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***Canadian Mining Regulation - Amendments***

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***Author: G.n.w.t. - Energy Mines & Petroleum  
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**RE: CANADA MINING REGULATIONS - AMENDMENTS**  
Effective December 17, 1997.

Enclosed is a consolidated copy of the Canada **Mini.ng Regulations**. All amendments including those of December 17, 1987 **are embodied**. The recent amendments **are shown in bold type**.

Some significant changes are:

1. **Claims must be staked as rectangles - Sec. 13(1);**
2. **Boundary post must be erected when crossing surface properties - Sec. 14(2) to 14(4);**
3. **Changes to methods of marking boundary posts - sec. 14(11);**
4. **Witness posts must be erected when not practical or permitted when crossing surface properties - Sec. 15(2);**
5. **Additional time allowed for excess representation work - sec. 38(4)(a) and 41(1);**
6. **Removal of physical work requirement for leases - Sec. 58(2)(b);**
7. **Requirement for Canadian participation in leases revoked - Sec. 58(10) to (11); and**
8. **Claims and leases can now be registered notwithstanding liens and encumbrances - Sec. 62(5).**

For further information contact the Mining Recorders' offices at 920-8235, 920-8225 and 920-8226.

Chief Mining Recorder  
Mining Lands Division

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THE CANADA MINING REGULATIONS

Warning Note

Users of this office consolidation are reminded that it is prepared for convenience only and that, as such, it has no official sanction.

This consolidation is prepared from the following sources:

The Canada Mining Regulations, made by Order in Council P.C. 1977-3149 of November 3, 1977 and printed in the Consolidated Regulations of Canada, 1977 as Chapter 1516.  
(Abbreviated as "CRC c.1516".)

Canada Mining Regulations amendment, made by Order in Council P.C. 1978-362 of October 26, 1978 and printed in the Canada Gazette, Vol. 112, No. 21 as SOR/78-813.  
(Abbreviated as "SOR/78-813".)

Canada Mining Regulations amendment, made by Order in Council P.C. 1979-569 of March 1, 1979 and printed in the Canada Gazette, Vol. 113, No. 6 as SOR/79-234.  
(Abbreviated as "SOR/79-234".)

Canada Mining Regulations amendment, made by Order in Council P.C. 1987-2559 of December 17, 1987 and printed in the Canada Gazette, Vol. 122, No. 1 as SOR/88-9.  
(Abbreviated as "SOR/88-9".)

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REGULATIONS RESPECTING THE ADMINISTRATION AND DISPOSITION OF MINERALS BELONGING TO HER MAJESTY IN RIGHT OF CANADA UNDER ALL LANDS FORMING PART OF THE NORTHWEST TERRITORIES . [SOR/88-9, s.1]

Short Title

1. These Regulations may be cited as the Canada Mining Regulations. [CRC c.1516, s.1]

Interpretation

2. In these Regulations,

"adjacent claims" means claims that are contiguous or are intended by the locator to be contiguous; (claims adjacents)

"assay" [revoked, SOR/79-234 s. 1(1) ]

"authorized officer" means any person authorized by the Minister to perform any function related to the administration and enforcement of these Regulations; (agent autorisé)

"Chief" means the Director, Mining Management and Infrastructure, of the Natural Resources and Economic Development Branch of the Department of Indian Affairs and Northern Development; (chef) [SOR/88-9 s. 2(1)]

"claim" means a plot of land located or acquired in the manner prescribed by these Regulations; (claim)

"claim inspector" means a person designated as a claim inspector pursuant to section 4; (inspecteur de claim)

"co-holder" means a person in whose name a claim is recorded under these Regulations either jointly or in common with another person; (co-détenteur)

"Department" means the Department of Indian Affairs and Northern Development; (ministère) [SOR/88-9 s. 2(1)]

"Deputy Mining Recorder" means a person designated as a Deputy Mining Recorder pursuant to section 4; (registraire minier adjoint)

"engineer of mines" means a person designated as an engineer of mines pursuant to section 4; (ingénieur des mines)

"exploratory work" means any work done for the purpose of determining the economic potential of a permit area; (travaux d'exploration)

"identification tag" means a tag used to mark a corner of a claim and made of a substance and of a size approved by the Minister and issued as one of a set of four by the Mining Recorder; (plaque d'identification)

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"lease" means a lease of a recorded claim granted to the holder of the claim pursuant to section 58; (concession)

"legal post" means a post, tree, mound of earth or stone used for making a claim in accordance with section 14; (borne légal)

"lessee" means a person in whose name a lease of a claim is granted under these Regulations; (cessionnaire)

"licence" means a licence to prospect issued under section 8; (licence)

"licensee" means a person who holds a licence; (titulaire de permis)

"locate" means to mark out a claim in accordance with these Regulations; (localiser) [SOR/88-9 s.2(2)]

"locator" means a licensee who locates a claim or for whom a claim is located; (localisateur) [SOR/79-234 s.1(2)]

"mine" means any work or undertaking in which minerals or *ore* containing minerals are removed from the earth or from talus by any method, and includes works, mills, concentrators, machinery, plant and buildings below or above ground belonging to or used in connection with the mine; (mine)

"mineral" means precious and base metals and other naturally occurring substances that can be mined, but does not include coal, petroleum and related hydrocarbons, native sulphur, construction stone, carving stone, limestone, soapstone, marble, gypsum, shale, clay, sand, gravel, volcanic ash, earth, soil and diatomaceous earth, ochre, marl or peat or other substances regulated by other regulations made pursuant to the Territorial Lands Act; (minéral) [SOR/88-9 s.2(1)]

"mineral claim staking sheet" means

- (a) a map of an area bounded on the north and south by 15-minute intervals of latitude and on the east and west by 30-minute intervals of longitude south of 68 degrees north latitude, or
- (b) a map of an area bounded on the north and south by 15-minute intervals of latitude and on the east and west by one degree intervals of longitude north of 68 degrees north latitude; (feuille de jalonnement d'un claim minier)

"mining district" means an area established as a mining district by the Governor in Council pursuant to paragraph 19(g) of the Territorial Lands Act; (district minier)

"Mining Recorder" means a person designated as a mining recorder pursuant to section 4; (registraire minier)

"Minister" means the Minister of Indian Affairs and Northern Development; (ministre) [SOR/88-9 s. 2(1)1]

"permit" means a permit to prospect issued under section 29; (permis)

"permittee" means a person who holds a permit; (titulaire de permis)

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"recorded claim" means a claim recorded with the Mining Recorder in the manner prescribed by these Regulations; (claim enregistré)

"reduced area tag" means a tag used to mark a corner of a claim, the area of which has been reduced in accordance with section 43, and made of a substance and of a size approved by the Minister and issued as one of a set of four by the Mining Recorder; (plaque de superficie réduite)

"representation work" means work of a kind described in subsection 38(1); (travaux obligatoires)

"Supervising Mining Recorder" means the person designated as Supervising Mining Recorder pursuant to section 4; (registraire minier en chef)

"surface holder" means the lessee or registered holder of the surface rights to the land on which a mineral claim is or is proposed to be recorded; (détenteur des droits de surface)

"surveyor" has the same meaning as "Dominion Land Surveyor" in the Canada Lands Surveys Act; (arpenteur)

"Surveyor General" has the same meaning as in the Canada Lands Surveys Act; (arpenteur en chef)

"Territories" means the Northwest Territories; (territoires)

"year", for the purpose of representation work, means the period between the date of the recording of the claim and the anniversary date next following, and then from year to year. (année) [CRC c.1516 s.2]

#### Application

3. (1) These Regulations apply to lands in the Territories that are vested in Her Majesty in right of Canada or of which the Government of Canada has power to dispose.
- (2) These Regulations are subject to any Act governing the production, conservation and control of ores containing radioactive elements. [CRC c.1516 s.3, SOR/88-9, 5.3]

#### Administration

4. (1) The Chief shall designate a person to be Supervising Mining Recorder and may designate persons to be engineers of mines or claim inspectors.
- (2) For each mining district, the Chief shall designate a person to be Mining Recorder and may designate a person to be Deputy Mining Recorder. [CRC c.1516 s.4, SOR/79-234 s.21]

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5. (1) Subject to subsection (2), all records of recorded claims and all documents filed in the office of a Mining Recorder relating to such claims shall, during office hours, be open to public inspection free of charge, and the Mining Recorder shall, on payment of the applicable fee set out in Schedule I, issue copies of such records and documents to any person applying therefor.
  - (2) Subject to subsection (3),
    - (a) no report on geological, geochemical, geophysical, diamond drilling or other investigation of a recorded mineral claim, and
    - (b) no other report or document certifiedly the holder of a recorded mineral claim to be confidential,that is filed with a Mining Recorder as evidence of representation work on a mineral claim shall be open to public inspection for a period of three years from the date on which such report or document was filed or until the mineral claim to which it relates lapses, whichever is the earlier.
  - (2.1) No copy of a report or document referred to in subsection (2) shall, for the earlier period referred to in that subsection, be issued to anyone except the holder of the mineral claim to which the report or document relates, except for the purposes of the administration or enforcement of these Regulations or legal proceedings related to such administration or enforcement. [SOR/79-234 s.3]
  - (3) Every copy of, or extract from, an entry in any record kept by a Mining Recorder or any document filed in his office relating to a recorded claim certified by a Mining Recorder or Deputy Mining Recorder to be a true copy or extract thereof, shall be received in evidence in all proceedings relating to that claim without proof of the signature or of the official character of the person appearing to have signed the certificate and without proof of his official position. [CRC c.1516 s.5]
6. Where a claim has been recorded under a claim name, a Mining Recorder may, on receipt of an application therefore in writing from the holder of the claim and upon payment of the applicable fee set out in Schedule I, change the name of the claim in his records. [CRC c.1516 s.61]

#### Licence to Prospect

7. Any individual who is 18 years of age or older and any company that is registered with the Registrar of Companies pursuant to the Companies Ordinance of the Territories, other than an individual or company who held a licence that was revoked pursuant to subsection 10(3) within the previous 30 days, may apply for a licence.  
[CRC c.1516 s.7, SOR/88-9 s.41]
8. (1) Every person who applies for a licence shall apply in writing or in person to a Mining Recorder and shall pay the applicable fee set out in Schedule 1.

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- (2) On receipt from a person described in section 7 of an application and the applicable fee, the Mining Recorder shall issue to the applicant a licence in Form 1 or 2 of Schedule III, whichever is applicable. [SOR/79-234 s.4(1)]
  - (3) Every licence shall be dated as of the date of issue and shall expire on March 31st next following the date of issue.
  - (4) No person, other than a licensee, shall
    - (a) prospect for minerals;
    - (b) make application to record a claim;
    - (c) acquire any recorded claim or any interest therein by transfer;
    - (d) submit an application for a certificate of work or a certificate of extension, or
    - (e) acquire a lease of a recorded claim, [SOR/79-234 s.4(2)]
  - (5) No person shall locate a claim unless he is 18 years of age or older. [CRC c.1516 s.8]
- 9.
- (1) Subject to subsection (6), no licence is transferable.
  - (2) Every licence shall be numbered and stamped to indicate the office from which it was issued.
  - (3) If a licence is accidentally destroyed or lost, the licensee may, upon payment of the fee prescribed therefor in Schedule I, obtain a duplicate licence from the office from which the original licence was issued.
  - (4) Every duplicate licence issued pursuant to subsection (3) shall be marked "duplicate licence".
  - (5) No person shall hold more than one licence at any time.
  - (6) Where a company changes its name or is amalgamated or reorganized under a new name, any licence issued to the company may be transferred to the company under its new name or to the amalgamated or reorganized company. [CRC c.1516 s.9]
- 10.
- (1) Where a licensee is required to perform representation work or exploratory work, that work may be performed by any person authorized by the licensee.
  - (2) Any person may locate claims on behalf of a licensee.
  - (3) Where a licensee or any person acting on behalf of that licensee has wilfully contravened these Regulations, the Chief may, after giving the licensee an opportunity to be heard, revoke the licence of that licensee. [SOR/88-9 s.5, CRC c.1516 s.10]

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Where and by Whom Claims May be Acquired

11. (1) Subject to any Regulations made under the Territorial Lands Act, a licensee may enter, prospect for minerals and locate claims on lands other than lands
- (a) to which the National Parks Act applies;
  - (b) used as a cemetery or burial ground;
  - (c) in respect of which a claim has been recorded and has not lapsed;
  - (d) the minerals in which have been granted or leased by Her Majesty;
  - (e) set apart and appropriated by the Governor in Council for any purpose described in section 19 of the Territorial Lands Act;
  - (f) the entry on which for the purpose of prospecting for minerals and locating a claim thereon is prohibited by order of the Governor in Council, subject to the terms and conditions contained in the order;
  - (g) under the administration and control of the Minister of National Defence, the Minister of Energy, Mines and Resources or the Minister of Transport, unless the consent of that Minister has been obtained in writing; [SOR/88-9 s. 6(1)1
  - (h) the surface of which has been granted or leased by Her Majesty, unless the grantee or lessee consents thereto or an order authorizing entry thereon has been made pursuant to subsection 72 (3); or
  - (i) [revoked, SOR/88-9, s.6(2)1
- (2) Where a roadway, railway or other right-of-way is included in a recorded claim, the holder of the claim shall not have the right to enter on the right-of-way for the purpose of prospecting or development without the permission of the Mining Recorder for the district in which the claim is situated, which permission shall not be refused unless the holder has first been given the opportunity of being heard. [SOR/88-9 s.6(3), CRC c.1516s.11]

Size of a Claim

12. Subject to these Regulations, a licensee or a person authorized by a licensee may, in accordance with section 13, locate mineral claims, but no such claim shall exceed 2,582.5 acres. [CRC c.1516 s.12, SOR/79-234 s.5]

How a Claim Shall be Located

13. (1) A claim shall, as nearly as possible, be rectangular, except where a boundary of any lands referred to in paragraphs n(1)(a) to (h) is adopted as a ~~common~~ boundary. [SOR/88-9 s.71
- (2) Subject to subsection (3), the length and width of a claim shall each, as nearly as possible, be fifteen hundred feet or a multiple thereof, but the length of a claim shall not exceed five times its width. [soR/79-234 s.6(1)]
- (3) Any land situated between two previously located claims that contains not more than 2,582.5 acres, may be located as a claim.

