MTA Modernization

What We Heard and Where We're Going

Association for Mineral Exploration

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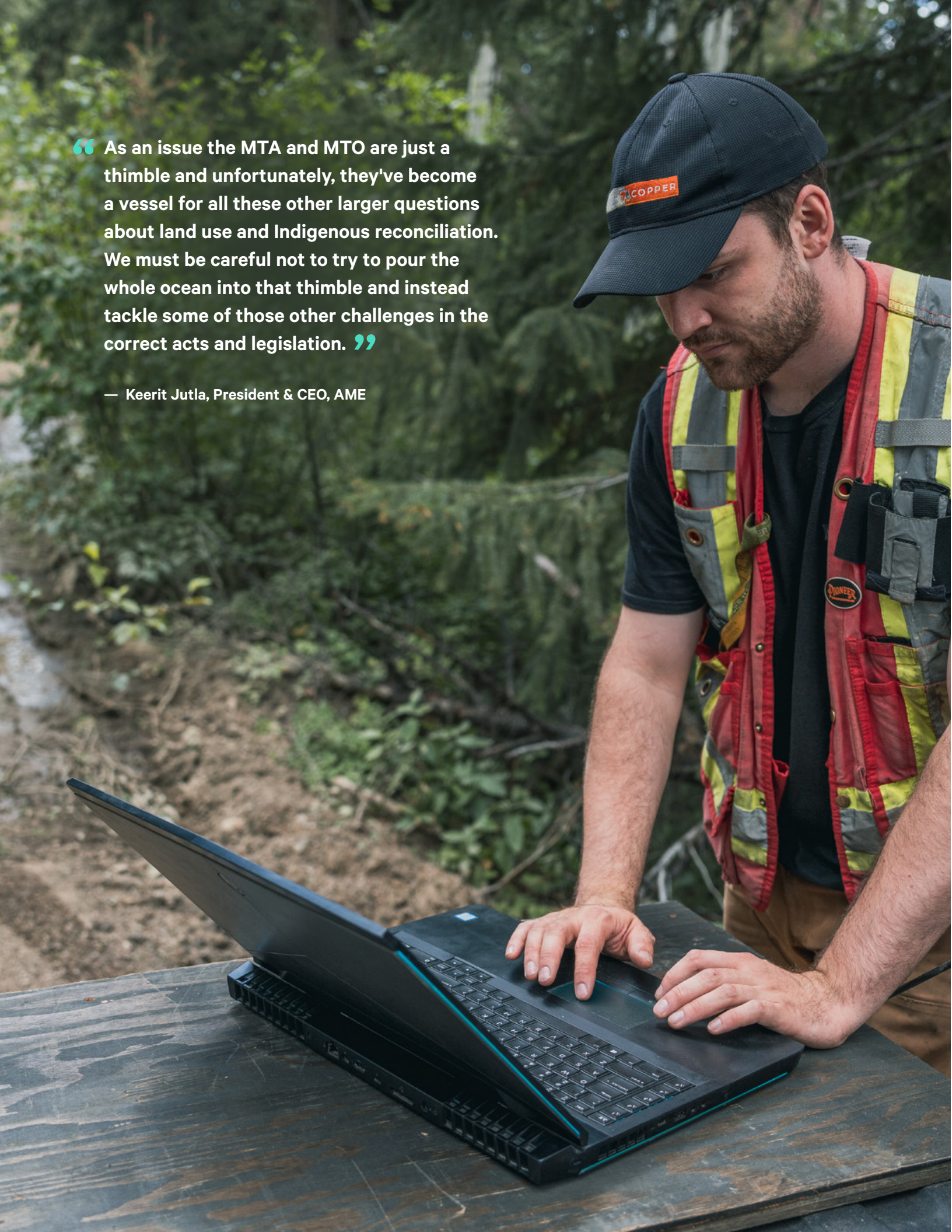


> As an issue the MTA and MTO are just a thimble and unfortunately, they've become a vessel for all these other larger questions about land use and Indigenous reconciliation. We must be careful not to try to pour the whole ocean into that thimble and instead tackle some of those other challenges in the correct acts and legislation.

