, by agreement, any real right or property allowing the holder to access the site or conduct exploration work or mining operations.

If no agreement is reached to that end, the holder of a mining right or the owner of mineral substances may, for the purpose of conducting mining operations, purchase the property mentioned in the first paragraph by expropriation.

Cemeteries within the meaning of the Act respecting Roman Catholic cemetery companies (chapter C-40.1), cemeteries established under the Non-Catholic Cemeteries Act (chapter C-17) and Native cemeteries are exempt from expropriation.

The holder of a mining right who intends to purchase a residential immovable, or an immovable used for agricultural purposes and situated on farm land within the meaning of the Act respecting the acquisition of farm land by non-residents (chapter A-4.1), must pay the costs of the professional services required to negotiate the purchase agreement, up to a maximum amount representing 10% of the value of the immovable as entered on the property assessment roll.

In no case may a residential immovable be moved or demolished before a mining lease is issued.”

97. Sections 236 to 238 of the Act are repealed.

98. Section 246 of the Act is amended by inserting “after obtaining a favourable opinion from the Minister of Natural Resources and” after “may,” in the first paragraph.

99. Section 261 of the Act is amended

(1) by adding “, without compensation,” after “revoke”;

(2) by striking out “, oil or gas”.

100. Sections 268 to 272 of the Act are repealed.

101. Section 281 of the Act is amended

(1) by striking out “, a mining exploration licence or an exploration licence for surface mineral substances,” in paragraph 1;

(2) by replacing “section 74, 97 or 138” in paragraph 1 by “section 74”;

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

“(5) a mining lease or mining concession if the lessee or grantee does not comply with the terms of an agreement signed under section 103 or 122 or does not comply with the Mining Tax Act;

“(6) a mining right if the holder of the right has, in the preceding five years, been found guilty of an offence referred to in any of sections 316 to 318.”

102. Section 286 of the Act is amended by replacing “executory” by “enforceable”.

103. Section 288 of the Act is amended by replacing the first paragraph by the following paragraph:

“**288.** Within 30 days after the date the revocation of a mining lease, mining concession or lease to mine surface mineral substances becomes enforceable, a person other than the holder of the revoked mining right may obtain, in accordance with this Act, a claim by map designation notice or a lease to mine surface mineral substances on all or part of the parcel of land that was subject to the revoked mining right.”

104. Section 291 of the Act is amended by striking out “62,” and “90, 97,” and by replacing “, 120, 134 or 138” by “or 120”.

105. Section 293 of the Act is amended, in the first paragraph,

(1) by replacing “Il” in the French text by “Le ministre”;

(2) by striking out “that is not exempt, under section 10, from registration at the registry office”.

106. Section 294 of the Act is amended by replacing “executory” by “enforceable”.

107. Section 304 of the Act is amended,

(1) in the first paragraph,

(a) by replacing the introductory clause of subparagraph 1 by the following introductory clause:

“(1) reserve to the State or withdraw from prospecting, mining exploration and mining operations any mineral substance forming part of the domain of the State and necessary for any purpose that the Minister considers to be in the public interest, in particular;”;

(b) by replacing “ecological reserves” in the text following the fifth dash of subparagraph 1 by “protection areas”;

(c) by inserting the following after the text following the fifth dash of subparagraph 1:

“—plant-life and wildlife conservation;

—the protection of eskers that may be a source of drinking water;

—respect for protection areas established under the Groundwater Catchment Regulation (chapter Q-2, r. 6);

—the protection of the rehabilitation and restoration work carried out in accumulation areas under sections 232.1 and 232.11;”;

(d) by striking out subparagraphs 1.1, 1.2, 2 and 4;

(2) by replacing “à la recherche minière ou à l’exploitation minière” in the second paragraph in the French text by “à l’exploration ou à l’exploitation minières”;

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

“The Minister must, by order, reserve to the State all mineral substances that form part of the domain of the State and for which a lease to mine surface

mineral substances was refused under section 142.0.1 or terminated by the Minister under section 142.0.2.”

108. Section 304.1 of the Act is amended by replacing the first paragraph by the following paragraph:

“**304.1.** Prior to the making of an order under subparagraph 1 of the first paragraph of section 304, to the coming into force of the withdrawal provided for in section 304.1.1, or to the publication of a notice of classification of an outstanding geological site under section 305.1, the Minister may temporarily suspend, for a period of six months, the right to stake and designate on a map a parcel of land whose boundaries are shown on the maps kept at the office of the registrar. Such a suspension may be renewed for six-month periods.”

109. The Act is amended by inserting the following section after section 304.1:

“**304.1.1.** Any mineral substance forming part of the domain of the State and found in a parcel of land on which a claim may be obtained and that is included in a mining-incompatible territory delimited in a land use and development plan in accordance with the Act respecting land use planning and development (chapter A-19.1) is withdrawn from prospecting, mining exploration and mining operations from the time the territory is shown on the maps kept at the office of the registrar.

A mining-incompatible territory is a territory in which the viability of activities would be compromised by the impacts of mining.”

