

Mineral Tenure Act (MTA)



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The [Mineral Tenure Act \(MTA\)](#) and associated regulations such as the [Mineral Tenure Act Regulation \(MTAR\)](#) set out BC's laws on mineral titles (also referred to as claims and leases). The MTA governs both [minerals and placer minerals](#) but does not include coal or aggregates (i.e. gravel).¹

Alongside the MTA, any mechanized exploration and mining development requires a permit under the [Mines Act](#) (i.e. any activity that falls under the [Mines Act definition of a "mine"](#)).

MINERAL TENURE ACT

The MTA establishes the framework for registering and maintaining mineral titles. For example, it sets out who can register claims, the rights granted under the statute, where claim registration can occur, the system for claim registration and issuance of leases, and the powers and duties of statutory decision makers. The MTAR complements the MTA by adding additional details on requirements for registering new claims, requirements for exploration and development on claims, production limits on claims, and fees.

FREE MINER CERTIFICATE AND CLAIM REGISTRATION

Before registering a mineral or placer claim, a proponent must obtain a Free Miner Certificate (FMC). To obtain an FMC, an individual must (1) be 18 years of age or older, (2) be a resident of Canada for at least 183 days each year or authorized to work in Canada, and (3) pay a \$25 fee per year.² A Canadian corporation can also obtain a free miner certificate for a \$500 fee per year.

FMCs give proponents the ability to register and maintain claims through the [Mineral Titles Online \(MTO\)](#) system. After obtaining a FMC, the next step in the mineral tenure process is to register a mineral claim. Once registered, the statute grants to the mineral claim holder an exclusive right to minerals within the claim, and a right to "use, enter, and occupy" the surface of the claim for the "exploration and development or production of minerals or placer minerals". Later in the tenure process, a claim holder can apply to convert their claim to a lease, at which point the statute conveys additional rights (details below).

'EARLY' EXPLORATION

Once a claim is registered, early exploration on the claim typically starts with prospectors identifying large areas that may hold deposits. This may involve reviewing pre-existing maps, surveys,

¹ The Coal Act regulates the tenure system for coal; the Land Act regulates rights related to gravel.

² A senior over 65 can obtain a FMC for free.

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reports, and other materials. From there, early exploration may progress to non-mechanized exploration with hand-held tools. For example, this could include (1) examining and collecting rocks and soil samples by hand, (2) airborne surveying, (3) mapping geology, (4) taking photos, or (5) sampling water or soil. These types of activities are perceived to be lower risk to the physical surroundings and workers compared to activities that require additional authorizations. [Information Update 38](#) specifies the types of early exploration that the Province interprets as unlikely to require a permit under the Mines Act, and the limitations on those activities.

LEASE

A mining or placer lease is required for production of minerals over certain thresholds.³ When a claim holder applies for a lease, consultation with First Nations is conducted by the chief gold commissioner (CGC). Under the current MTA, the CGC must issue a lease if the claim holder meets the technical requirements outlined in sections 42 and 45 of the MTA (e.g. fee payment, land survey, posting notice and publishing in Gazette). However, the CGC may vary the length of the lease. At the end of the lease term, the lease holder must apply for a renewal to continue to hold the lease. During a lease renewal application process, the CGC will again consult with First Nations.

COMPLIANCE AND ENFORCEMENT

Under the MTA, the CGC has the authority to suspend operations on or cancel a mineral title. The CGC may also suspend or cancel a free miner certificate.

Each year, Mineral Titles inspectors conduct hundreds of inspections and these commonly result in orders issued to mineral title holders. Typically, orders are issued requiring reclamation, cleanup of items on site and removal of unauthorized structures. If order requirements are not met, further compliance action is taken which may include cancellation of the title or suspension of an FMC. If a free miner or claim holder does not comply with the Mines Act, the CGC has authority to take compliance action under the MTA.

LINKAGES TO THE MINES ACT AND OTHER LEGISLATION

If early exploration results are promising, claim holders may seek to move towards additional exploration and mining activities. Many mining activities require additional authorizations under related legislation. For example:

- A permit under the Mines Act is required for any mechanized exploration and development activity.
- Certain activities trigger environmental assessment requirements under the Environmental Assessment Act.
- Other intersecting legislation includes the Forest Act, Environmental Management Act, and Water Sustainability Act

The Mines Act governs mining activities in BC, ensuring compliance through permits, inspections, and enforcement actions. During a Mines Act permit application process,⁴ the Province consults with First Nations. Industry is also encouraged to engage with First Nations prior to submission of an application.

³ The annual production limit for mineral claims is 1,000 tonnes. Additionally, claim holders can extract a “bulk sample” of up to 10,000 tonnes every five years. The annual production limit for placer claims is 20,000 cubic meters of soil or sediment with valuable minerals, also known as pay dirt.

⁴ Mines Act permitting consultation typically focuses on the proposed activities, location, and length of permit.