— Keerit Jutla, President & CEO, AME

Executive Summary

This "What We Heard" report summarizes recent engagement AME undertook with members and mining stakeholders to discuss impacts of the Mineral Tenure Act modernization process on the mineral exploration and mining industries. We, the Association for Mineral Exploration (AME), would like to share our finding with the Province of British Columbia.

In response to the decision of Justice Ross in *Gitxaala v British Columbia*, the B.C. government initiated work with Indigenous Nations across the province to update the Mineral Tenure Act (MTA) and Mineral Tenure Online (MTO) systems. While AME acknowledges the inherent deficiencies in the preceding MTO system and supports the need for a consultation standard in any new system, we express concern over the provincial government's limited engagement with the mineral exploration industry. This lack of engagement has marginalized exploration, causing apprehension and uncertainty among mineral explorers and mining corporations throughout the province.

The discovery and development of critical minerals are of paramount importance to the mineral exploration industry. Given the government's Critical Mineral Strategy, it is crucial that the government actively supports the initial stages of this process, ensuring fairness for independent prospectors and exploration companies. The significance of this is highlighted by the fact that nine out of the ten metals mines currently in operation in B.C. were discovered by prospectors, and one by a junior mining company. Major mining companies did not discover any of these. This situation emphasizes the urgent need for a more collaborative approach to policymaking in the mining and mineral exploration sector.

The mineral exploration industry seeks clarity on the breadth, scope, and intent of the changes being made to the MTA. While numerous concurrent challenges are being considered, the core issue remains the ability to explore, stake claims, and gather data non-invasively. Our concerns are not about land ownership or management, treaty negotiations, or land planning. They are not about compensating Nations for long-term industrial activities on their territories. Much of the discourse on these topics occurs within other legislative frameworks, including the Mines Act, which governs exploration, development, construction, production, closure, reclamation, and abandonment of mines. We urge the government to maintain focus on updating the MTA and MTO systems in regards to claim staking, and not these much larger and complex challenges.

To ensure that the perspectives of all explorers are taken into account, AME has conducted a comprehensive consultation process over a three-month period. This process included multiple sessions across B.C., an online survey, and one-on-one meetings with members.

This included:

- Kamloops Session, (110 people) at the Kamloops Exploration Group (KEG) Conference & Trade Show, April 10, 2024;
- Kitimat Session, at the Minerals North Conference, (60 people) May 10, 2024;
- Vancouver Session, at the Pinnacle Hotel Harbourfront, (30 people) May 13, 2024;
- An online survey (217 People) designed by iTOTEM Analytics, conducted from May 9 to June 7, 2024;
- Individual responses (18 people) delivered in one-on-one meetings (13 people), or written responses (5 people) conducted by AME staff with members conducted from April 14 to June 21, 2024.

The feedback received during these consultations was diverse and insightful. Members identified numerous issues and pitfalls, and also proposed solutions and improvements to ensure that exploration is supported and incentivized. This report details what AME heard and offers perspectives on how the government can modernize the MTA and MTO while supporting both the Declaration on the Rights of Indigenous Peoples Act (DRIPA) and the exploration industry. The aim of this report is to ensure that, regardless of the legislation brought forward, prospectors, junior mining companies, and major mining companies will continue to fund exploration in our province. Without the investment of this industry, British Columbia will not be able to capitalize on the wealth of critical minerals beneath our feet.

AME urges the government to support the future mining and exploration sector by considering the feedback and suggestions provided by its members during the consultation process. The industry seeks to have a seat at the table during the MTA modernization discussions and is eager to contribute to the development of a fair, efficient, and effective system that supports the continued growth and success of mineral exploration in B.C. We believe that the government's active engagement with mineral explorers is vital to the successful modernization of the MTA.