110. Section 306 of the Act is amended

(1) by replacing “in paragraph 3 of” in paragraph 1 by “in”;

(2) by replacing “lease” in paragraph 2 by “mining right” and by inserting “, des frais” after “des droits” in the French text;

(3) by replacing paragraph 3 by the following paragraph:

“(3) determine the conditions for renewing a mining right or a licence and, if applicable, the fee or rental payable;”;

(4) by replacing “lease” in paragraph 5 by “mining right”;

(5) by replacing “and fix the amount of the applicable fee” in paragraph 8 by “and prescribe the applicable fees, and for the purpose of prescribing the fee that must accompany a map designation notice, define “person” for the purposes of the first paragraph of section 307”;

(6) by inserting the following paragraphs after paragraph 8:

“(8.1) prescribe the fee payable by an applicant for a mining right in the case of a referral to the Minister under section 53;

“(8.2) determine how the notification under section 65 is to be given;

“(8.3) prescribe the fee payable under section 69;”;

(7) by replacing “section 70” in paragraph 9 by “sections 70 and 139”;

(8) by replacing paragraph 10.1 by the following paragraph:

“(10.1) determine, for the purposes of the first paragraph of section 72, what constitutes property examination and technical assessment work;”;

(9) by striking out “61,” in paragraph 11;

(10) by inserting the following paragraph after paragraph 12.1:

“(12.1.1) prescribe the fee payable by the holder of a mining right who submits an application to abandon the right in accordance with the first paragraph of section 83 or sections 122 and 156;”;

(11) by striking out “under section 83.2 or 83.6” in paragraph 12.2 and by striking out “under sections 83.2 and 83.6” in paragraphs 12.3 to 12.5;

(12) by striking out “or of the exploration licences for surface mineral substances to be converted,” in paragraph 12.3 and “or to the exploration licences for surface mineral substances to be converted,” in paragraph 12.4;

(13) by striking out paragraphs 12.7 to 12.9;

(14) by inserting the following paragraphs after paragraph 12.10:

“(12.11) determine the manner in which the public consultation required under sections 101.0.1 and 140.1 is to be held;

“(12.12) determine the particulars relating to the monitoring committee established under section 101.0.3, in particular with respect to the independence of committee members, the information and documents a lessee must provide to the committee so that it can carry out its mandate, the nature of the committee costs to be reimbursed by the lessee, the number of meetings the committee must hold each year and the production of an annual report;”;

(15) by striking out paragraph 13;

(16) by replacing “sections 207 and 207.1” in paragraph 21.1 by “section 207”;

(17) by inserting the following paragraphs after paragraph 26.2:

“(26.3) prescribe the fee payable for the assessment of a rehabilitation and restoration plan with a view to its approval or revision;

“(26.4) prescribe the fee payable for the assessment and inspections conducted for the purpose of issuing a certificate of release under section 232.10;

“(26.5) prescribe the fee payable when applying for an approval under sections 240 and 241;”;

(18) by inserting the following paragraphs after paragraph 29:

“(29.1) prescribe the fee payable for searching the public register of real and immovable mining rights, the fee payable for copies of documents, or extracts from the register, and any other related fees;

“(29.2) prescribe the fee payable by a person to whom an inspector has given a written notice of non-compliance with this Act or the regulations;

“(29.3) prescribe the fee payable for the issue of an attestation respecting mining rights provided for in section 32 of the Groundwater Catchment Regulation (chapter Q-2, r. 6);”.

111. Section 311 of the Act is repealed.

112. Sections 314 to 321.1 of the Act are replaced by the following sections:

“314. A person who

(1) contravenes any of sections 19, 20, 45, 157, 165, 176, 220 to 226, 227 and 282,

(2) damages an outstanding geological site classified by the Minister under section 305.1 or destroys or alters property situated on such a site, or

(3) contravenes a provision of a regulation whose contravention constitutes an offence under paragraph 31 of section 306,

(4) prohibits or hinders access to a parcel of land containing mineral substances that form part of the domain of the State by a person authorized by the Minister to perform geological research and inventory work and who, on request, provides identification and produces a certificate of authority signed by the Minister

is guilty of an offence and is liable to a fine of \$1,000 to \$100,000 in the case of a natural person and \$3,000 to \$600,000 in any other case.

“315. A person who contravenes any of sections 27, 30, 81.1, 152, 233.1 and 252 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.

“316. A person who contravenes any of sections 100, 140, 185, 193, 216, 232.1, 232.2, 232.6, 233, 240 and 241 is guilty of an offence and is liable to a fine of \$5,000 to \$500,000 in the case of a natural person and \$15,000 to \$3,000,000 in any other case.

“317. A person who contravenes section 30.1 is guilty of an offence and is liable to a fine of \$10,000 to \$1,000,000 in the case of a natural person and \$30,000 to \$6,000,000 in any other case.