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- (4) A claim shall be measured horizontally and its boundaries shall extend vertically downward on all sides and shall, as nearly as possible, run north, south, east and west astronomically. [CRC c.1516 s.13, SOR/79-234 s.6(2)]
14. (1) Subject to subsection 15 (2), each corner of a claim shall be marked on the ground
- (a) in a treed area
    - (i) by a post of sound wood planted firmly in or on the ground in an upright position and standing not less than 4 feet above the ground, or
    - (ii) by a tree found in position and cut off not less than 4 feet above the ground, the upper 1 foot of which has been squared so that each face of the squared portion is not less than 1 1/2 inches in width; and
  - (b) in a treeless area, by a post described in subparagraph (a) (i) or by a cone-shaped, well-constructed mound of earth or stone that is not less than 3 feet in diameter at the base and not less than 3 feet in height.
- (2) Subject to subsections (3) and 15(2), legal posts shall be erected along the outer boundaries of a claim at-intervals of not more than 1,500 feet, measured horizontally, the posts being numbered consecutively in a clockwise direction, commencing at one, from the northeast corner post, and recommencing at one from each corner post thereafter. [SOR/79-234 s.7(1), SOR/88-9s.8(1)]
- (3) Where a boundary line crosses a body of water or any other natural obstruction or lands described in paragraph n(1)(h), a legal post shall be placed on the boundary line on each side of the body of water, natural obstruction or lands. [SOR/88-9s.8(1)]
- (4) Where two or more claims are being located at the same time by or on behalf of the same licensee and have a common corner or common boundary, one legal post may be used to mark any common corner or common boundary point. [SOR/88-9 s. 8(1)]
- (5) Where wooden legal posts are used to mark a claim, there shall be fastened securely on each of the posts marking the northeasterly, southeasterly, southwesterly, and northwesterly corners an identification tag bearing a serial number and the post number namely, "NE1" for the northeast post, "SE2" for the southeast post, "SW3" for the southwest post and "NW4" for the northwest post.
- (6) Where a mound of earth or stone is used as a legal post to mark a claim, the appropriate identification tag shall be inserted in a waterproof container in the apex of the mound.
- (7) There shall be clearly inscribed on the identification tag marked "NE 1"
- (a) the name of the claim;
  - (b) the name of the locator;

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- (c) the licence number of the locator;
  - (d) the name of the person actually locating the claim if that person is not the locator; and
  - (e) the date, hour and minute of the placing of the legal post.
- (8) There shall be clearly inscribed on each of the identification tags marked "SE 2", "SW 3" and "NW 4";
- (a) the name of the claim;
  - (b) the name of the locator;
  - (c) the name of the person actually locating the claim if that person is not the locator; and
  - (d) the date, hour and minute of the placing of each legal post.
- (9) Information that cannot be inscribed on an identification tag because of insufficient space or lack of tags shall
- (a) in the case of a wooden legal post, be plainly marked on the legal post; or
  - (b) in the case of a mound of earth or stone used as a legal post, be legibly written on paper or inscribed on durable material and inserted in a waterproof container in the apex of the mound.
- (10) A claim that is marked in a manner described in subsection (9) because of a lack of tags shall not be recorded by a Mining Recorder until the claim has been marked with identification-tags in the manner required by these Regulations and where the claim is not so marked within the time prescribed by subsection 24(1), the claim shall not be recorded.
- (11) Where a wooden legal post is used to mark the boundary of a claim, there shall be clearly inscribed on each post, other than a corner post, the name of the claim, the appropriate number of the post and
- (a) on any north boundary post, the letters "NBP" or "BLN";
  - (b) on any east boundary post, the letters "EBP" or "BLE";
  - (c) on any south boundary post, the letters "SBP" or "BLS"; and
  - (d) on any west boundary post, the letters "WBP" or "BLO".
- [SOR/79-234 s.7(2), SOR/88-9 s. 8(2)1
- (12) Where a mound of earth or stone is used as a legal post to mark the boundary of a claim, the inscriptions referred to in subsection (11) shall be legibly written on paper or inscribed on durable material and inserted in a waterproof container in the apex of the mound.
- (13) On completing the requirements of subsections (2) to (12) there shall be clearly inscribed on the identification tag marked "NE 1" the minute, hour, day, month and year at which such requirements were completed. [SOR/79/234 5.7(3)1
- (14) When all corner and boundary posts have been placed and inscribed as required by this section and the time of completion is marked on the northeast corner post as required by subsection (13), the claim shall, for the purposes of these Regulations, be deemed to be located. [CRC c.1516 5.14, SOR/79-234 5.7(3)1
15. (1) In this section, "reference post" means a legal post erected pursuant to subsection (4) to designate the corner of a claim previously

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designated by a witness post, and "witness post" means a legal post erected pursuant to subsection (2) to designate the corner of a claim.

- (2) Where, because of the presence of a body of water or any other natural obstruction in an area, or lands described in paragraph n(1)(h), it is not practicable or permitted to erect one of the four legal posts required by subsection 14(1), a witness post shall be erected on each boundary line or an extension thereof as near as possible to the place where the legal post would otherwise have been erected. [SOR/88-9 s\*9]
  - (3) An identification tag shall be fastened to each witness post on which shall be clearly inscribed
    - (a) the information required by section 14;
    - (b) the letters "W.P."; and
    - (c) the distance in feet and the direction along the boundary line or its extension from the witness post to the place where the legal post would have been erected had it been practicable to do so.
  - (4) Where a witness post is used to mark a claim and it subsequently appears that it has become possible to mark the claim by erecting a legal post or to erect the witness post nearer to the place where a legal post would otherwise have been erected, a Mining Recorder may order the holder of the claim to erect a reference post.
    - (a) at the place where the legal post would otherwise have been erected; or
    - (b) at such place nearer to the corner of the claim where the witness post would have been erected had it been practicable to do so, as the Mining Recorder may determine.
  - (5) Where a reference post is erected pursuant to subsection (4), the witness post to which it relates shall not be moved.
  - (6) Where the holder of a claim fails to comply with an order of the Mining Recorder made pursuant to subsection (4) prior to making application for the first certificate of work the Mining Recorder may cancel the record of the claim.
  - (7) Where a witness post is used to mark a claim and the Supervising Mining Recorder is satisfied that the use of the witness post was unnecessary, he may, after hearing the holder, cancel the record of the claim. [CRC c.1516 s.15]
16. (1) Before a claim is recorded, a locator shall mark or cause to be marked the boundary lines of the claim in accordance with subsection (2) so that they may be followed throughout their entire length or where it is not possible to mark the entire length, along so much of the length as it is possible to mark.
- (2) The boundary lines of a claim shall be marked
    - (a) in treed areas, by blazing trees and cutting underbrush; and
    - (b) in treeless areas, by providing

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- (i) posts not less than 4 feet in height, or
  - (ii) mounds of earth or stone not less than 18 inches in height and 3 feet in diameter at the base. [CRC c.1516 s.16]
17. (1) Failure on the part of a locator or a person who locates a claim on behalf of a locator to comply with the requirements of sections 13 to 16 shall not invalidate a claim if that person has
- (a) in good faith tried to comply with the requirements of those sections and his failure to do so is not of a character calculated or likely to mislead other persons locating claims; and
  - (b) stated in his application to record the claim, where he was aware of the requirements of those sections, in what respects he was unable to comply with the requirements and the reasons therefor.
- (2) A mining Recorder may, before recording a claim, order the locator thereof to comply with any of the requirements of sections 13 to 16 that have not been complied with and where the locator fails to comply with such order within the time specified therein, the Mining Recorder shall not record the claim. [CRC c.1516 s.17]
18. A claim may be located on any day including a holiday. [CRC c.1516 s.18, SOR/79-234 s.8]

#### Identification Tags

19. (1) On payment of the applicable fee set out in Schedule I, a Mining Recorder shall issue to a licensee applying therefor identification tags for use in marking claims in any mining district.
- (2) On payment of the applicable fee set out in Schedule I, a Mining Recorder shall issue to a licensee applying therefor reduced area tags for use in marking the corners of a reduced area, in accordance with subsection 43(2).
- (3) Where a licensee loses identification tags or reduced area tags issued to him pursuant to subsection (1) or (2) and files a declaration with a Mining Recorder as to the loss and the circumstances thereof, the Mining Recorder shall issue to the licensee, free of charge, tags equal in number to the number of tags lost.
- (4) The Mining Recorder shall cancel in his records the serial numbers of the tags that have been lost and the lost tags shall not thereafter be used. [CRC c.1516 s.19]

#### Removal or Alteration of Legal Posts

20. Subject to subsection 17(2) and section 21, no person shall move or destroy any legal post and no person shall remove, deface or alter any identification tag or other inscription placed on or in a legal post. [CRC c.1516 s.20]

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21. (1) Where, in the course of conducting any public work or carrying on any mining operation it is necessary to move a legal post, a surveyor may, with the permission of a Mining Recorder, move the post to such place as the Mining Recorder may determine.
- (2) Every surveyor who moves a legal post pursuant to subsection (1) shall inscribe
- (a) in the case of a wooden legal post, on the post, or
  - (b) in the case of a mound of earth or stone, on paper or other durable material inserted in a waterproof container in the apex of the mound,
- the distance in feet and the direction from the new location to the location of the post. [CRC c.1516 s.21]
- (3) Where a legal post is moved pursuant to subsection (1), the Mining Recorder shall notify the claim holder of the location to which the post has been moved. [SOR/79-234 s.9]
22. Where the Supervising Mining Recorder is satisfied that, through no fault of the holder of a recorded claim,
- (1) a legal post marking the claim has been moved or destroyed, or
  - (2) the information recorded on a post is illegible,
- he shall, at the request of the holder of the claim and after completing such inquiries as he considers necessary, and 'if no other holder's rights will be adversely affected, authorize the holder of the claim to erect a new post to mark the claim or place on the post a new identification tag bearing the information previously on the post, as the case may be. [CRC c.1516 s.22, SOR/88-9 s.10]
23. (1) Where, on making a survey of a recorded claim or group of recorded claims, the surveyor finds that the area exceeds that allowable under subsection 54(5), he may, with the permission of the holder or holders of the claims, establish a new legal post so that the area remaining in the claim or group of claims does not exceed that allowable under subsection 54(5).
- (2) Where a new legal post is established pursuant to subsection (1), the surveyor shall notify the Mining Recorder.
- (3) A surveyor who establishes a new legal post pursuant to subsections
- (1) shall inscribe
  - (a) in the case of a wooden legal post, on the post, or
  - (b) in the case of a mound of earth or stone used as a legal post, on paper or other durable material inserted in a waterproof container in the apex of the mound,
- all the information placed in or on the post being replaced and the distance in feet and the direction from the new location to the old location of the post. [CRC c.1516 s.23]

#### Recording

24. (1) Subject to these Regulations, every locator of a claim or a person acting on his behalf shall make application to record the claim with

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the Mining Recorder of the mining district within which the claim is situated within 60 days from the date of the locating of the claim.

- (2) Every application to record a claim shall be made in triplicate in Form 3 of Schedule III and be accompanied by
    - (a) a plan showing
      - (i) the position of the claim in relation to permanent topographical features in the vicinity of the claim,
      - (ii) any adjoining claims,
      - (iii) the position of the legal posts by which the claim is marked, and
      - (iv) where witness posts are used, the reasons for using such posts where the reasons are not obvious from the plan; and
    - (b) the applicable fee set in Schedule I.
  - (3) Where a Mining Recorder is satisfied that all the requirements of these Regulations have been complied with, he shall record the claim.
  - (4) The date on which the application and the fee referred to in subsection (2) are received in the office of the Mining Recorder shall be the date of recording of the claim.
  - (5) On recording a claim the Mining Recorder shall endorse on the application the word "Recorded" and return one copy of the application to the person in whose name the claim is recorded at the address set out in the application. [CRC c.1516 s.24]
25. Where a claim has been located but has not been recorded in accordance with subsection 24(3), the area within the claim or any part thereof may be located by or on behalf of another locator. [CRC c.1516 s.25]
26. (1) Where a claim under the Yukon Quartz Mining Act has been located in the vicinity of the Yukon - Northwest Territories Boundary and such claim or part thereof is found by subsequent survey to be in the Territories, the holder of the claim may, on satisfying the Supervising Mining Recorder that there has been an error in locating the claim in relation to such boundary, have such claim or part thereof recorded in the proper mining district in accordance with directions issued by the Supervising Mining Recorder, and the recording of such claim or part thereof shall be effective for the purposes of these Regulations as of the time and date of its recording under the Yukon Quartz Mining Act.
- (2) Representation work previously accepted by a Mining Recorder under the Yukon Quartz Mining Act shall be accepted by the Mining Recorder when a claim has been recorded in accordance with subsection (1).
  - (3) Notwithstanding the requirement of subsection 58(1), a lease of a recorded claim described in subsection (2) shall be applied for before the expiration of the 10th year from the date of recording of the claim in the appropriate mining district.
  - (4) Where a claim lies across or appears to lie across a boundary or boundaries of adjoining mining districts, the locator may apply to

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have the claim recorded in the office of any one of the mining districts in which any portion of the claim is located or appears to be located.

- (5) The Mining Recorder shall forward copies of any applications referred to in subsection (4), together with certified copies of all documents affecting the applications, to the office of the Mining Recorder of the other mining districts affected.
  - (6) Any person who wishes to file a document affecting any claim recorded under subsection (4) shall file the document in the office of the Mining Recorder who recorded the claim and shall supply the Mining Recorder with sufficient copies thereof for filing in the offices of the Mining Recorders of the other districts affected.
  - (7) No Mining Recorder shall charge a fee for filing a certified copy of a document sent to him by another Mining Recorder. [CRC c.1516 s.26]
- 27.
- (1) Subject to these Regulations and to any other Regulations made under section 4 or section 19 of the Territorial Lands Act, the holder of a recorded claim has the exclusive right to prospect for minerals and develop any mine on the land enclosed within the boundaries of the claim.
  - (2) The holder of a recorded claim shall not remove, sell or otherwise dispose of any minerals or mineral ores from the claim in excess of a gross value of \$100,000 per annum, other than for such assay or testing purposes as the Minister may approve, until he has been granted a lease for that claim.
  - (3) The holder of a recorded claim who has not been granted a surface lease or grant of the land comprised in the claim is not entitled to erect any building to be used as a dwelling or any mill, concentrator or other mine building or create any tailings or waste disposal area in connection with the commencement of production from a mine on that claim. [CRC c.1516 s.27]
- 28.
- (1) The recording of a claim may be protested by
    - (a) any person claiming priority in locating the claim or any part thereof at any time within
      - (i) the period referred to in subsection 24(1), or
      - (ii) such additional period as may be fixed by the Mining Recorder not exceeding one year from the expiration of the period referred to in subparagraph (i), or
    - (b) an engineer of mines, at any time prior to the recording of a survey of the claim,by filing with the Mining Recorder a notice of protest in Form 4 of Schedule III.
  - (2) Where the Supervising Mining Recorder is satisfied that the recording of a claim for which a lease has not been granted was obtained by a false or misleading statement knowingly made by the holder of the recorded claim the Supervising Mining Recorder may, after hearing the

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holder of the claim or any person appearing on his behalf, cancel the claim.

