

Summary of Changes Affecting Exploration - Mining Act - QMEA Members

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Act article	Summary	Information	Effective Date
2.4 New	To reconcile mining activities with those pursued by Indigenous people (hunting, fishing, rituals), the Government may enter into agreements with Indigenous nations determining the boundaries of a parcel of land where any mineral substance forming part of the domain of the State is reserved to the State, on conditions fixed in the agreement, or is withdrawn from prospecting, exploration and mining operations. The reservation or withdrawal takes effect on the date fixed by the agreement and will be recorded in the public register of real and immovable mining rights. The Minister may also temporarily suspend mining activities on these lands pending the implementation of the agreement.	There is an issue regarding the withdrawal of land through such agreements. Numerous processes for land withdrawal already exist in Quebec, such as protected areas, forests, wildlife zones, TIAM, and the goal of protecting 30% of biodiversity under the Plan Nord, among others. Furthermore, the geographical boundaries for the application of these agreements will be difficult to establish, as some claimed territories overlap.	Adoption of the law.
18.1 New	Any person who meets the conditions set out by regulation may apply for and hold an exclusive exploration right.	The regulation will specify who can apply for an exclusive exploration right (e.g., companies, but not municipalities or individual citizens).	Regulation
41 Modification	An exclusive exploration right may be registered in favour of the State.	The Government reserves the right to protect mining potential by granting itself exclusive exploration rights.	Regulation Details are missing.
65 Modification	Within 60 days of registering the exploration right, <u>the Minister notifies</u> the local municipality and, if applicable, the relevant Indigenous nation or community concerned. If the land is already granted, alienated or leased by the State for other uses, the owner, the lessee and the holder are also notified. For lands granted or sold by the State for non-mining purposes, if the land is located within a municipality, <u>the holder of the exploration right</u> must inform the municipality and the landowner of the planned work at least 30 days before commencing.	Implementation of an efficient process by the MRNF to inform communities about the granting of claims.	Adoption of the law.
65.1 New	<u>The holder of an exclusive exploration right must provide</u> the representatives of any local municipality located around the land subject to the right and, where applicable, any concerned Indigenous nation or community, with an <u>annual work plan</u> at least 30 days	Less administratively burdensome than what was initially proposed in the bill. However, it still represents an added burden.	Regulation

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	<p>before the start of exploration activities and, thereafter, each year that the activities continue. This plan must be submitted using the form provided by the Minister.</p> <p><u>The holder must hold an information session on the annual work plan with any representative who requests it.</u></p> <p>During such a session, the representative may provide comments and present additional information beyond what the holder has submitted.</p> <p>The holder must publish on their website or through another method of publication authorized by the Minister, within 30 days after the information session, the documents presented along with a summary of the session.</p>		
69.1 Modification	<p>The Minister may, if deemed necessary, impose conditions and requirements on the holder of the authorization provided for in the first paragraph of section 69 that may in particular and despite, the provisions of this Act, concern work to be performed on the parcel of land subject to the exclusive exploration right.</p> <p><u>Where the authorization concerns sampling work, the Minister may attach conditions or obligations to maximize economic benefits within Quebec.</u></p>	To be reviewed in detail regarding its implementation and which substances it will apply to.	Regulation or directive
72. Modification	<p>Subject to sections 73 and 75 to 81, the holder of the exclusive exploration right must carry out work on the land subject to the right before its expiration date. The nature and minimum cost of the work are determined by regulation.</p> <p>A regulation may also specify the expenses that qualify toward the minimum cost of work and the period for which they are accepted.</p>	This amendment through regulation could pave the way for recognizing expenses incurred for meetings and consultations as part of the costs required to renew exploration rights.	Regulation
73. Modification	<p>The holder of an exclusive exploration right who has performed and reported, within the time prescribed, work costing at least 90% of the minimum cost required under section 72 may, to renew their exclusive exploration right,</p>	Anti-Speculation Measure. Ninety percent of the required work must be completed before the renewal (and therefore the transfer) of the exploration right.	Upon renewal of the right after the adoption of the law.