1. https://www.BCLaws.gov.BC.ca/civix/document/id/complete/statreg/96293_01

What We Heard: **Top 10**

1	Industry does not currently have a seat at the table for MTA revitalization discussions and members are deeply concerned about it.
2	Mineral claims are Intellectual property and must be protected.
3	Capital for exploration is scarce and an improperly implemented process could negatively impact exploration investment for decades to come.
4	The new system requires consultation as a pathway to consent on mines but does not require consent for staking.
5	The new process must be non-onerous, avoid being “pay to play,” and can be done in a personal way (buying coffee, picking up the phone).
6	Our system requires prospecting to find the mines of tomorrow and the new system must protect the small prospectors.
7	Indigenous Nations do not have enough capacity to manage industry requirements and engagement.
8	Land issues, permitting delays, and uncertainty outside of the MTA require more discussion and are the cause of great anxiety in the exploration sector.
9	Simplify and streamline requirements, paperwork, and administration for applications and permitting.
10	Government must establish a standardized consultation framework.

Key Suggestions

This report captures the voices of AME members who made recommendations in two forms. Firstly, how the government can create an MTA process that ensures fairness and clarity by:

- Consent & Consultation Proportional to Activity
- Non-Onerous
- Ensuring Confidentiality
- Updating Terminology
- Relationship Building Support (AME)
- Process

Secondly, by providing ideas around policy enhancements that would come outside of the MTA revitalization but help incentivise cooperation between prospectors and Indigenous Nations. These ideas include:

- Building Capacity
- Maintaining Mineral Tenure – Environmental Monitoring and Indigenous Knowledge Credit
- Maintaining Mineral Tenure – Payment Pause
- Upfront Ownership – Fund/Tax Credit/First Right of Refusal

By looking at the core challenges facing prospectors and the Indigenous communities they need to work with we are confident that government can find solutions that will ensure the prosperity of B.C.'s mining community for decades to come.

Background

The Gitxaala v. British Columbia case addressed the issue of consultation with Indigenous peoples during the process of granting mineral claims. The Gitxaala Nation and other Indigenous groups argued that the province's system (See Appendix D), which permitted the registration and granting of mineral claims without prior consultation with Indigenous Nations, failed to comply with the Crown's legal duty to consult, and violated principles in the Declaration on the Rights of Indigenous Peoples Act (DRIPA) and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

On September 26, 2023, the British Columbia Supreme Court under Justice Ross, ruled that the administration of the province's mineral tenure regime breached the Crown's duty to consult. The court did not find the Mineral Tenure Act unconstitutional but noted that the implementation of the mineral claims process by the Chief Gold Commissioner (the province) did not meet the Crown's duty of consultation. The court acknowledged that while UNDRIP sets international standards, it is not enforceable as law in British Columbia. The court mandated the province to revise its system to ensure consultation with Indigenous peoples prior to granting mineral claims, granting 18 months (until approximately March 26, 2025) to include such provisions for consultation in the Mineral Tenure Act.

Furthermore, on October 25, 2023, Gitxaała announced that they would be appealing: (1) the Court's refusal to quash the specific mineral claims challenged by Gitxaała; (2) the Court's refusal to prevent further automatic claim-staking in Gitxaała territories; and (3) the Court's decision that the Declaration on the Rights of Indigenous Peoples Act (DRIPA) is not legally enforceable.

The difference between a Duty to Consult scope and the UNDRIP FPIC standard is significant. The Court was clear that staking triggers a Duty to Consult.

In summary:

- The Court found that the Crown (the Government of British Columbia) owes a duty to consult Indigenous Peoples with asserted rights and title.
- The Court granted the province 18 months to consult with Indigenous Peoples and the minerals industry
- The Court did NOT find the MTA to be unconstitutional
- The Court's decision does NOT impact upon existing mineral claims in British Columbia
- The Court did NOT grant an injunction against the Province relating to the staking of claims in the interim
- The UN Declaration on the Rights of Indigenous Peoples is NOT enforceable as law in British Columbia

It is under these events that government seeks to refresh the MTA.