- (3) Where a recorded claim is cancelled by the Supervising Mining Recorder under subsection (2), he shall forthwith serve, by registered mail, a notice of cancellation on any person affected thereby.
- (4) Where a recorded claim is cancelled under subsection (2), the claim or any part thereof shall be open for relocation under these Regulations
  - (a) after 12 o'clock noon on the day following the 30th day after the day of cancellation; or
  - (b) where a review is made by the Minister and the Minister confirms the cancellation of the claim, after 12 o'clock noon on the day following the 30th day after the Minister confirms the cancellation of the claim. [CRC c.1516 s.281

Permit to Prospect

29. (1) The Territories shall be divided into prospecting permit areas, in accordance with Schedule V except for the area in the vicinity of the city of Yellowknife described as follows:

Commencing at a point of intersection of Latitude 60° 00' and Longitude 107° 00', THENCE northerly to Latitude 65° 00' and Longitude 107° 00', THENCE westerly to Latitude 65° 00' and Longitude 120° 00', THENCE southerly to Latitude 60° 00' and Longitude 120° 00', THENCE easterly to the point of commencement.

- (2) A prospecting permit area shall be based on the National Topographic System as used by the Surveys and Mapping Branch, Department of Energy, Mines and Resources, and shall contain one-quarter the area of a mineral claim staking sheet and shall be designated by the N.E., S.E., N.W. or S.W. quarter.
- (3) Every application for a permit shall be in Form 5 of Schedule III and shall be accompanied by
  - (a) the applicable fee as set out in Schedule I;
  - (b) full particulars of the exploratory work proposed to be carried out; and
  - (c) a deposit for an amount equal to the amount the applicant is required to undertake to spend on work in the area during the first period as specified in section 31.
- (4) An application for a permit shall be made between December 1 and December 31 in any year. [SOR79/234 s.10( 1)]
- (5) An application for a permit may be sent by mail or delivered by hand to the Chief. [SOR79/234 s.10( 1)]
- (5.1) On receipt of applications for permits, the Chief shall assign numbers to the applications according to their order of receipt and, where he receives two or more applications at the same time, he shall assign

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numbers to the applications according to the order in which he opens them. [SOR79/234 s.10(1)]

- (5.2) For the purposes of subsection (5.1),
- (a) an application that is received at the Chief's office
    - (i) after 4 o'clock p.m. on a working day, or
    - (ii) on a holidayshall be deemed to have been received by the Chief at 9 o'clock a.m. on the next working day; and
  - (b) an application that is received at the Chief's office before 9 o'clock a.m. on a working day shall be deemed to have been received by the Chief at 9 o'clock a.m. on that working day. [SOR/79-234 s.10(1)]
- (6) A deposit required under paragraph (3)(c) or subsection 30(1) shall be in the form of
- (a) cash;
  - (b) negotiable bonds of equal value at the date of submission guaranteed by the Government of Canada or a province; or
  - (c) a guaranteed promissory note of equal value that is payable on demand and that a chartered bank has agreed, in terms acceptable to the Chief, to honour on presentation for payment.
- (7) Where a deposit required under paragraph (3)(c) or subsection 30(1) is in the form of a promissory note, it shall be guaranteed for a term of not less than 4 months after the expiry of the period for which it is deposited.
- (8) Where an application for a permit is not accepted, the fee and deposit shall be refunded to the applicant.
- (9) Where an application for a permit is withdrawn by the applicant before the permit is issued, the deposit but not the fee shall be refunded to the applicant.
- (10) Subject to subsection (11), where exploratory work of value will be undertaken in a prospecting permit area and the granting of a permit will not hinder other mining interests, the Chief may issue a permit, in Form 6 of Schedule III, to an applicant for the exclusive right to prospect for minerals within that area. [SOR/88-9 s.11]
- (11) The granting of a permit in respect of any prospecting pennit area is subject to any rights previously acquired or applied for by any person in the area to which the permit applies.
- (12) Permits shall be issued between January 1 and January 31 in each year in order of the numbers assigned by the Chief under subsection (5.1) in respect of applications received during the month of December immediately preceding. [SOR/79-234 s.10(2) ]
- (13) Following termination of the period during which pennits are issued, the Chief shall cause a notice to be
- (a) published in a newspaper circulating in the Territories,

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(a) published in the Canada Gazette, and  
(b) posted in the office of every Mining Recorder in and for the Territories.  
and such notice shall contain a description of all the areas in respect of which permits have been issued during that year.

- (14) Subject to sections 30 to 36, a permit becomes effective on the first day of February following the date of issue and remains in effect for a period of
- (a) in the case of a permit in respect of an area located south of the 68th parallel of north latitude, three years; and
  - (b) in the case of a permit in respect of an area located north of the 68th parallel of north latitude, five years. [CRC c.1516 s.29, SOR/79-234 s.10(3)1
30. (1) Every permittee shall, before the commencement of the second or any subsequent work period, make a deposit with the Chief equal to the amount that he undertakes to spend during that period in accordance with section 31.
- (2) Where a permittee does not make a deposit as required by subsection (1), his permit shall be cancelled. [CRC c.1516 s.30]
31. (1) Every permittee shall undertake to spend the following amounts on exploratory work of a type approved by the Chief in a Prospecting permit area
- (a) north of the 68th parallel of north latitude
    - (i) during the first two-year work period, an amount determined by multiplying the number of acres in the permit area by 10 cents;
    - (ii) during the second two-year work period, an amount determined by multiplying the number of acres in the permit area by 20 cents, and
    - (iii) during the third one-year work period, an amount determined by multiplying the number of acres in the permit area by 40 cents;
  - (b) south of the 68 parallel of north latitude
    - (i) during the first one-year work period, an amount determined by multiplying the number of acres in the permit area by 10 cents;
    - (ii) during the second one-year work period, an amount determined by multiplying the number of acres in the permit area by 20 cents, and
    - (iii) during the third one-year work period, an amount determined by multiplying the number of acres in the permit area by 40 cents.
- (2) Every permittee shall, within 60 days after the termination of each work period, submit to the Chief
- (a) a detailed statement of all expenditures; and
  - (b) a report of the exploratory work performed under the permit setting out the information required for the type of work in accordance with Schedule II.

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- (3) No document submitted by a permittee pursuant to subsection (2) shall be open to public inspection for three years after the expiry of the permit unless the permittee has given written authority to the Chief to permit such inspection. [SOR/79-234 s.11]
  - (4) The Chief shall, upon receipt of a report referred to in subsection (2), assess the exploratory work performed and notify the permittee of the approved value of the exploratory work.
  - (5) For the purpose of subsection (1) and subject to subsection 33(3), the number of acres in each prospecting permit area is set out in Schedule V. [CRC c.1516 s.31]
32. (1) A permittee may apply in writing to the Chief to group not more than four prospecting permit areas that are within a circle having a radius of 20 miles.
- (2) An application under section (1) shall
- (a) state the prospecting permit areas that are to be included in a group; and
  - (b) be accompanied by the applicable fee set out in Schedule I.
- (3) A prospecting permit area may be included in only one group between one anniversary date of the permit and the next following anniversary date.
- (4) The value of the exploratory work, approved pursuant to subsection 31(4), performed in any prospecting permit area shall, during the period of grouping and at the request of the permittee, be applied to any or all of the permit areas within the group, but any expenditures applied under one grouping may not be re-applied under subsequent groupings. [CRC c.1516 s.32]
33. (1) A permittee who has done the exploratory work required by subparagraph 31(1)(a)(i) or (b)(i) may locate mineral claims within the permit area. [SOR/79-234 s.12]
- (2) No person other than a permittee or a person authorized in writing by the permittee to act on his behalf may locate claims within a prospecting permit area.
- (3) When a claim has been located and recorded, the area included in the claim no longer forms part of the permit area.  
[CRC c.1516 s.33]
34. Sections 24 to 28 apply with such modifications as the circumstances may require, to the recording of a claim by a permittee, but no Mining Recorder shall record such claim until the Chief is satisfied that the amounts to be spent in accordance with section 31 have actually been spent. [CRC c.1516 s.34]
35. (1) That portion of the deposit equal to the value of the exploratory work approved pursuant to subsection 31(4) for any work period as determined by the Chief shall be returned to the permittee.

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- (2) Subject to subsection (5), that portion of the deposit not returned to the permittee is forfeited to Her Majesty.
  - (3) Any amount spent on exploratory work and approved by the Chief pursuant to subsection 31(4) during any work period in excess of the amount required to be performed for that period shall, at the request of the permittee, be deemed to be performed for the period or periods next following and the deposit required for the next following period or periods shall be reduced by the amount of such excess expenditure.
  - (4) Any amount spent on exploratory work and approved by the Chief pursuant to subsection 31(4) in excess of that required under subsection 31(1) and not applied under subsection 32(4) may be applied towards representation work on claims located by the permittee within the permit area.
  - (5) Where a permittee has not been able to fulfill his undertaking pursuant to subsection 31(1) for a work period, he may make an expenditure during the next following work period equal to the aggregate of
    - (a) the deposit required for that period, and
    - (b) that portion of the deposit for the preceding period that has not been returned to the permittee,and, on approval of the expenditure by the Chief, that portion of the deposit that was not previously returned shall be returned to the permittee. [CRC c.1516 s.35]
36. (1) A permittee may, at the end of the first or second work period, relinquish his rights under the permit and the deposit or a portion of the deposit shall be returned to him in accordance with subsection 35(3).
- (2) After a permit has expired, the permittee shall not locate and record claims within the original permit area for at least one year from the date of expiration.
  - (3) Where a permit is relinquished, the Chief shall cause a notice describing the area to be
    - (a) published in a newspaper circulating in the Territories;
    - (b) published in the Canada Gazette; and
    - (c) posted in the office of every Mining Recorder in and for the Territories.
  - (4) No transfer of a permit shall be effective without the prior, written approval of the Chief and payment of the applicable fee set out in Schedule I. [CRC c.1516 s.361]

Grouping

37. (1) Subject to subsection (4), the holder or holders of adjacent recorded claims, the area of which in the aggregate does not exceed 5,165 acres, may apply in Form 7 of Schedule III, to the Mining Recorder of

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the district in which the claims are located to group those claims for the purpose of applying representation work.

- (2) On receipt of an application referred to in subsection (1) together with the applicable fee set out in Schedule I, a Mining Recorder shall, on satisfying himself that the requirements of this section have been met, issue a grouping certificate to the holder or holders of the claims in Form 7 of Schedule III.
- (3) The representation work that has been done on a recorded claim and any exploratory work that has been performed under a permit in excess of the amount required under subsection 31(1) and that has been applied on a recorded claim shall, at the request of the holder, be applied to any or all the claims with which the recorded claim has been grouped under a grouping certificate. [SOR/79-234 s.13]
- (4) No recorded claim shall be grouped with any other recorded claim more than once in any 12-month period.
- (5) A grouping certificate shall cease to be valid as a result of
  - (a) the lapsing or cancellation of any recorded claim in the group;  
or
  - (b) the granting by the Minister of a lease of any recorded claim in the group.
- (6) Any representation work applied to a recorded claim or claims whether contained in a group or not, shall not be re-applied to other recorded claims in subsequent groupings. [CRC c.1516 s. 37]

#### Representation Work

38. (1) For the purpose of these Regulations, the following undertakings in respect of a recorded claim are representation work:
  - (a) work done in stripping, drilling, trenching, sinking shafts and driving adits or drifts;
  - (b) geological, geochemical and geophysical investigations of a claim made on the ground or from an aircraft;
  - (c) exploratory work other than that described in paragraph (a) or (b), of a kind and to the extent approved by an engineer of mines;
  - (d) a survey of the claim approved by the Surveyor General; and
  - (e) work done in constructing roads or airstrips to provide access to the claim.
- (2) The holder of a recorded claim is entitled to hold it for a period of ten years from the date the claim is recorded, if
  - (a) during the two-year period immediately following the date the claim is recorded, he does or causes to be done representation work to the value of at least \$4 per acre or part thereof contained in the claim; and
  - (b) during each subsequent one year period, he does or causes to be done representation work to the value of at least \$2 per acre or part thereof contained in the claim.