“318. A person who contravenes any of sections 232.4, 232.5 or 232.7 or the standards prescribed by regulation for the guarantee required under this Act is guilty of an offence and is liable to a fine corresponding to 10% of the total amount of the guarantee.

“319. The fines prescribed in this Act or the regulations are doubled for a second offence and tripled for a subsequent offence, without exceeding the maximum fine.”

113. Section 322 of the Act is amended by replacing “315 to 321” by “314 to 318”.

114. Sections 342, 343, 346 to 353 and 355 to 359 and the second paragraph of section 360 of the Act are repealed.

115. Section 361 of the Act is amended by replacing “has not” in the second paragraph by “had not”.

116. Sections 364, 372, 377, 380 and 381 of the Act are repealed.

AMENDING PROVISIONS

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

117. Section 6 of the Act respecting land use planning and development (chapter A-19.1) is amended by replacing subparagraph 7 of the first paragraph by the following subparagraph:

“(7) delimit any mining-incompatible territory within the meaning of section 304.1.1 of the Mining Act (chapter M-13.1);”.

118. Section 53.7 of the Act is amended by adding the following sentences at the end of the first paragraph: “If, under subparagraph 7 of the first paragraph of section 6, the amending by-law delimits a mining-incompatible territory within the meaning of section 304.1.1 of the Mining Act (chapter M-13.1), or modifies the boundaries of such a territory, the Minister’s opinion must state that the proposed amendment is inconsistent with government policy directions if the Minister has received from the Minister of Natural Resources and Wildlife an opinion, with reasons, stating that the proposed amendment is inconsistent with a government policy direction drawn up for the purpose of establishing

such a territory. The opinion of the Minister of Natural Resources and Wildlife must be received by the Minister not later than the 30th day after the day the latter requested the former's opinion in accordance with section 267."

REGULATION RESPECTING ENVIRONMENTAL IMPACT ASSESSMENT AND REVIEW

119. Section 2 of the Regulation respecting environmental impact assessment and review (chapter Q-2, r. 23) is amended, in the first paragraph,

(1) by replacing "7,000 metric tons or more per day" in the text following the first dash in subparagraph *n.8* by "2,000 metric tons or more per day, except in the case of rare earth deposits";

(2) by inserting the following after the text following the second dash in subparagraph *n.8*:

" — rare earth ore;";

(3) by replacing "7,000 metric tons or more per day" in the text following the first dash in subparagraph *p* by "2,000 metric tons or more per day, except in the case of rare earths";

(4) by inserting the following after the text following the second dash in subparagraph *p*:

" — a rare earth mine;".

TRANSITIONAL AND FINAL PROVISIONS

120. Before mining operations begin in accordance with section 118 of the Mining Act (chapter M-13.1), a person who has been granted a concession for which letters patent were issued after 1 July 1911 must, each year, carry out on the land subject to the concession exploration work from among the types of work listed in section 69 of the Regulation respecting mineral substances other than petroleum, natural gas and brine (chapter M-13.1, r. 2) and whose minimum cost is \$35/km². However, amounts spent for property examination and technical assessment work may not be accepted beyond one-fourth of the minimum cost.

Before 1 February each year, the grantee must report the work performed to the Minister; the report must contain the information and be accompanied by the documents prescribed by sections 72 to 85 of the Regulation.

121. The holder of a seabed exploration licence issued under section 127 of the Mining Act, as it reads on (*insert the date preceding the date of assent to this Act*), becomes the holder of a map designated claim.

122. The holder of a seabed mining lease issued under section 128 of the Mining Act, as it reads on (*insert the date preceding the date of assent to this Act*), becomes the holder of a mining lease.

123. If a person identified in section 232.1 of the Mining Act has begun mining activities on the date of coming into force of this Act, the absence of approval by the Minister of the rehabilitation and restoration plan required under that section does not prevent the person from continuing those activities.

124. Territories delimited for non-exclusive recreation, tourism, plant-life or wildlife conservation purposes under subparagraph 1.1 of the first paragraph of section 304 of the Mining Act, as it reads on (*insert the date preceding the date of assent to this Act*), are deemed to be State reserves ordered in accordance with section 304 of this Act.

125. Any mineral substance forming part of the domain of the State and found in an urban perimeter shown on maps kept at the registrar's office is withdrawn from prospecting, mining exploration and mining operations as of (*insert the date of assent to this Act*), until the territories provided for in section 304.1.1 of the Mining Act are determined.

126. The grantee of a mining concession who has begun mining exploration work on (*insert the date of assent to this Act*) must send the Minister a scoping and market study as regards processing in Québec within 3 years after that date, and subsequently every 20 years.

127. This Act comes into force on (*insert the date of assent to this Act*), except sections 21, 22, 31, 39, 42, 53 where it enacts sections 101.0.1 and 101.0.3 of the Mining Act, 64 and 68, which come into force on the date of coming into force of the first regulation that amends the Regulation respecting mineral substances other than petroleum, natural gas and brine after (*insert the date of assent to this Act*), and sections 35, 38 and 109, which come into force on the date to be set by the Government.