> "I encourage the mining industry to consult early and to consult often with Indigenous Peoples, before you even set foot on Indigenous Territories, while you are still in the planning stage.
>
> I am sure I speak for many Indigenous Peoples when I say we are not against resource extraction, we are for responsible and sustainable extraction methods. In this time of ever-changing climate, global warming, extreme and unpredictable weather events, droughts, heat domes, floods, wildfires, etc. we must do everything we can to reduce our emissions and careless use of resources such as water.
>
> Investment in the mining industry will not cease to exist implementing the UNDRIP and FPIC, it will ensure certainty for investors."
>
> **— Kirby Muldoe, Hup Wil Lax A, Kitimat Session, May 10, 2024**

What is a Mineral Tenure?

A fundamental component of the mineral exploration and the core of the debate centres on mineral tenures. As a result, it is critical to understand what they are and what they are not. Also relevant is the history behind these processes and terms which have taken on different meanings to the public. Free entry and free miners are terms that evoke the ability for a person to construct a mine free of cost or restriction. This is incorrect. These terms stem from common law and simply mean that people can explore for and stake a claim to mineral tenures.[2]

Staking a mineral claim does not grant one ownership of the land or provide unrestricted access to develop it. They are a chattel interest, a legal interest in land less than a freehold estate, with limits to what kind of activity can take place.[3] It is the purview like the Mines Act that governs more invasive exploration and mining and in British Columbia; these include permits with increasing rigor on environmental and Indigenous consultation.[4]

> "When I stake the claim, I have the right to explore for minerals. I do not own the minerals, the subsurface right remains with the province. I can explore and if I find something, then I can take it to the next stage and begin to produce. I do not have title to the minerals. The province in the right of the crown has title, which means we all own this collectively, it is shared by all."
>
> **— Kitimat Session, May 10, 2024**

> "Who do the mineral tenures belong to … currently, the minerals in British Columbia belong to the people of British Columbia."
>
> **— Kamloops Session, April 10, 2024**

> "Fundamentally, the value of a claim is not the resource or ability to mine those resources. For prospectors, the value is the intellectual property of what resources may be at a claim. In essence, the only value is created when a prospector sells a claim to a junior mining company for further exploration. Doing anything that alters the intellectual property of a claim means that prospectors have no reason to stake claims and it will put many small AME members out of business. Understanding these points is key to ensuring that those who rely on the current MTA can continue prospecting for resources. Without the intellectual property, there is no incentive to stake a claim."

Members were concerned about the value of staking a claim being eroded by an improperly implemented process:

> "But my big concern [is] … how are you going to stake if you have to have consultation like this. What about security issues? Like how can you actually stake? I don't understand how the process could develop where you have consultation before staking."
>
> **— Kamloops Session, April 10, 2024**

> "I always think of staking as a proprietary idea is that you come up with the prospectors, a new geological survey comes out, or geophysical survey, and people have ideas and they go on to stake … consultation prior to staking will really, put the industry down."
>
> **— Kamloops Session, April 10, 2024**

> "If I go out in the bush and I find nothing, I don't get paid. I go out and I find something, I like it, nobody wants to buy it. I don't get paid. If I find something, maybe and somebody might buy it… I don't get paid. So, if you understand that process, when I go into a meeting and they want to do an AOA [Archaeological Overview Assessment] or something like that and it's going to cost 50 grand, it didn't happen."
>
> **— Kamloops Session, April 10, 2024**