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- (3) Subject to subsection (4), where the value of the representation work done on a recorded claim in any period is in excess of the amount required by these Regulations, such excess shall, at the request of the holder, be credited to the value of representation work required to be done on that claim in any subsequent period and be deemed to be work done on that claim in that subsequent period.
  - (4) **Excess representation work** referred to in subsection (3) shall not be credited to the value of representation work for a subsequent period unless a statement of the work is filed with a Mining Recorder in Form 9 of Schedule III
    - (a) **within one** year and 30 days of the **expiration** of the period in which the work is performed; or [SOR/88-9 s.12]
    - (b) **where a** notice is given pursuant to subsection 45(1), within sixty days from the date of the notice. [CRC c.1516 s.38, SOR/79-234 s.14]
39. (1) Subject to subsection (2), but notwithstanding subsection 38(2), a Mining Recorder may
- (a) on application by a holder of recorded claims that are within the same mining district, and [SOR/88-9 s.13(1)]
  - (b) on payment of the applicable fee set-out in Schedule I, issue a certificate in Form 8 of Schedule III, giving a common anniversary date of recording for the claims, other than February 29. [SOR/88-9 s.13(2)]
- (2) Before issuing a certificate pursuant to subsection (1), the Mining Recorder shall satisfy himself that
- (a) on each recorded claim listed in the application representation work having a value of 50 cents per acre or part thereof has been done for each three-month period or part thereof between the anniversary date of the recording of the claim and the day fixed as the common anniversary date; or
  - (b) a deposit has been made in accordance with subsection 44(8). [CRC c.1516. s.39]
40. (1) Representation work done on a claim by a holder or person acting on his behalf before the claim was recorded shall be included in calculating the value of representation work done on the claim in respect of the period of two years done from the date of recording of the claim if the Mining Recorder is satisfied that the work was done for the purpose of developing the claim. [SOR/79-234 s.15]
- (2) Representation work done on land not included in a recorded claim may be included in calculating the value of representation work done on the recorded claim if the Mining Recorder is satisfied that the work was done for the purpose of developing the claim. [CRC c.1516 s.40]
41. (1) Subject to subsection 45(1), every holder of a recorded claim who is required to perform representation work shall file with the Mining Recorder
- (a) within 30 days after the anniversary date of the recording of the claim, a statement of the representation work done on the

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- claim in the preceding period as required by subsection 38(2);  
and
- (b) within one year and thirty days after the anniversary date of the recording of the claim, a statement of any representation work done on the claim in the preceding period that is in excess of the representation work required by subsection 38(2). [SOR/79-234 s16(1), SOR/88-9 s.14]
- (2) The statement required by subsection (1) shall
- (a) be in Form 9 of Schedule III;
  - (b) be accompanied by the applicable fee set out in Schedule I; and
  - (c) be accompanied by a plan of the claim showing clearly the location, nature and extent of the representation work done and setting out the information required for the type of work done in accordance with Schedule II.
- (3) Unless excess representation work has been done on a recorded claim in a preceding period, a holder of a recorded claim who fails to comply with the requirements of this section in respect of any period shall be deemed to have done no representation work on that claim in that period. [SOR/79-234 s.16(2)1]
- (4) The value of any representation work done on a claim shall be determined by a Mining Recorder in accordance with the values set out in Schedule II.
- (5) Where a Mining Recorder is satisfied that the representation work required by these Regulations has been done on a recorded claim, he shall issue a certificate of work to the holder of the claim in Form 10 of Schedule III.
- (6) Where geological, geochemical or geophysical surveys or other similar work have been performed on a claim and evidence of such work is submitted as representation work, all data obtained from such work shall be filed with the statement referred to in subsection (1). [CRC c.1516 s.41]
42. No representation work is required to be done on a recorded claim between the day on which an application for a lease of that claim is filed with the Mining Recorder and the day on which a lease is granted, if the holder of the claim has met the requirements of section 58. [CRC c.1516 s.42]

#### Reduced Area Claim

43. (1) The holder of a recorded claim may, before the anniversary date of the recording of the claim, make application to the Mining Recorder in the manner set out in subsection 24(2) to have the area of his claim reduced if
- (a) he is a licensee; and
  - (b) a certificate of work has been issued for the claim in accordance with subsection 41(5).

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- (2) A reduced area referred to in subsection (1) shall be 1 parcel located in accordance with sections 13 to 16 except that the tags to be used shall be those referred to in subsection 19(2).
- (3) On the anniversary date of a recorded claim, the area of which has been reduced a notice defining the area to be released and the date on which such area shall be open for relocation shall be posted in the office of the Mining Recorder.
- (4) An area referred to in subsection (3) shall be open for relocation under these Regulations after 12 o'clock noon on the day following the expiration of 30 days from the anniversary date.
- (5) The holder of a reduced area claim or claims may, subject to these Regulations, hold the reduced area claim or claims for the unexpired term of the original claim.
- (6) Any credit for excess representation work shall, at the request of the holder of the claim, be applied to the reduced area. [CRC c.1516 s. 43]

Extension of Time to Perform Representation Work

44. (1) Where, because of illness, the holder of a recorded claim is unable to do representation work on the claim as required by these Regulations, he may make application to the Mining Recorder for an extension of time to perform the representation work.
- (2) An application referred to in subsection (1) shall be accompanied by
  - (a) the applicable fee set out in Schedule I; and
  - (b) a certificate of a medical practitioner verifying the illness of the holder.
- (3) Subject to subsection (4). when a Mining Recorder is satisfied that the requirements of this section have been complied with, he shall issue to the holder of a recorded claim a certificate in Form 11 of Schedule III, extending the time for doing representation work on the claim for a period not exceeding one year.
- (4) Where a Mining Recorder has issued a certificate to the holder of a recorded claim pursuant to subsection (3), he shall not issue a further certificate to the holder in respect of that claim for a period of three years from the end of the period for which the certificate was issued.
- (5) Subject to subsections (6) to (8), where the representation work required by these Regulations cannot be done on a recorded claim in any year for any reason other than illness of the holder of the claim, the Mining Recorder shall, on receipt of an application from that holder and on payment of the applicable fee set out in Schedule I, issue to that holder a certificate in Form 11 of Schedule 111 extending the time for doing representation work on the claim for a period not exceeding one year.

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- (6) Where a Mining Recorder has issued a certificate pursuant to subsection (5) to a holder of a recorded claim for 3 consecutive periods, he shall not issue a further certificate to that holder in respect of the claim for a period of one year from the end of the third period.
  - (7) Where a Mining Recorder has issued a certificate to a holder of recorded claim pursuant to subsection (3) for a period immediately preceding the period for which a certificate is applied for pursuant to subsection (5), he shall not issue a certificate under subsection (5) to the Person in respect of that claim for more than two consecutive periods.
  - (8) A Mining Recorder shall not issue a certificate pursuant to subsection (5) unless the holder of the recorded claim has deposited with him,
    - (a) prior to the expiration of 30 days after the end of the period in which the representation work is required to be done on the claim, or
    - (b) where a notice has" been given to the holder by the Mining Recorder pursuant to paragraph 45(1)(b), before the expiration of 60 days from the date of the notice, security of a kind described in subsection 29(6) and in an amount equal to the value of the representati-on work required by these Regulations to be done on the claim during the period in respect of which the extension is requested.
  - (9) Where a certificate is issued to the holder of a recorded claim pursuant to subsection (5) and representation work having a value in excess of the amount required by these Regulations is done on the claim by the holder in the year immediately following the period for which the certificate was issued, the excess amount of the work shall be included in calculating the value of representation work required to have been done in the period or periods for which the deposit was made and a portion of the deposit equivalent to the value of the excess work shall be returned to the holder of the claim.
  - (10) Where a certificate is issued to the holder of a recorded claim pursuant to subsection (5) and the holder thereof
    - (a) fails to do representation work on the claim as required by these Regulations within the period specified in the certificate, or
    - (b) makes application for a lease of the claim, the security deposited with the Mining Recorder prior to the issuing of the certificate shall be deemed to have been forfeited to Her Majesty and, except for the purposes of section 58, the representation work required to be done on the claim in respect of which the certificate was issued shall be deemed to have been done. [ CRC c.1516 s.44]
45. (1) Subject to sections 80 to 82, where the holder of a recorded claim fails
  - (a) to comply with subsection 27(2),

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- (b) to file with the Mining Recorder the statement required by subsection 41(1) within the time fixed for the filing thereof, [SOR/79-234 s.17]
  - (c) to obtain a certificate pursuant to subsection 44(3) or (5), as the case may be, before the expiration of 30 days after the anniversary date of the recording of the claim, or
  - (d) to apply for a lease within the time fixed by section 58, the Mining Recorder shall give written notice to the holder specifying the default and informing him that unless the default is remedied within 60 days from the date of the notice, the claim shall be deemed to have lapsed as provided in subsection (2).
- (2) Where the holder of a recorded claim fails, within 60 days from the date of a notice given to him pursuant to subsection (1), to remedy the default specified in that notice,
- (a) the claim shall be deemed to have lapsed, without any declaration of cancellation or forfeiture on the part of Her Majesty; and
  - (b) the land within the claim shall be open for relocation under these Regulations after 12 o'clock noon on the day following the first business day following the expiration of the 60 days referred to in subsection (1). [CRC c.1516 s.45]
46. Subject to sections 44 and 82, where there is an agreement between co-holders of a recorded claim as to the amount or representation work to be done by each of them and any one of those co-holders fails to do the amount of work he agreed to do the Minister may on receipt of an application and on being satisfied that the work has been done by the remaining co-holder or co-holders, vest the claim in the co-holder or co-holders. [CRC c.1516 s.46]

#### Inspection

47. (1) An engineer of mines or an authorized officer may, at any reasonable time,
- (a) enter on any claim or mine site and inspect the claim or mine site or records or books of account kept therein and may take samples or specimens of minerals or ores; [SOR/88-9 s.15]
  - (b) require the operator of a mine to produce for inspection or for the purposes of obtaining copies thereof or extracts therefrom any records or books of account relating to the operation of the mine; and
  - (c) subject to subsection (2), require the holder of a recorded claim to provide him with copies of any plans, drill logs or reports of geological, geochemical, geophysical, engineering or other surveys relating to exploration, development or operation of the claim or any mine thereon.
- (2) Information relating to exploration results not filed as representation work shall be kept confidential until such time as it has been released to the public by the holder of the recorded claim or until the claim or lease lapses or is cancelled, whichever is the earlier.

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- (3) Every authorized officer shall be furnished with a certificate of authorization and on entering any claim or mine site, or any premises or place described in subparagraph (1)(a)(ii), shall, if so required, produce the certificate to the owner or persons in charge thereof.
  - (4) The owner or person in charge of any claim or mine site or any premises or place described in subparagraph (1)(a)(ii) and every person found therein shall give to an authorized officer all reasonable assistance in his power to enable the officer to carry out his duties and functions under these Regulations, and shall furnish him with such information with respect to the administration and enforcement of these Regulations as he may reasonably require.
  - (5) No person shall obstruct or hinder an authorized officer in carrying out his duties and functions under these Regulations.
  - (6) No person shall make a false or misleading statement either orally or in writing to an authorized officer engaged in carrying out his duties and functions under these Regulations. [CRC c.1516. 5.47]
48. (1) An engineer of mines may direct
- (a) the holder of a recorded claim to carry out any mining work on the claim in a manner that does not interfere with or endanger the safety of the public, any public work, road or right of way, or any other mining property or recorded claim; and
  - (b) the owner of any abandoned mining work to have it filled in, fenced or otherwise made safe.
- (2) Every person who is directed to carry out any work pursuant to subsection (1) shall carry out that work without delay. [CRC c.1516 s.48]

Lapsing and Surrender of Claims

49. (1) Subject to section 50, where a recorded claim lapses or is cancelled, the holder of the claim at the time it lapses or is cancelled shall not
- (a) relocate or have any interest in the claim or any part thereof, or
  - (b) have the claim or any part thereof recorded in his name or in the name or any corporation controlled by him for a period of one year from the date that the claim lapsed or was cancelled.
- (2) Except as otherwise provided in these Regulations, where a recorded claim lapses or is cancelled, the claim or any part thereof shall be open for relocation under these Regulations after 12 o'clock noon on the day following the first business day following the day that the claim lapsed or was cancelled. [CRC c.1516 s.49]
50. (1) Subject to subsection 27(2), where a recorded claim lapses or is cancelled, the holder of the claim may, if he is not under an obligation to pay any moneys to Her Majesty in respect of the claim, remove

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from the claim all his personal property, including any minerals Or ore extracted from the claim, at any time within

- (a) 180 days from the date that the claim lapsed or was cancelled; or
  - (b) such additional period, not exceeding one year, as the Mining Recorder may fix.
- (2) Any property described in subsection (1) that is not removed from a recorded claim within the time referred to in that subsection shall be deemed to be the property of Her Majesty.
51. (1) The holder of a recorded claim may, at any time, with the approval of the Supervising Mining Recorder surrender the claim for the purpose of relocating it by
- (a) filing with the Mining Recorder a notice of surrender in Form 12 of Schedule III; and
  - (b) paying the applicable fee set out in Schedule I.
- (2) Where a recorded claim is surrendered in accordance with subsection (1), the date of surrender shall be the day following the day the notice of surrender is recorded by the Mining Recorder, unless a later day is specified in the notice.
- (3) Where a recorded claim is surrendered in-accordance with subsection (1), the claim may not be located by or on behalf of any person other than the person surrendering the claim for a period of 7 days from the date of surrender.
- (4) Where a recorded claim that is surrendered pursuant to subsection (1) is relocated by the person surrendering the claim within the time referred to in subsection (3), the claim shall, for the purposes of these Regulations, be deemed to be the same as the claim surrendered except for the location of the boundaries thereof. [CRC c.1516 s.51]

#### Disputes

52. (1) In the case of a dispute as to entitlement to a claim, the person entitled to the claim shall be
- (a) in the case of a claim recorded in accordance with subsection 26(1), the person who first located the claim in accordance with the Yukon Quartz Mining Act; and
  - (b) in the case of any other claim, the person who first located the claim in accordance with these Regulations.
- (2) In the case of a dispute as to entitlement to a claim, any irregularity that occurred before the date of the last certificate of work in respect of the claim shall not affect the title to the claim and unless fraud is proven the title shall be deemed to be valid up to the date of the last certificate of work. [CRC c.1516 s. 521]
53. (1) Where a notice of protest is filed with a Mining Recorder pursuant to subsection 28(1) or section 56, the Mining Recorder shall

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- (a) send a copy thereof, by registered mail, to the holder of the claim;
  - (b) investigate the allegations contained in the notice of protest;
  - (a) make a report of the allegations to the Supervising Mining Recorder; and
  - (b) send copies of the report made under paragraph (c) to each of the parties to the dispute.
- (2) Where, in the opinion of the Mining Recorder the circumstances so require, he may, before investigating the allegations contained in a notice of protest,
- (a) require the person filing the notice to deposit with the Mining Recorder cash or other security satisfactory to the Mining Recorder in an amount fixed by the Mining Recorder; and
  - (b) in the case of a recorded claim, the recording of which is protested by a person claiming priority in locating the claim or any part thereof, have a survey of the claim made by a surveyor.
- (3) Where a person is required to deposit security under paragraph (2)(a), he may appeal to the Supervising Mining Recorder on the ground that the requirement for a deposit or the amount required to be deposited is unreasonable. [SOR/88-9 s.16]
- (4) The cost of a survey of a recorded claim ordered by the Mining Recorder under subsection (2) shall be paid by such of the parties to the dispute as
- (a) the Supervising Mining Recorder orders, or
  - (b) where the decision of the Supervising Mining Recorder is appealed, the Minister orders, or may be retained from any security deposited by the person filing a notice pursuant to paragraph (2)(a).
- (5) Where security is deposited under paragraph (2)(a) and the person making the deposit notifies the Mining Recorder of his abandonment of the dispute before it is heard by the Supervising Mining Recorder, the amount of the deposit shall be returned to the person, less the costs of any survey of the recorded claim ordered by the Mining Recorder incurred up to the time of abandonment of the dispute.
- (6) The Supervising Mining Recorder shall, after considering the report of a Mining Recorder made under subsection (1) and hearing the parties to a dispute and such evidence as they may present, give a decision on the dispute in writing and shall send a copy of the decision to each of the parties to the dispute. [CRC c.1516 s.53]

#### Surveys

54. (1) A survey required by these Regulations shall be made in accordance with the instructions of the Surveyor General.  
[SOR/79-234 s.18(1)]
- (2) Where a survey is required in the case of a group of adjacent recorded claims and the aggregate area, as appears in the applications to

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record, does not exceed 2,582.5 acres, a perimeter survey of the group of claims is acceptable as a survey for the purpose of these Regulations.