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	pay the Minister an amount equal to twice the difference between the minimum cost of the work that should have been performed and the work reported.		
80.1 New	<p>The holder of an exclusive exploration right must obtain the Minister's authorization, using the form provided, to transfer all or part of their right during its first term.</p> <p>The Minister authorizes the transfer once the work required under section 72 has been performed on the land subject to the right.</p> <p>Any transfer of an exclusive exploration right in contravention of this section is null and void.</p>	Anti-Speculation Measure. It is impossible to transfer the claim before the required work has been carried out.	Regulation or publication of a form.
215.1. Et 216.1 New	<p>215.1 Subject to an authorization granted under this Act, <u>the Minister may, at any time, require the holder</u> of a mining right to remove or move, within the time fixed by the Minister, <u>any property or extracted ore</u> situated on the land subject to the right in order to enable prioritization or conciliation of land uses and preservation of the territory or for <u>a public interest reason</u>, in particular to prevent or limit impacts on local and Indigenous communities.</p> <p>216.1 If a person referred to in sections 215.1 or 216 fails to remove or move the property or extracted ore, as prescribed by that section the Minister may remove it at that person's expense.</p>	<p>It is challenging to determine the specific situations the Government is targeting.</p> <p>This provision grants very broad powers. For instance, the Minister could require the relocation of core shacks, camps, or other assets.</p>	Adoption of the law. However, a directive will be necessary to understand the implementation of these two articles.
304 Nouveau	2° <u>Reserve to the State or withdraw from prospecting, exploration, and mining any mineral substance forming part of the domain of the State to enable the implementation of the land use plan for the State lands</u> prepared under the Act respecting the lands in the domain of the State (Chapter T-8.1).	Another withdrawal tool placed in regional hands, often disproportionately influenced by forestry interests.	Administrative
304.0.1 304.1 New	304.0.1 Any mineral substance forming part of the State and situated in a parcel of land subject of a decision of a minister	Granting permission to other ministers (e.g., Ministry of Transport and Environment) to suspend exploration activities.	Adoption of the law.

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	<p>or the Government under another Act and in the manner prescribed in that Act reserves the mineral substance to the State or withdraws it from prospecting, exploration, and mining.</p> <p>304.1 The Minister may, by registering a notice in the public register of real and immovable mining rights, temporarily suspend prospecting on and the granting of mining rights in respect of a parcel of land whose boundaries are indicated in the notice, until a decision takes effect regarding:</p> <p>1° the reserving to the State or the withdrawal from prospecting, exploration, and mining of any mineral substance forming part of the domain of the State that is situated in the parcel of land under the first paragraph of section 304 or under another Act pursuant to section 304.0.1.</p>		
304.1.3 New	<p>304.1.3 All mineral substance forming part of the domain of the State that is situated in a parcel of land in the private domain that is not included within an urbanization perimeter, except mineral substances situated in a parcel of land subject to a mining right in force or to a notice of map designation received before (insert here the date of the introduction of this bill), is withdrawn from prospecting, exploration, and mining activities. Any mineral substance forming part of the domain of the State that is situated in a parcel of land in the private domain that is not included within an urbanization perimeter and on which, at the time of expiry, abandonment or revocation of the exclusive exploration right to which the land is subject, exploration work has not been performed, reported, and approved by the Minister since October 24, 1988 is also withdrawn from prospecting, exploration, and mining..</p>	<p>Private lands where no exploration work has been conducted since 1988 are permanently withdrawn from exploration.</p> <p>Lands where declared exploration work has been carried out remain available for exploration.</p>	Adoption of the law.
304.1.3.1 New	<p>304.1.3.1 The Minister may, under the circumstances and conditions prescribed by regulation, withdraw</p>	<p>A sort of flexible, ministerial custom-made mining incompatible territory.</p>	Regulation