> "Since exploration companies spend considerable capital identifying potential mineral resources prior to staking a claim, revealing to competitors their interest in particular lands prior to staking a claim will put at risk their investment and intellectual property. The actual disclosure of a proposed exploration program goes against the grain of how industry thinks and will adversely affect whether major capital is spent in British Columbia."
>
> **— Vancouver Session, May 13, 2024**

> "Without specific and secure title to mineral rights, (balanced by certain reasonable duties and responsibilities), explorers and their financiers will risk neither concepts nor monies, in due course emptying the pipeline of future mines. Secure title is the most important aspect of the term "competitiveness.""
>
> **— Individual Response, May 15, 2024**

2. https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/00_96292_01
3. https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/mineral-exploration-mining/documents/mineral-titles/notices-mineral-placer-titles/information-updates/infoupdate40.pdf
4. https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96293_01

Problems with the Status Quo

We recognize the failings of the MTO, and the case brought forward by Gitxaala. The current MTO does not have a consultation standard and allows people to stake claims from a desktop. The status quo doesn't just infringe on Indigenous Nations, but it creates an advantage for organizations that stake large tracts of land to take them off the market and commodify them rather than exploring them. This harms prospectors and creates a pay-to-play system.

Another challenge to prospecting and long-term investment certainty is the Environment and Land Use Act (ELUA) (Section 7) which allows cabinet to make orders it considers necessary or advisable respecting the environment and land use, including restricting powers of government authorizing bodies. The ELUA can be used to manage the activities of most or all resource users in a designated area using one legal instrument. In certain circumstances, Section 7 has been used for establishing B.C. Parks managed protected areas; as an interim measure prior to establishing a protected area under the Protected Areas of B.C. Act; or on a longer-term basis, to allow for present or future activities that are inconsistent with the Park Act (e.g. a future, possible resource road).[5]

This current approach from government to limit exploration on lands and mineral tenures utilizing the ELUA section 7 is not an appropriate approach. It creates uncertainty for industry and stakeholders and is adversely impacting investor confidence in the province. Piecemeal approaches to land use management cannot continue and government must have a consistent and fair process for those seeking to stake mineral tenures in the province.

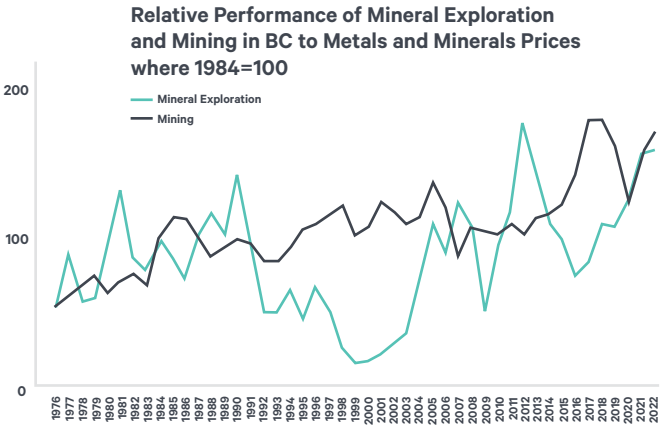
Lastly, the online nature of staking makes the process easier to manage but has removed field crews. It is now easy for people to stake claims anywhere and anytime. This has led to a proliferation of what mineral explorers call "nuisance stakers," or speculators who stake property with no intention of exploring on it. In some cases, companies have implemented bot programs that indicate when someone is actively staking online and automatically stake around them. Speculators like this add cost increase the administrative burden on the system.

5. https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/natural-resource-use/land-water-use/crown-land/land-use-plans-and-objectives/policies-guides/mlup_guide_giving_legal_effect_to_plan_content_2021.pdf

Capital Markets

In a very serious way, any impediments to exploration and staking mean added timelines and cost. Worst of all, uncertainty can have long-lasting consequences for investment in B.C. over the long term. Members were most concerned about the short and long-term investment implications of revitalizing the MTA.