- (3) Before surveying a recorded claim, the Surveyor shall examine the application to record the claim and the plan accompanying the application.
- (4) In surveying a recorded claim, the Surveyor shall accurately mark the boundaries of the claim on the ground and shall examine the claim and the area surrounding it to ascertain whether it is in conflict with any other claim.
- (5) Where
  - (a) in the case of a recorded claim located prior to the coming into force of these Regulations, the area surveyed exceeds 51.65 acres,
  - (b) in the case of a recorded group of claims located prior to the coming into force of these Regulations, the areas surveyed exceed the product of 51.65 acres and the number of claims in the group, or
  - (c) in the case of a recorded claim or a group of claims located after the coming into force of these Regulations, the area surveyed exceeds that stated in the application or applications to record, a charge in respect of the excess area, at the rate of \$2 per acre or part thereof for each year or part thereof from the date of recording the claim, shall be imposed.
- (5.1) Where the recording dates of the claims contained in a survey referred to in paragraph (5)(a) or (b) are not the same, the Mining Recorder shall determine the excess acreage charge by dividing the total excess area of the claims contained in the survey by the number of claims in the survey and multiplying the quotient for each claim by two dollars per acre or part thereof for each year or part thereof from the date of recording.  
[SOR/79-234 s.18(2)]
- (6) A charge required under subsection (5) or (5.1) shall be reduced by the amount of excess representation work that has been done on the claim or group of claims. [SOR/79-234 s.18(2)]
- (7) A charge required under subsection (5) or (5.1) shall be paid by the holder of the claim or claims to the Mining Recorder for the district in which the claim or claims are located.  
[SOR/79-234 s.18(2)]
- (8) Where a recorded claim or group of claims has an excess area referred to in subsection (5) or (5.1), the holder of the claim or group of claims may
  - (a) include the excess area in the claim or group of claims; or
  - (b) direct the surveyor to exclude the excess area. [SOR/79-234 s.18(2)]

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- (9) Where a holder of a recorded claim excludes an excess area from his claim, the excluded area shall be open for relocation on a date fixed by the Mining Recorder.
  - (10) A Mining Recorder shall give 30 days notice of the date fixed pursuant to subsection (9) by posting such notice in a conspicuous place in his office. [CRC c.1516 s.54]
55. (1) On completion of a survey of a recorded claim, the Surveyor shall
- (a) send to the Surveyor General
    - (i) a copy of the field notes made by the Surveyor, [SOR/79-234 s.19(1)]
    - (ii) a plan of survey signed by the Surveyor, and
    - (iii) a certificate in Form 13 of Schedule III: and
  - (b) send to the holder of the recorded claim
    - (i) a copy of the plan of survey, and
    - (ii) a certificate in Form 13 of Schedule III.
- (2) On receipt of a copy of the plan of survey of a recorded claim, the holder of the claim shall
- (a) forward a notice in Form 14 of Schedule III, by registered mail, to all holders of adjacent claims at their addresses on record with the Mining Recorder;
  - (b) request the Mining Recorder to post a copy of the notice in the office of the Mining Recorder for a period of twenty-one consecutive days commencing on the day the holder complies with paragraph (a); and [SOR/79-234s.19(2)]
  - (c) deposit a COPY of the plan of survey with the Mining Recorder. [CRC c.1516 s.55]
56. (1) A survey of a recorded claim may be protested by any person who has any interest in land that is contiguous to the claim and who alleges that such interest will be adversely affected if the plan of survey is recorded pursuant to section 57
- (a) at anytime during the period referred to in paragraph 55(2) (b), or
  - (b) within 30 days thereafter by filing with the Mining Recorder a notice of protest in Form 4 of Schedule III.
- (2) Where a survey is protested pursuant to subsection (1), the protest shall be heard and determined in accordance with section 53.
- (3) A plan of survey of a recorded claim shall not be recorded by the Mining Recorder until the holder of the claim has paid the applicable fee set out in Schedule I and the Mining Recorder is satisfied that
- (a) the requirements of section 55 have been complied with;
  - (b) the plan of survey has been approved by the Surveyor General; and
  - (c) any charge payable pursuant to subsection 54 (5) has been paid.
57. A survey of a recorded claim made in accordance with these Regulations and recorded by the Mining Recorder is conclusive evidence, for all purposes of these Regulations, of the boundaries of the claim. [CRC c.1516 s.57]

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Leases

58. (1) The holder of a recorded claim may apply for a lease of the claim
- (a) where no certificate respecting the claim has been issued under subsection 39(1), not later than thirty days after the tenth anniversary of the recording of the claim; or
  - (b) where a certificate respecting the claim has been issued under subsection 39(1), not later than thirty days after the common anniversary date next following the tenth anniversary of the original recording date of the claim. [SOR88-9 s.17(1)]
- (2) The holder of a recorded claim shall be granted a lease of that claim by the Minister if
- (a) the holder has submitted an application pursuant to subsection (1);
  - (a.1) his title to the claim is not disputed;
  - (a.2) where the holder has received a notice under subsection (5), he has complied with subsection (6);
  - (b) he has
    - (i) recorded representation work on the claim to a value of at least \$10 per acre, or
    - (ii) undertaken to commence production on his claim; [SOR/88-9 s.17(2)]
  - (c) a survey of the claim has been recorded with the Mining Recorder;
  - (d) the applicable fee set out in Schedule I and the rental for the first year have been paid to the Mining Recorder; and
  - (e) an application for a lease in Form 15 of Schedule III has been filed with the Mining Recorder.
- (3) In calculating the value of representation work done on a recorded claim for the purposes of subsection (2), the Mining Recorder shall not include representation work of a kind described in paragraph 38(1)(d) having a value in excess of \$2 per acre or of a kind described in paragraph 38(1)(e) having a value in excess of \$2 per acre.
- (4) On receipt of an application for a lease, the Mining Recorder shall forward the application to the Chief, who may
- (a) notify the Minister that the requirements of subsections (1) and (2) have been met; or
  - (b) reject the application if the applicant has not complied with all the provisions of these Regulations.
- (5) Where the Chief rejects an application under subsection (4), he shall give written notice to the applicant stating the grounds for his rejection.
- (6) An applicant who receives a notice under subsection (5) may, within 60 days from the date of the notice or such longer period as the Chief may direct, submit evidence satisfactory to the Chief that he has complied with all the provisions of these Regulations.
- (7) Where an applicant referred to in subsection (6) does not submit evidence satisfactory to the Chief pursuant to that subsection and

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the tenth anniversary of the record of the claim has passed,  
[SOR/79-234 s.20]

- (a) the applicant's claim shall be deemed to have lapsed without any declaration of cancellation or forfeiture at the end of the applicable period referred to in subsection (6) and to have been forfeited to Her Majesty on that date; and
  - (b) the land comprised within the applicant's claim shall be open for relocation under these Regulations after 12 o'clock noon on the day following the first business day at the end of the period.
- (8) [Revoked, SOR/88-9 s.17(3)]
  - (9) The Chief shall notify the Mining Recorder of the granting of a lease of a recorded claim and of any assignment of that lease or or any interest therein.
  - (10) [Revoked, SOR/88-9 s. 17(4)]
  - (11) [Revoked, SOR/88-9 s.17(4)]
  - (12) [Revoked, SOR/88-9 s.17(4)][CRC c.1516 s.58]
59. (1) A lease granted pursuant to subsection 58 (2) or (8) shall be for a term of 21 years from the date that is stated on the lease to be the effective date.
- (2) On expiry of the term of a lease referred to in subsection (1), the lessee may apply to the Minister for a renewal of the lease for a further term of 21 years and the Minister shall, if the lessee has complied with the terms and conditions of the lease, grant the renewal subject to any applicable regulations then in force.
- (2.1) On the expiration of a renewal term of twenty-one years granted under subsection (2), a lease may be renewed for further terms of twenty-one years each on such terms and conditions as the Minister may prescribe. [SOR/79-234 s.21(1)]
- (3) If a lessee does not apply for a renewal of a lease in accordance with subsection (2), the Minister may serve by registered mail, a notice of expiry on the lessee and if the lessee fails to apply for a renewal of his lease within 60 days of the date of mailing of the notice, the lessee's right to a renewal shall forthwith lapse without any declaration of cancellation or forfeiture. [CRC c.1516 s.59]
  - (4) A part of the area contained in a lease may, at the time of renewal under these Regulations, be surrendered on condition that
    - (a) the part to be surrendered comprises one or more entire mineral claims that were recorded before the coming into force of these Regulations, or
    - (b) if the part to be surrendered is a mineral claim recorded after the coming into force of these Regulations or part of such a mineral claim, the area contained in the lease is reduced in accordance with section 43, and

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the reduced area is surveyed in accordance with sections 54 to 57.  
[SOR/79-234 s.21(2)]

60. (1) Subject to subsection (2), the rent for a recorded claim for which a lease has been granted shall be the amount set out in Schedule I.
- (2) Where work of a kind described in paragraph 38 (1) (a) has been done on a recorded claim for which a lease has been granted pursuant to these Regulations, there shall be deducted from the rent for that lease for the year in which the work was done and for any leases granted pursuant to these Regulations for adjacent recorded claims not exceeding five held by the same lessee, an amount equal to
- (a) the amount expended on the work in that year as approved by the Minister, or
  - (b) 50 per cent of the rent owing on the lease or leases for that year,
- whichever is the lesser.
- (3) The yearly rent due under a lease shall be paid to the Chief on the date of signing of the lease and on every anniversary of the effective date thereafter.
- (4) The Chief shall, 30 days after the date on which the rent is due, send to each lessee who has not paid his rent for the year a notice in Form 16 of Schedule III stating the amount of rent due for the year.
- (5) Where the rent due under a lease of a recorded claim is not paid within 60 days from the date indicated on the notice sent pursuant to subsection (4), the Minister may cancel the lease. [CRC c.1516 s.60]
61. (1) A lease of a recorded claim shall be in such form as the Minister may determine and contain such terms and conditions as may be prescribed by these Regulations and other applicable legislation.
- (2) A lessee may, at any time during the term of a lease, with the approval of the Chief, surrender his interest in the lease, and the area covered by the lease shall be open for relocation under these Regulations on a day fixed by the Chief.
- (3) Where a lease lapses or is cancelled
- (a) the area covered by the lease or any part thereof shall be open for relocation under these Regulations after 12 o'clock noon on the day following the first business day following the day that the lease lapsed or was cancelled; and [SOR/88-9 s.18]
  - (b) the lessee, if he is not under an obligation to pay any moneys to Her Majesty in respect of the lease, may remove from the area covered by the lease all his personal property including any minerals or ore extracted from the claim at any time within
    - (i) 180 days from the date that the lease lapsed or was cancelled, or
    - (ii) such additional period, not exceeding one year, as the Mining Recorder may fix. [CRC c.1516 s.61]

Transfer of a Claim or Lease

62. (1) A recorded claim or any interest therein may be transferred at any time to any licensee.
- (2) No transfer of a recorded claim or any interest therein is valid unless it is
- (a) in Form 17 of Schedule III; and
  - (b) signed by the holder of the claim.
- (3) Subject to subsection (5) and subsection 63 (2), any document relating to a recorded claim may be registered in the office of a Mining Recorder upon payment of the applicable fee set out in Schedule I.
- (4) Failure to register any document referred to in subsection (3) shall not invalidate the document as between the parties thereto but notice shall not be deemed to be given to third parties until the date of registration of the document.
- (5) A transfer of a recorded claim or lease or any interest in the claim or lease shall be subject to all liens or encumbrances that are registered, pursuant to subsection 63(1), against the claim or lease at the time of the registration of the transfer. [SOR/88-9 s.20][CRC c.1516 s.62]
63. (1) Subject to subsection (2) and subsection 62 (5), a Mining Recorder shall
- (a) register every judgement or order that relates to a claim filed with him and is made by a judge of a court of competent jurisdiction, the Minister, the Supervising Mining Recorder or a Mining Recorder; and
  - (b) on payment of the applicable fee set out in Schedule I, register every other document relating to a claim filed with him.
- (2) No notice of a trust, either express or constructive, relating to a recorded claim shall be entered on the record of the claim by the Mining Recorder. [CRC c.1516 s.63]
64. (1) A transfer of a lease shall be filed with the Chief together with
- (a) the applicable fee set out in Schedule I; and
  - (b) the original copy of the lease.
- (2) [Revoked, SOR/88-9 s. 22]
- (3) [Revoked, SOR/88-9 s.22] [CRC c.1516 s.64]

Royalties

65. (1) Annual royalties shall be paid to Her Majesty in right of Canada on every mine acquired under these Regulations on that part of the value of the output of the mine for a fiscal year thereof that exceeds \$10,000.00 in accordance with the following percentages:

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- (a) that part of the value of the output of the mine exceeding \$10,000 but not exceeding \$1,000,000, three per cent;
  - (b) that part of the value of the output of the mine exceeding \$1,000,000 but not exceeding \$5,000,000, five per cent;
  - (c) that part of the value of the output of the mine exceeding \$5,000,000 but not exceeding \$10,000,000, six per cent; and
  - (d) where the value of the output of the mine exceeds \$10,000,000, a proportional increase of one per cent for each additional \$5,000,000 in excess of the 10,000,000 but not exceeding, in any case, 12 per cent.
- (2) The annual royalties assessed on a mine pursuant to subsection (1) shall be paid to Her Majesty in right of Canada by the owner, manager, tenant, lessee, occupier or operator of the mine and such persons are jointly and severally liable for those royalties.
- (3) Any mine that commences production after the coming into force of these Regulations shall not be required to pay royalties on the operation of the mine for a period of 36 months commencing with the date on which the mine commences production.
- (4) For the purposes of subsection (3), the date on which the mine commences production shall be the date as determined by the Minister.  
[SOR/79-234 s.221
- (5) For the purposes of this section, two or more mines shall be deemed to be separate mines notwithstanding that the mines
- (a) are occupied, worked or operated by the same person;
  - (b) are under the same general management or control; or
  - (c) produce profits that accrue to the same person.
- (6) During any fiscal year of a mine, the royalty payable under subsection (1) shall accumulate during the year up to the end of the year and payment shall be made to the Receiver General and submitted to the Chief not later than 10 months next following the end of the year.
- (7) For the purposes of this section, the value of the output of a mine for a fiscal year is
- (a) the actual market value of the output, or
  - (b) where there is no means of ascertaining the actual market value or where there is no established market price, the amount determined by the Chief as representing the value of the output of the mine for the fiscal year minus
  - (c) the deductions permitted by subsection (8).
- (8) The following deductions may be made in computing the value of the output of a mine for a fiscal year:
- (a) transportation charges to the smelter, treatment plant or refinery incurred in the year;
  - (b) smelter treatment and refining charges incurred in the year if those charges are not elsewhere deducted from the output value;
  - (c) smelter, mill and refining costs at the mine incurred in the year;

