

MINING IN BC - KEY PROVINCIAL LEGISLATION

Mineral Tenure

MINERAL TENURE ACT (MTA)

- Sets out rules for registering and maintaining statutory mineral titles in BC (i.e., claims and leases)
- Addresses who can register titles, where titles can be registered, the system for registration, and rights conveyed

MINERAL TENURE ACT REGULATIONS

- Provides additional rules and details for mineral claims and leases under the MTA (e.g. claim registration, work requirements, fees)

MINERAL RIGHTS COMPENSATION REGULATION

- Establishes process related to compensation for expropriation of mineral titles under the Park Act

COAL ACT AND REGULATIONS

- Governs the tenure, exploration, and development of coal resources
- Operates similarly to the MTA but is specific to coal

MINING RIGHT OF WAY ACT

- Operates in conjunction with the MTA to create rights of way to access and develop mineral titles

Mining

MINES ACT & HEALTH, SAFETY AND RECLAMATION CODE

- Regulates all mining activities, including the operation and reclamation of mines with requirements that reduce the health, safety, and environmental risks related to mining activities
- Proposed major mines (e.g., metal and coal), major expansions/upgrades to existing mines, and some exploration/development projects (e.g., mechanized exploration) require approval under the Mines Act

MINES ACT REGULATIONS

- Various regulations under the Mines Act create rules and requirements related to mining (e.g., administrative penalties; mine reclamation fund; fees for permits, inspections, etc.; investigations)

Revenue

MTA & COAL ACT

- Fees collected related to registration and maintenance of mineral titles

MINES ACT AND REGULATIONS

- Fees collected related to, for example, permits, inspections, and certifications

MINERAL LAND TAX ACT

- Mineral land tax is paid each year by owners of freehold mineral rights

MINERAL TAX ACT

- Sets out framework for tax collected from mine operators based on the “use and depletion” of coal and mineral resources

ECONOMIC AND COMMUNITY DEVELOPMENT AGREEMENTS

- Agreements between government and First Nations for sharing direct mineral tax revenue

NEW FISCAL FRAMEWORK (IN DEVELOPMENT)

- New framework being co-developed with Indigenous Peoples

Other

ENVIRONMENTAL MANAGEMENT ACT & ENVIRONMENTAL ASSESSMENT ACT

- Mining activities may require approvals for activities with potential environmental impacts (e.g., waste discharge, emissions, water use)

FOREST ACT & FOREST AND RANGE PRACTICES ACT

- Mining activities may require a permit or license (e.g. to cut trees)

WATER SUSTAINABILITY ACT

- Mining activities require approvals for activities such as water use and stream diversion

HERITAGE CONSERVATION ACT

- Protection of heritage sites and objects can limit statutory access and/or mineral rights under the MTA

LAND ACT

- Intersections between Land Act – which addresses use of land for community, industrial, and business purposes – and statutory rights granted under the MTA

OTHER STATUTES:

WILDLIFE ACT; DRINKING WATER PROTECTION ACT; ENVIRONMENT AND LAND USE ACT; PUBLIC HEALTH ACT