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	<p>from prospecting, exploration, and mining any mineral substance forming part of the domain of the State situated in a parcel of land in the private domain not already withdrawn under section 304.1.3, either on their own initiative or at the request of the regional county municipality (RCM) where the substances are located.</p>	<p>There is insufficient information to fully understand the scope of this article.</p>	
<p>304.1.4 New</p>	<p>304.1.4 The regional county municipality (RCM) where the mineral substances withdrawn under section 304.1.1 within an urbanization perimeter, or under sections 304.1.3 or 304.1.3.1, are situated may, after consulting the local municipality where the withdrawn mineral substances are situated or at the request of the latter, request the Minister, by resolution, for the partial or full lifting of the withdrawal.</p> <p>When more than 10 years have elapsed since a partial or full lifting of a withdrawal under the first paragraph, the RCM may, on its own initiative or at the request of a local municipality where the mineral substances concerned are situated, apply to the Minister, by resolution, for the partial or full reinstatement of the withdrawal.</p> <p>The reinstatement of a withdrawal under section 304.1.3 does not terminate rights granted under this Act during the lift period, nor does it prevent the granting of a mining lease to a holder of an exclusive exploration right issued during that period, or the granting of other rights applied for during that period. The second paragraph of section 304.1.3 does not apply to the expiration, abandonment, or revocation of such rights.</p>	<p>For urbanization perimeters, they are systematically withdrawn.</p> <p>However, the RCM may request the lifting of the withdrawal for a period of 10 years.</p> <p>In such cases, the lifting remains in effect until the RCM submits a contrary request, but only after a minimum of 10 years has passed.</p> <p>Exploration rights remain active, but details on the renewal procedure for these rights are lacking.</p>	<p>Adoption of the law. However, a deadline should be set to allow the RCM to request the lifting of the withdrawal.</p>
<p>306 Modification</p>	<p>1.1° Determine the conditions for applying for the granting of an exclusive exploration right or for being a holder under section 18.1, for map designation, or for holding an exclusive exploration right under section 41.</p>	<p>Anti-Speculation Measure and Restriction on General Public. This provision is designed to limit speculative activity and ensure that only qualified entities or individuals meeting specific conditions can apply for or hold exploration rights. It effectively excludes "anyone" from randomly designating claims or</p>	<p>Regulation</p>

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		holding exclusive exploration rights, targeting more professional or organized actors in the sector.	
160 Of the Bill & Regulation Environment RAEFIE	<p>REGULATION RESPECTING THE ENVIRONMENTAL IMPACT ASSESSMENT AND REVIEW OF CERTAIN PROJECTS</p> <p>160. Section 22 of Part II of Schedule 1 of the Regulation respecting the assessment and review of the environmental impacts of certain projects (Chapter Q-2, r. 23.1) is replaced by the following:</p> <p>"22. MINING ACTIVITY"</p>	<p>All mining projects will be subject to BAPE (Public Hearings Office) review, like COMEX in the North.</p> <p>The 2,000-tonne threshold has been removed.</p>	Adoption of the law.
172. Of the Bill New	<p>Urbanization perimeters delimited in a land use plan and development plan in accordance with the Act respecting land use planning and development (Chapter A-19.1), as well as lands in the private domain are excluded from the mining-incompatible territories delimited in such a plan before (insert the date of assent to this Act). However, for lands in the private domain situated outside urbanization perimeters, mineral substances forming part of the domain of the State may not be prospected, explored, or mined (in accordance with section 304.1.3.1 of the Mining Act added by section 118 of the bill) as of the date of assent to this Act if they fall under one of the following categories:</p> <p>Land included in a mining-incompatible territory. Land subject to a temporary suspension notice, dated before the assent to this Act, issued prior to the designation of a mining-incompatible territory under section 304.1 of the Mining Act in force on that date.</p>	<p>Summary:</p> <p>Urban Zones and Private Lands Urban perimeters and private lands will not automatically be considered incompatible with mining activity, except in specific cases.</p> <p>Private Lands Outside Urban Zones Mining activities will be prohibited on these lands if they are already part of an area incompatible with mining activity (TIAM) or if they were protected by a temporary suspension notice before the law came into effect.</p>	Adoption of the law.