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- (d) mine and mill operating, repairs and maintenance costs incurred in the year;
  - (e) exploration and development costs at the mine incurred in the year;
  - (f) general and indirect expenses incurred in the year, not elsewhere allocated to operating expenses, where such expenses are incurred for property, employees or operations at the mine;
  - (g) a depreciation allowance determined by the operator, not exceeding 15 percent per year and 100 per cent in the aggregate of the cost to the operator of the depreciable assets used in the production of the output of the mine;
  - (h) in the case of a mine that started production after March 3, 1961, a preproduction allowance on consideration of the costs to the operator of all expenses incurred for prospecting and for exploration and development of the mine, not exceeding 15 per cent per year and 100 per cent in the aggregate of all such expenses incurred by the operator of the mine prior to the date on which the mine commenced production; [SOR/88-9 s.23 ]
  - (i) if the costs incurred by the operator of the mine during the year in conducting exploratory work on land to which these Regulations apply are not claimed by the operator of the mine, or the operator of any other mine under any other provisions of these Regulations, the lesser of
    - (i) the said costs; or
    - (ii) 10 per cent of the total value before deductions of the output of the mine for the year; and
  - (j) if the ore, mineral or mineral bearing substance or any part thereof is not sold in the year but is treated by the operator of the mine within the Territories, an annual processing allowance equal to the lesser of
    - (i) eight per cent of the original cost to the operator of the mine of the assets in the Territories used in such processing, including machinery, equipment and plant, and
    - (ii) 65 percent of the value of the output of the mine as determined under this section before deducting this allowance.
- (9) No allowance or deduction shall be made in respect of:
- (a) the capital cost of plant, machinery, equipment or buildings except as provided in paragraph (8) (g);
  - (b) depletion in the value of the mine, mining land or mining property by reason of exhaustion of the ore or mineral;
  - (c) president's and other elected official's salaries;
  - (d) director's fees;
  - (e) director's traveling expenses;
  - (f) stock transfer agent's fees;
  - (g) shareholders' reports and meetings;
  - (h) interest on overdrafts, loans, debentures or bonds;
  - (i) head office or executive office expenses;
  - (j) taxes and royalties paid on the basis of profit or income, not including municipal taxes;
  - (k) royalties paid for the use of mining property;

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- (l) legal, accounting and other expenses in connection with incorporations, reorganizations, security issues or stock issues;
  - (m) management and consultant services and expenses, except when incurred at the mine;
  - (n) bond discounts or discounts on shares sold or issued;
  - (o) increase in reserves or provision for contingencies;
  - (p) dues and memberships for persons other than mine employees;
  - (q) insurance other than that applicable to the mine product, property or employees at the mine;
  - (r) costs incurred that are attributable to revenue other than revenue from the year's output of the mine described in this section; and
  - (s) any expenses not properly evidenced. [CRC c.1516 s.65]
66. The owner, lessee, tenant, occupier, manager or operator of every mine from which ore, minerals or mineral-bearing substance are being taken shall
- (a) within 10 days after the commencement of such active operations, notify the Mining Recorder of
    - (i) the name of the mine,
    - (ii) the commencement of active operations at the mine,
    - (iii) the name and address of the owner, lessee, tenant, occupier, manager or operator of the mine, and
    - (iv) the name and address of the manager or of some other person to whom notice may be sent (in this section referred to as the name and address for service); and
  - (b)
    - (i) any change in the name and address for service,
    - (ii) any change in the ownership, tenancy, management, occupation or operation of the mine, (iii) any discontinuance of active operations at the mine, and
    - (iii) any resumption of active operations. [CRC c.1516 s.661]
67. (1) On or before the first day of the fourth month following the end of each fiscal year of a mine in respect of which royalties are payable, every person liable to pay the royalties required by subsection 65 (1) shall deliver to the Mining Recorder a detailed statement in triplicate in Form 18 of Schedule III setting forth the following:
- (a) the name and description of the mine;
  - (b) the name and address of the person or persons owning or operating the mine as lessee, agent, occupier or otherwise;
  - (c) the quantity of *ore*, minerals and mineral-bearing substances shipped or sent from or treated on the mining premises during the fiscal year in respect of which the statement is being prepared;
  - (d) the name or names and location of the smelter, mill or refinery to which the ore, minerals and mineral-bearing substances were sent;
  - (e) the cost per ton of transportation to the smelter, refinery or mill and the actual, proper and necessary expenses of making the sale, if any, and by whom paid or borne;
  - (f) the cost per ton of smelter and mill charges and by whom paid or borne;
  - (g) the quantity of ore, minerals and mineral-bearing substances treated on the mining premises during that year;

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- (h) the value of the ore, minerals and mineral-bearing substances shipped, after deducting the cost of transportation and treatment and the expenses for making sales; and
  - (i) the value of the ore, minerals and mineral-bearing substances treated on the mining premises.
- (2) The statement referred to in subsection (1) shall contain, in addition to the information required by that subsection, the following information:
- (a) the various expenses, payments, allowances and other deductions that may properly be made under section 65; and
  - (b) the total receipts or market value of the output at the mine during the fiscal year and the total amount of the expenses, payments, allowances and other deductions to be deducted therefrom.
- (3) In addition to the information required under subsections (1) and (2) the Chief may, at any time, require from any person connected with the operation or management of a mine or mill a statement, duly certified, containing such further information or particulars as the Chief may direct.
- (4) The Chief may extend the time for making any statement required by this section. [CRC c.1516 s.67]
- 68• (1) Every person liable to pay the royalties required by subsection 65 (1) shall keep at or near the mine proper books of account of the ore, minerals or mineral-bearing substances taken from the mine, showing,
- (a) the quantity, weight, value and other particulars;
  - (b) the returns from the smelter, mill or refinery; and
  - (c) any other returns of the amounts derived from the sale of the ore, minerals or mineral-bearing substances.
- (2) No ore, mineral or mineral-bearing substance taken from a mine shall be removed from the mine property or treated at any smelter, mill or refinery until the weight thereof has been correctly ascertained and entered in the books of account referred to in subsection (1).
- (3) Every person referred to in subsection (1) shall keep proper books of account showing
- (a) the expenses, payments, allowances or other reductions referred to in section 65; and
  - (b) any other facts and circumstances necessary or proper for ascertaining the amount of the royalties payable under section 65.
- (4) If any doubt arises as to where any books of account referred to in this section shall be kept or as to how many or what books shall be maintained, the Chief shall determine the number and type of books to be kept and the place or places at which they shall be kept. [CRC c.1516 s.68]
69. (1) The Mining Recorder or any person designated by him may enter any mining property at any time for the purpose of making an inspection

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or obtaining information as to the amount and value of the output of the mine, and for this purpose

- (a) may descend any pits or shafts,
- (b) may use any tackle, machinery or appliances at the mine that he may deem necessary or expedient,
- (c) shall have free ingress and egress to, from and over all buildings, erections and vessels used in connection with the mine,
- (d) shall be allowed to take from the mine any samples or specimens required for the purpose of determining, by assay or otherwise, the value of the ore, minerals or mineral-bearing substances, or any product thereof, being taken therefrom, and
- (e) shall have full and complete access to all books of account, correspondence and documents maintained or used for or in connection with the actual operations and business of the mine and may examine the same and take copies thereof or extracts therefrom,

but any information of a private or confidential nature acquired by the Mining Recorder or any person entering the mine for the purposes of this section shall not be disclosed to anyone, except as may be necessary for the purpose of this section.

- (2) The Mining Recorder, or any person directed by the Chief to do so, shall keep a record of all arrears of royalties due, based on returns to be furnished by the Department. [CRC c.1516 s.69]

#### Locating on Occupied Lands

- 70. (1) Where a locator wishes to enter, prospect for minerals, locate or have a claim located for him on land that has been granted or leased to a surface holder, the locator may file with the Mining Recorder a notice in Form 19 of Schedule III of his intention to locate, or have located for him, a claim on the land or part thereof described in the notice.
- (2) Where the surface holder of any land referred to in subsection (1) refuses entry thereon to a locator or a person acting on his behalf, or sets terms and conditions of entry that the locator considers unreasonable, the locator may file with the Mining Recorder a notice referred to in subsection (1).
- (3) Where a locator files a notice referred to in subsection (1), no claim may be located on the land described in the notice by any person other than the locator or a person acting on his behalf for a period of one year from the day of the filing of the notice or until such time as the notice is withdrawn by the locator or is ordered removed by the Supervising Mining Recorder pursuant to subsection 71(4), whichever is the earlier.
- (4) Where a locator or person acting on his behalf locates a claim on land referred to in subsection (2) and
  - (a) wishes to enter on his claim or any part thereof in order to prospect for or develop a mine thereon, and
  - (b) the surface holder refuses entry or sets terms and conditions of entry that the locator considers unreasonable,

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the locator may file with the Mining Recorder a notice in Form 19 of Schedule III of his intention to prospect for minerals or develop a mine on the land or part thereof that is described in the notice. [CRC c.1516 s.70]

71. (1) As soon as possible after the filing of a notice referred to in subsection 70(1), (2) or (4), the Mining Recorder shall attempt to effect a settlement of the dispute between the locator and the surface holder.
- (2) If a Mining Recorder is unable to effect a settlement between a locator and a surface holder within 30 days after the filing of a notice referred to in subsection (1), he shall make a report to the Supervising Mining Recorder who shall immediately notify the parties to arbitrate.
- (3) On receipt of a notice to arbitrate from the Supervising Mining Recorder each of the parties named therein shall, within 15 days from the date of such notice, appoint 1 arbitrator and the arbitrators so appointed shall, as soon as practicable, appoint a third person to be chairman of the panel of arbitration.
- (4) Where a locator who has received a notice to arbitrate from the Supervising Mining Recorder fails to appoint an arbitrator within the time fixed by subsection (3), the Supervising Mining Recorder may order the notice filed pursuant to subsection 70(1) or (2) removed from the records of the Mining Recorder. [SOR/88-9 s.24]
- (5) Where
- (a) a surface holder who has received notice to arbitrate fails to appoint an arbitrator within the time fixed by subsection (2), or
  - (b) the two arbitrators appointed pursuant to subsection (3) cannot agree on the appointment of a chairman,
- the Supervising Mining Recorder may appoint a person to be the representative of the surface holder on the panel or the chairman of the panel, as the case may be. [CRC c.1516 s.71]
72. (1) The persons appointed to a panel of arbitration pursuant to section 71 shall
- (a) determine the extent to which and the terms and conditions on which the locator may enter on the land owned or leased by the surface holder;
  - (b) determine the amount of compensation to be paid to the surface holder by the locator;
  - (c) determine the cost of the arbitration and the portions thereof to be paid by the surface holder and the locator, respectively; and
  - (d) file a written report of their findings and recommendations with the Supervising Mining Recorder.
- (2) In determining the extent to which the locator or a person acting on his behalf is to be allowed entry on the surface holders land, a panel

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or arbitration may, before determining the amount of compensation to be paid to the surface holder, make a preliminary report to the Supervising Mining Recorder recommending the extent to which and the terms and conditions on which such entry should be allowed.

- (3) Where a report of a panel of arbitration recommends that the locator be allowed entry on the land or part thereof owned or leased by the surface holder, the Supervising Mining Recorder shall make an order authorizing entry by the locator on the land or part thereof specified in the order. [CRC c.1516 s.72]

### Prohibitions and Reservations

73. (1) Where the holder of a recorded claim, the owner, operator, lessee or manager of a mine or any employee or agent of any such person discharges or causes to be discharged from his claim or from any mining operation thereon any substance that, in the opinion of the Minister, is or is likely to be harmful to humans, animals or vegetation, the Minister may, by order in writing, require that person
- (a) to treat the substance before it is discharged so that it is not discharged in a form harmful to humans, animals or vegetation;
  - (b) to limit the discharge of the substance in such manner as the Minister may order; or
  - (c) to cease all operations causing such discharge.
- (2) No person shall prospect, perform representation work on a claim or deposit earth, clay, stone or any mineral ore or the tailings on any claim except
- (a) in accordance with
    - (i) any Act of Parliament, or
    - (ii) these Regulations or any other regulations made pursuant to the Territorial Lands Act; or
  - (b) with the approval of an engineer of mines and in accordance with such terms and conditions as he may fix. [CRC c.1516 s.73]
74. (1) Except as provided in subsection (2), no person shall drill a hole in post-Precambrian sedimentary rock to depth in excess of 500 feet unless he
- (a) applies to an engineer of mines for a drilling authority; and
  - (b) complies with the terms of any drilling authority issued by the engineer of mines respecting the safety precautions to be followed in the event that hydrocarbons are encountered. [SOR/79-234 s.23(1)]
- (2) Where a drilling authority has been issued to a person to drill a hole pursuant to subsection (1) and no hydrocarbons have been encountered in drilling the hole, a second hole may be drilled by that person under the drilling authority if the second hole is within one mile of the first hole and does not exceed it in depth. [SOR/79-234 s.23(2)]
- (3) No person shall abandon a hole in respect of which a drilling authority has been issued unless he files a notice of abandonment with

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an engineer of mines and complies with his requirements in respect of abandonment.

- (4) No person shall begin any drilling program unless he has notified the engineer of mines thereof. [SOR/79-234 s.23(3)]
  - (5) A person who carries out a drilling program shall, at the end of each month, file a report to the engineer of mines on Form 20 of Schedule III showing the number of holes and the footage drilled in the program during that month.
  - (6) Every report filed pursuant to subsection (5) shall not, if requested by the holder of the claim to which the report relates, be open to public inspection for a period of three years from the date on which the report is filed or until the claim lapses, whichever is the earlier.
  - (7) No copy of a report referred to in subsection (6) shall be issued to any person except the holder of the claim to which the report relates except for the purpose of the administration or enforcement of these Regulations.  
[CRC c.1516 s.74, soR/79-234s.23(3)]
75. (1) Nothing contained in these Regulations shall be construed so as to limit the right of Her Majesty or of the Commissioner of the Territories to construct and maintain roads or other public works on or over the land comprised in any recorded claim.
- (2) The Chief may grant authority to any person to lay out rights of way for electrical transmission or telecommunication lines across, through, along, over or under any mining property acquired under these Regulations together with full right to enter upon the property or such portion thereof as the Chief deems necessary for the construction, maintenance and repair of such lines.
  - (3) Compensation shall be paid to the owner of a mining property for any damage or loss sustained by reason of any entry on the property for the purpose set out in subsection (2).
  - (4) In case of any dispute respecting the compensation referred to in subsection (3), the amount thereof shall be determined by the Minister. [CRC c.1516 s.75]
76. [Revoked, SOR/88-9 s.25][CRC c.1516 s.76, SOR/79-234 s.24]
77. (1) Where a person holds a licence continuously for 25 years and submits to a Mining Recorder a sworn declaration to that effect, he shall be entitled to an honorary licence free of charge for the next subsequent year.
- (2) Any person who has been granted an honorary licence pursuant to subsection (1) shall be entitled, on application to a Mining Recorder in each subsequent year, to an honorary licence free of charge for that year. [CRC c.1516 s.77]

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78. (1) A licensee may apply to a Mining Recorder for 10 non-transferable assay coupons per year.
- (2) An assay coupon, when submitted to the Federal Government assay office at Yellowknife, entitles the holder of the coupon to one free assay. [CRC c.1516 s.78]
79. Any affidavit made under these Regulations may be taken before a Mining Recorder or any person duly authorized to administer oaths. [CRC c.1516 s.79]
80. (1) Where the holder or a co-holder of a recorded claim for which no lease has been granted dies or is declared by a court of competent jurisdiction to be incapable of managing his affairs and notice thereof, satisfactory to the Mining Recorder, is filed with the Mining Recorder within 90 days of the date of such death or declaration, calculation of the time within which any thing is required by these Regulations to be done by such holder or co-holder with respect to that claim shall be suspended for a period commencing with the day of the death or or the declaration and ending on the third anniversary of such day or on the 30th day from the day the claim or interest therein is transferred to the person administering the estate of such holder or co-holder, whichever is the earlier.
- (2) Where, prior to the filing with the Mining Recorder of the notice mentioned in subsection (1), land included in a recorded claim in which a person described in subsection (1) had an interest has been located in accordance with these Regulations by a locator who, in good faith, thought the claim has lapsed or been abandoned, the Mining Recorder may, on being satisfied that the administrator of the estate of that person has, within the time fixed by the Mining Recorder, paid an amount to the locator equal to the costs incurred by the locator in locating the claim, cancel the recording of the claim in the name of the locator and record the claim in the name of the administrator. [CRC c.1516 s.80]
81. (1) Notwithstanding anything in these Regulations, where a lessee, permittee or holder of a mineral claim is prevented through circumstances beyond his control from fulfilling any requirement of these Regulations, the lessee, permittee or holder may apply to the Chief for an order granting whatever relief is necessary in the circumstances to maintain the lease, permit or claim in good standing for the period within which fulfillment of the requirement is prevented.
- (2) On receipt of an application under subsection (1), the Chief may grant such relief as he deems necessary in the circumstances.
- (3) Notwithstanding any relief granted by the Chief under subsection (2), the Chief may order the lessee, permittee or holder of a mineral claim to commence and diligently continue to fulfil a requirement referred to in subsection (1) that is necessary to keep the lease, permit or claim in good standing where, in his opinion, the circumstances that prevented the requirement from being fulfilled no longer exist and any

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period of suspension granted under subsection (1), as shortened by an order under this subsection, shall be added to the term or period of the lease, permit or claim for the purpose of determining compliance with the requirements of these Regulations.

- (4) Any relief granted or order made by the Chief under this section shall be recorded in the records of the Mining Recorder or of the Chief whichever records are relevant.  
[CRC c.1516 s.81, SOR/79-234 s.25]

82. Where, as a result of a strike within the meaning of the Public Service Staff Relations Act, the holder of a recorded claim is unable to do anything within the time required by these Regulations and the Minister is satisfied that such inability is not in any way the fault of the holder of the claim, the time within which anything is required to be done shall be extended for a period ending 15 days after the last day of the strike.  
[CRC c.1516 s.82]

#### Notice

83. For the purposes of these Regulations, written notice shall be deemed to be given by the Mining Recorder, Chief or Minister, as the case may be, to the holder of a recorded claim, when the notice is sent by registered mail to the holder at his address as shown in the records of the Mining Recorder. [CRC c.1516 s.83]

#### Review by the Minister

84. Any person who is dissatisfied with any order, decision or direction or with any other action taken or omitted to be taken under these Regulations by the Supervising Mining Recorder, a Mining Recorder, the Chief or an engineer of mines may, within 30 days after the order, decision or direction or the taking of or omitting to take the action, apply to the Minister in writing for review of the matter and the Minister shall review the matter, provide the applicant with any information considered during his review that is not already of public record and that may be lawfully provided and, after allowing 30 days for the applicant to rebut any information so provided, the Minister shall advise the applicant in writing of his final decision with reasons. [CRC c.1516 s.84, SOR/88-9 s.26]

#### Transitional

85. (1) In this section, "prior claim" means any mineral claim acquired before November 15, 1977 under  
(a) the Northwest Territories Quartz Mining Regulations,  
(b) the Northwest Territories Placer Mining Regulations, or  
(c) the Canada Mining Regulations made by Order in Council P.C. 1960-717 of May 26, 1960  
and in good standing on November 15, 1977.

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- (2) Subsections 27(2) and 58(1) do not apply to prior claims. [SOR/88-9 s.27]
- (3) Notwithstanding subsection 38(2), a certificate of work issued in respect of a prior claim shall remain in force for the full period for which it was issued and no further certificate of work or extension shall be issued for that claim except for the purposes of subsection 54(6). [SOR/88-9 s.27] [CRC c.1516 s.851]
86. (1) In this section, "prior lease" means any lease issued before November 15,1977 under  
(a) the Northwest Territories Quartz Mining Regulations,  
(a) the Northwest Territories Placer Mining Regulations, or  
(b) the Canada Mining Regulations made by Order in Council P.C. 1960-717 of May 26,1960  
and in good standing on November 15,1977 and includes a prior claim as defined in section 85 in respect of which a lease has been issued under these Regulations or the Canada Mining Regulations made by Order in Council P.C. 1961-325 of March 3,1961.
- (2) Nothing in these Regulations shall be construed as' prejudicing the rights of holders of prior leases or prior claims.
- (3) Subsections 59(2) and 60(2) do not apply to prior leases. [SOR/78-813 s.1, SOR/88-9 s.28]
- (4) Notwithstanding anything contained in these Regulations but subject to subsections (5) and (6), on the expiration of the term of a Prior lease the holder of the lease may apply to the Minister for a renewal of the lease for a further term of 21 years and the Minister may, if the holder of the lease has complied with the terms and conditions of the lease, grant the renewal of the lease.  
[SOR78/813 s.1, SOR/88-9 s.28]
- (5) On the renewal of a prior lease under subsection (4), the renewed lease is subject in all respects to these Regulations, other than subsection 60(2), as if the lease had been renewed under subsection 59(2). [SOR/78-813 s.1, SOR/88-9 s.28]
- (5) If the holder of a prior lease does not apply for a renewal thereof under subsection (4), the Minister may send a notice of expiry to the holder of the lease by registered mail and if the holder of the lease fails to apply for a renewal of the lease within sixty days of the date of the registration of the notice, all rights of the holder of the prior lease in respect thereof terminate forthwith without any declaration of cancellation or forfeiture.  
[CRC c.1516 s.86, SOR/78-813 s.1]
87. (1) Subject to sections 85 and 86, all licences, mineral claims and leases issued or granted prior to November 15,1977 and in good standing on November 15,1977 shall be deemed to have been issued or granted under these Regulations.

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- (2) Notwithstanding subsections 24(1) and (3) and section 25, but subject to subsection (3), a claim recorded prior to the coming into force of these Regulations shall be deemed to be recorded under section 24 if the holder of the claim complies or agrees to comply with section 38 and thereafter all provisions of these Regulations shall apply to such claim.
  - (3) A claim deemed to be recorded under subsection (2) is subject to the rights of any recorded owner or any person entitled to record a claim in the area covered by the claim.  
[CRC c.1516 s.87 SOR/79-234 s.26]
88. Any person who has staked a claim or claims in accordance with the former regulations or as nearly thereto as circumstances would permit, and has submitted an application to record his claim within the time prescribed by such regulations, but whose claim has not been recorded, may have his claim recorded pursuant to these Regulations if
- (1) he satisfies the Mining Recorder that
    - (a) a bona fide attempt was made to comply with the former regulations, and
    - (b) the failure to observe any of the requirements therein prescribed was not of such a character as to mislead other persons; and
  - (2) he complies, within a reasonable time, with such requirements of these Regulations as the Mining Recorder deems necessary. [CRC c.1516 s.88]

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SCHEDULE I

FEES

1.	For an Individual Prospector's Licence	\$ 5.00
2.	For a Company Prospector's Licence	50.00
3.	For a substitutional Prospector's Licence	2.00
4.	Application to record a Mineral Claim per acre contained in the Claim	0.10
5.	Grouping Certificate	10.00
6.	Certificate of Work per acre contained in the claim or claims	0*10
7.	Certificate of common anniversary date per acre contained in the claim or claims	0.10
8.	For recording any document affecting a claim per entry	2.00
9.	Notice of Surrender - per claim	10.00
10.	Application for a Prospecting Permit	25.00
11.	For copies or certified copies of any document - per page	1.00
12.	Application for a lease of a claim or renewal thereof - per claim	25.00
13.	For recording a transfer of a lease or Prospecting Permit	25.00
14.	For recording a survey of a claim - Per claim	2.00
15.	For changing the name of a claim - per claim	25.00
16.	For identification tags - per set	1.00
	For reduced area tags - per set	1.00
17.	Certificate of Extension - per acre contained in the claim or claims	0.10
18.	Rental under Lease	
	- for initial period of 21 years - per acre per year	1.00
	- for renewal period of 21 years - per acre per year	2.00

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SCHEDULE II

EXPLORATORY AND REPRESENTATION WORK

The following Schedule sets out the value of exploratory work and representation work and the information required to be submitted in relation to that work.

Trenching and Stripping

1. (1) Value

- (a) excavation through earth, gravel or loose material,
  - By hand - first 6 feet from surface - \$6 per cubic yard
  - By hand - over 6 feet - \$12 per cubic yard
  - By mechanical means, hydraulicing or ground-sluicing - \$1 per cubic yard.
- (b) excavation through rock or frozen material not requiring drilling and the use of explosives.
  - By hand - \$15 per cubic yard
  - By mechanical means - \$1.50 per cubic yard
- (c) excavation through rock or frozen material requiring drilling and the use of explosives.
  - By hand - \$30 per cubic yard
  - By mechanical means - \$14 per cubic yard
- (d) blasting rock formations where explosives are placed in natural crevices and fissures, or for rock or frozen mudcapping - \$1 per cubic yard.

(2) Information

An accurate sketch in duplicate showing the location of trenches or other surface workings relative to the local topography and claim boundaries (including the distance and direction from a legal post), the dimensions of the workings, the nature of the material excavated and identified assay results of samples taken from the workings.

Shafts, Adits and Other Underground Work at Least Ten Feet  
Below the Surface

2. (1) Value

- (a) through rock not requiring the use of explosives - \$25 per cubic yard.
- (b) through rock or frozen material requiring the use of explosives - \$40 per cubic yard.

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(2) Information

An accurate map in duplicate showing the location of the shaft, adit or work relative to the local topography and claim boundaries (including the distance and direction from a legal post), assay locations and results and the nature, extent and dimensions of the work together with an explanation, in duplicate, of the material excavated.

Diamond Drilling

3. (1) Value

- (a) where the total length of the hole is less than 10 feet
  - \$5 for each foot of core.
- (b) where the total length of the hole is 10 feet or more but less than 100 feet
  - \$13 for each foot of core.
- (c) where the total length of the hole is 100 feet or more and
  - (i) the drill core is over 1" in diameter
    - \$15 for each foot of core,
  - (ii) the drill core is over 1 1/2" in diameter
    - \$18 for each foot of core,
  - (iii) the drill core is over 2" in diameter
    - \$21 for each foot of core.
- (d) where the total length of the casing is 10 feet or less
  - \$3 for each foot of casing.
- (e) where the total length of the casing is over 10 feet
  - \$5 for each foot of casing.

(2) Credits

An Engineer of Mines may authorize delivery of all or a representative portion of diamond drill core to a core library and may determine the amount of assessment work credit to be given to compensate for the cost of transporting the diamond drill core at a rate of 1 per foot or such greater rate as may be supported by vouchers and certificates.

(3) Information

- (a) an accurate map in duplicate showing the location of drill holes relative to the local topography and claim boundaries (including the distance and direction from a legal post), and their bearing and dip;
- (b) details in duplicate of the location of core storage;
- (c) complete drill logs and assay of core or sections of core in duplicate and if no assays are provided, the reason for their absence; and
- (d) diamond drill core delivered to a core library shall be properly identified, filed in core boxes and accompanied by the documents referred to in paragraphs (a), (b) and (c).

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Rotary, Percussion or Other Similar Drilling

4. (1) Value

Where rotary, percussion or other similar drilling is used to obtain cuttings for sampling - \$13 per foot. [SOR/79-234 s.27(2)]

(2) Information

- (a) an accurate map, in duplicate, showing location of drill holes relative to the local topography and claim boundaries (including the distance and direction from a legal post), and their bearing and dip.
- (b) assays of cuttings, when taken, that have been sampled, in duplicate.
- (c) samples of cuttings if requested by an Engineer of Mines.

General

5. (1) Where the actual cost of trenching and stripping, sinking shafts or driving adits, diamond drilling, rotary drilling or other physical work referred to in sections 1 to 4 is greater than the value as determined in accordance with those sections, the Mining Recorder may determine the value to be the actual cost of the work if
- (a) the statement of representation work done is supported by
    - (i) receipts and vouchers or certified statements of proper accounting records, and
    - (ii) such other material that, in the opinion of the Mining Recorder, is necessary to determine the actual cost of the work; and
  - (b) any costs incurred outside the Territories are directly related to the work and approved by the Mining Recorder  
[SOR/79-234 s. 28(1)1]
- (2) In determining the actual cost of work referred to in sections 1 to 4, the Mining Recorder may include a reasonable allowance for equipment owned by an individual prospector and used in the performance of work in respect of his claim.
- (3) Where the actual cost of work referred to in subsection (1) is supported by receipts and vouchers or certified statements of proper accounting records with copies provided if requested, there may be included in determining the actual cost a labour cost of \$50 per day on the following conditions:
- (a) the claim owner must be an individual or in registered partnership with one or more individuals;
  - (b) the work must actually be performed by the claim owner with respect to his own claim or claims; and

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- (c) the labour cost must, in the opinion of the Mining Recorder, be directly related to the work. [SOR/79-234 s.28(2)1

**Geological, Geochemical, Geophysical and Evaluation Surveys**

6. (1) The value of geological, geophysical, geochemical or evaluation surveys shall be the aggregate of the costs that
- (a) were incurred in the Territories in performing the survey and preparing the report;
  - (b) were incurred outside the Territories in performing assays, tests and analyses, compiling maps and plans and preparing the reports, if an Engineer of Mines is satisfied that such costs were necessary; and
  - (c) are verified by filing with the report certified statements of proper accounting records and such other material that, in the opinion of the engineer of mines, is necessary to determine such value. [SOR/79-234 s.29(1)1

(2) Information and Manner of Submitting

- (a) a full report of the survey, in duplicate, typewritten on good grade bond paper of either 8 1/2" X 11" or 8 1/2" X 14" size;
- (b) reports shall be bound in suitable folders in such manner that all the text of every page and every map, when unfolded, may be seen readily;
- (c) maps and plans if not bound securely in the folder shall be inserted in an envelope or pocket which is fastened securely to the folder;
- (d) the following data shall appear on the front cover of the folder:
  - (i) the nature of the report, i.e. geological, geophysical, etc.,
  - (ii) the name of the claims or groups of claims to which the report refers, the claim sheet number and the location of the property described by precise latitude and longitude.
  - (iii) the name of the author and, if not the same, the name of the person under whose supervision the work was done, and
  - (iv) the dates between which the work was done;
- (e) each report shall contain a table of contents;
- (f) a list of the claims by name and tag number, the name of the claim holder and the name of the person or company for whom the work was done shall be included in the report;
- (g) each report shall describe and interpret the data collected during the survey and the manner in which the data was collected and shall disclose any information obtained from other sources;
- (h) plans that accompany reports shall have on them a scale, a north arrow and prominent topographical features and at least one plan shall be provided which shows claim names, tag numbers and boundaries and the relationship to prominent topographic features and to adjacent claims;
- (i) all geological, geophysical, geochemical or evaluation surveys performed for assessment work shall be conducted under the supervision of, and all reports shall be prepared by one or more professional engineers, geologists geophysicists, geochemists or

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- otherwise properly qualified persons and where such persons are members of a professional association, the report shall bear the official stamps, a statement of their qualifications, relevant training and experience and any professional affiliations;
- (j) the report shall, where applicable, indicate the method of survey control and the amount of line-cutting and all cut and surveyed lines and tie-ins shall be shown on at least one plan;
  - (k) the report shall set out the names and addresses of all persons employed in performing the survey and preparing the report and the time employed therein;
  - (l) geological survey reports shall include
    - (i) a table of geological formations,
    - (ii) detailed geological information concerning rock types, structures, veins and mineralized zones occurring on the claims,
    - (iii) an interpretation of the geological observations made,
    - (iv) conclusions and recommendations, and
    - (v) a plan showing structural data, location of mineralization, trenches, drill holes and other workings and the location of outcrops and their designation by symbol and a legend giving a full description of all symbols employed;
  - (m) geophysical survey reports shall include:
    - (i) references to available geology,
    - (ii) a description of the methods and equipment used,
    - (iii) copies of geophysical readings, tracings or profiles, [SOR/79-234 s.29(2)]
    - (iv) pertinent calculations,
    - (v) an interpretation of the data collected,
    - (vi) conclusions and recommendations, and
    - (vii) plans showing flight lines or traverse lines, direction of flight or traverse, reference points, contours and a legend giving a full description of all symbols employed;
  - (n) geochemical survey reports shall include:
    - (i) references to available geology,
    - (ii) a description of the methods and equipment used and the method of collecting and analyzing the samples, [SOR/79-234s. 29(3)]
    - (iii) copies of all analyses (except where adequate contoured maps are provided showing the data in graphic form) and reference to the sample location,
    - (iv) an interpretation of the data collected,
    - (v) conclusions and recommendations, and
    - (vi) plans showing all the locations where samples were taken and a legend giving full description of all symbols employed;
  - (o) evaluation survey reports shall include:
    - (i) a summary of all previous relevant investigation,
    - (ii) details of surface evaluation,
    - (iii) details of evaluation based on underground work,
    - (iv) a description of the methods of sampling employed and the methods of analyzing and assaying,
    - (v) tabulated results of all analyses and assays,
    - (vi) conclusions and recommendations, and

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- (vii) plans showing, in accurate detail, the extent and location of all mineral occurrences, trenches, pits, diamond drill holes and underground workings and all the locations where samples were obtained.

Surveys, Road and Airstrip Construction and Other  
Exploratory Work

7. (1) Value

The value of a legal survey, location survey, road and airstrip construction, and the value of other exploratory work approved by an Engineer of Mines, shall be the actual cost of such survey, construction or work incurred within the Territories and verified by certified statements of proper accounting records and other material that, in the opinion of the Engineer of Mines, is necessary to determine the actual cost. [SOR/79-234 s.30]

(2) Information

- (a) road and airstrip construction shall be for the purpose of providing access to the claim or claims and all specifications and details requested by an Engineer of Mines shall be supplied;
- (b) line-cutting and picketing for the Purpose of geological, geophysical and geochemical surveys may be accepted as exploratory work if a Mining Recorder is satisfied that such line-cutting and picketing are necessary and that no part of the costs are or will be claimed as costs of the surveys;
- (c) simple geological, geophysical and geochemical surveys usually carried out by an individual prospector may be accepted as representation work if prior approval has been given by the Engineer of Mines, and in determining the actual cost of the work the Mining Recorder will allow the inclusion of applicable expenses under subsections 5(2) and (3), with the conditions attached thereto.

SCHEDULE IV

[Revoked, SOR/88-9 s.30]

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SCHEDULE V

LOCATION NORTH LATITUDE	PERMIT AREA IN ACRES	NTS AREA
60°00' to 60°15'	4 7,830	25- 105 A-D 1 - 4
60°15' to 60°30'	47,468	25 -105 A-D 5 - 8
60°30' to 60°45'	47 ,107	25 -105 A-D 9 - 1 2
60°45' to 61°00'	46 ,742	25 -105 A-D 13 - 16
61°00' to 61°15'	46 ,377	25- 105 E-H 1 - 4
61°15' to 61°30'	46 ,012	25 -105 E-H 5 - 8
61°30' to 61°45'	45 ,647	25- 105 E-H 9 - 1 2
61°45' to 62°00'	45 ,280	25-1 05 E-H 13 - 16
62°00' to 62°15'	44 ,912	25 -105 I-L 1 - 4
62°15' to 62°30'	44 ,543	25- 105 I -L 5 - 8
62°30' to 62°45'	44 ,172	25- 105 I -L 9 - 1 2
62°45' to 63°00'	43 ,805	25 -105 I -L 13 - 16
63°00' to 63°15'	43 ,433	25 -105 M-P 1 - 4
63°15' to 63°30'	43 ,058	25-1 05 M-P 5 - 8
63°30' to 63°45'	42 ,687	25- 105 M-P 9 - 1 2
63°45' to 64°00'	42,313	25-105 M-P 13 - 16
64°00' to 64°15'	4 1,938	26- 106 A-D 1 - 4
64°15' to 64°30'	41,561	26-106 A-D 5 - 8
64°30' to 64°45'	4 1,183	26- 106 A-D 9 - 1 2
64°45' to 65°00'	40 ,810	26- 106 A-D 13 - 16
65°00' to 65°15'	40 ,428	26- 106 E-H 1 - 4
65°15' to 65°30'	40 ,051	26-1 06 E-H 5 - 8
65°30' to 65°45'	3 9,670	26- 106 E-H 9 - 1 2
65°45' to 66°00'	3 9,290	26-106 E-H 13 - 16
66°00' to 66°15'	38 ,908	26- 106 I -L 1 - 4
66°15' to 66°30'	38 ,527	26- 106 I -L 5 - 8
66°30' to 66°45'	38 ,143	26-1 06 I-L 9 - 1 2
66°45' to 67°00'	3 7,760	26-106 I -L 13 - 16
67°00' to 67°15'	3 7,376	26- 106 M-P 1 - 4
67°15' to 67°30'	3 6,988	26- 106 M-P 5 - 8
67°30' to 67°45'	3 6,505	26- 106 M-P 9 - 1 2
67°45' to 68°00'	3 6,2171	26- 106 M-P 13 - 16
68°00' to 68°15'	7 1,661	2 7-107 A-B 1 - 4
68°15' to 68°30'	70 ,886	2 7-107 A-B 5 - 8
68°30' to 68°45'	70 ,105	2 7-107 A-B 9 - 1 2
68°45' to 69°00'	69 ,325	2 7-107 A-B 13 - 16
69°00' to 69°15'	68,543	27-107 C-D 1 - 4
69°15' to 69°30'	6 7,763	2 7-107 C-D 5 - 8
69°30' to 69°45'	66 ,976	2 7-107 C-D 9 - 1 2
69°45' to 70°00'	66 ,195	2 7-107 C-D 13 - 16
70°00' to 70°15'	65 ,407	2 7-107 E-F 1 - 4
70°15' to 70°30'	64 ,621	2 7-107 E-F 5 - 8
70°30' to 70°45'	63,833	27-107 E-F 9 - 1 2
70°45' to 71°00'	63 ,040	2 7-107 E-F 13 - 16
71°00' to 71°15'	62 ,246	2 7-107 G-H 1 - 4
71°15' to 71°30'	6 1,458	2 7-107 G-H 5 - 8
71°30' to 71°45'	60 ,658	2 7-107 G-H 9 - 1 2
71°45' to 72°00'	5 9,865	2 7-107 G-H 13 - 16

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72°00' to 72°15'	-----5 9,072-----38-98	A-B	1 - 4
72°15' to 72°30'	-----58 ,272-----3 8-98	A-B	5 - 8
72°30' to 72°45'	-----5 7,472-----38-98	A-B	9 - 12
72°45' to 73°00'	-----5 6,672-----38-98	A-B	13 - 16
73°00' to 73°15'	-----5 5,872-----3 8-98	C-D	1 - 4
73°15' to 73°30'	-----5 5,072-----38-98	C-D	5 - 8
73°30' to 73°45'	-----5 4,265-----38-98	C-D	9 - 12
73°45' to 74°00'	-----5 3,458-----38-98	C-D	13 - 16
74°00' to 74°15'	-----5 2,658-----3 8-98	E-F	1 - 4
74°15' to 74°30'	-----5 1,846-----38-98	E-F	5 - 8
74°30' to 74°45'	-----5 1,040-----38-98	E-F	9 - 12
74°45' to 75°00'	-----50 ,233-----3 8-98	E-F	13 - 16
75°00' to 75°15'	-----49 ,421-----38-98	G-H	1 - 4
75°15' to 75°30'	-----48 ,607-----3 8-98	G-H	5 - 8
75°30' to 75°45'	-----47 ,801-----38-98	G-H	9 - 12
75°45' to 76°00'	-----46 ,988-----38-98	G-H	13 - 16
76°00' to 76°15'	-----46 ,170-----3 9-89	A-B	1 - 4
76°15' to 76°30'	-----45 ,356-----3 9-89	A-B	5 - 8
76°30' to 76°45'	-----44 ,543-----39-89	A-B	9 - 12
76°45' to 77°00'	-----43 ,725-----3 9-89	A-B	13 - 16
77°00' to 77°15'	-----42 ,905-----3 9-89	C-D	1 - 4
77°15' to 77°30'	-----42 ,092-----3 9-89	C-D	5 - 8
77°30' to 77°45'	-----4 1,273-----3 9-89	C-D	9 - 12
77°45' to 78°00'	-----40 ,447-----3 9-89	C-D	13 - 16
78°00' to 78°15'	-----3 9,628-----3 9-89	E-F	1 - 4
78°15' to 78°30'	-----38 ,810-----3 9-89	E-F	5 - 8
78°30' to 78°45'	-----3 7,983-----3 9-89	E-F	9 - 12
78°45' to 79°00'	-----3 7,158-----3 9-89	E-F	13 - 16
79°00' to 79°15'	-----3 6,338-----3 9-89	G-H	1 - 4
79°15' to 79°30'	-----3 5,513-----3 9-89	G-H	5 - 8
79°30' to 79°45'	-----3 4,687-----3 9-89	G-H	9 - 12
79°45' to 80°00'	-----3 3,862-----3 9-89	G-H	13 - 16
80°00' to 80°15'	-----66 ,074-----1 20,340,560	A-B	1 - 4
80°15' to 80°30'	-----64 ,410 -----120,340,560	A-B	5 - 8
80°30' to 80°45'	-----6 2,758-----120,340,560	A-B	9 -12
80°45' to 81°00'	-----6 1,096-----120,340,560	A-B	13-16
81°00' to 81°15'	-----5 9,444-----120,340,560	C-D	1 - 4
81°15' to 81°30'	-----5 7,778-----120,340,560	C-D	5 - 8
81°30' to 81°45'	-----56,116 -----120,340,560	C-D	9 -12
81°45' to 82°00'	-----5 4,452-----1 20,340,560	C-D	13-16
82°00' to 82°15'	-----52,788 -----120,340,560	E-F	1 - 4
82°15' to 82°30'	-----5 1,124-----120,340,560	E-F	5 - 8
82°30' to 82°45'	-----49,458-----120,340,560	E-F	9 -12
82°45' to 83°00'	-----4 7,796-----120,340,560	E-F	13-16
83°00' to 83°15'	-----46,118-----120,340	G 3-4 H 1 - 3	

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