Investment in exploration does not match mining investment and these cycles have historically been out of sync with each other. Also, mineral prices do not drive exploration expenditures. Additionally, from a period of approximately 1992 to 2003 mineral expenditure experienced some of the lowest levels while prices and expenditures on mining were relatively strong. During this time exploration and prospecting left the province for jurisdictions like Nevada.



Concerns that changes to the MTA could lead to significant capital outflow from British Columbia, especially affecting early-stage mineral exploration:

> “The discussion about MTA reform really concerns me because I’m afraid if it’s not done very carefully there’s going to be significant capital outflow from British Columbia particularly from early-stage mineral exploration. And of course, this is occurring at a time when most British Columbians are looking forward to developing a critical mineral industry.”
>
> **— Vancouver Session, May 13, 2024**

> “From the perspective of junior mining, capital is scarce, it’s particularly scarce right now. It’s easy for it to move to other jurisdictions. And if we don’t have certainty of tenure, [which] is fundamental or else you just cannot justify investment into something, and you may not actually have any rights coming out of that. But also, certainty of process and timeline is increasingly becoming a bigger and bigger concern.”
>
> **— Vancouver Session, May 13, 2024**

> “[There are] fears that the proposed changes will make exploration even more costly and increase the level of uncertainty, or increase the level of political risk, which will prevent us from being able to access the capital required to continue exploring in B.C.”
>
> **— Individual Response, April 10, 2024**

Potential negative impact on the reputation of the province and future investment:

> “I’m afraid that if early-stage mineral exploration grinds to a halt because of the uncertainty surrounding MTA reform, it may damage the reputation of the province and in fact also impact later stage mineral development in the province.”
>
> **— Vancouver Session, May 13, 2024**

> “If this [MTA reform] was something that was done without compensation to current holders of mineral claims or events in the affected territories, it sends a very negative signal to the international capital markets: that in fact the province is not open to exploration or mining development. I don’t think the industry has a very clear view of what modernizing the MTA really will involve. And that of course all by itself sets up a great deal of uncertainty in my mind.”
>
> **— Vancouver Session, May 13, 2024**

Government Consultation Process

The Ministry of Energy, Mines and Low Carbon Innovation (EMLI) has conducted one-on-one meetings around the province and attended AME's public sessions. AME has worked hard to communicate the industry's challenges to them, but members have stated, consultation has not been meaningful, or properly integrated their ideas.

It was clear that people do not feel properly consulted and they feel government has already made up their mind:

> "It's great that that consultation process is ongoing, but I find with the Zoom meetings there isn't enough time to ask questions and get a response … Good questions come up … You need to be in person rather than just a Zoom call. And my fear is that if we're going to have these Zoom calls and that's going to be considered consultation, and I don't think that's true."
>
> **— Kamloops Session, April 10, 2024**

> "The decision has been made. And this is a reverse engineering process where we are now in a public engagement [from government] that is meaningless, quite frankly."
>
> **— Kamloops Session, April 10, 2024**

> "I did sit in on two of the Zoom calls. I noticed, on the government side, on each of the two calls. It seemed to be different people … are the people on the government side that are sitting in on these Zoom calls actually involved in making decisions … I don't know if we're even hearing from the people that are making the decisions."
>
> **— Kamloops Session, April 10, 2024**

> "So, this is something I'm afraid is going to take a major amount of time. I don't see how you could possibly do this within another eight months which I think is what's left in terms of meeting the original court decision."
>
> **— Vancouver Session, May 13, 2024**

At its core, industry must be allowed to participate meaningfully and go beyond a consultant led process, or conversations that do not incorporate their feedback in a serious way. Government must establish what the scope of the consultation is and ensure that it does not creep into topics that are better suited for the Mines Act. This is especially important given the lack of clarity around whether the conversation that is being had is about simply updating mineral claim staking, or if we are talking about an outright overhaul of the MTA system and the fundamental way that mineral exploration is carried out in B.C.

As we have mentioned, modernizing the MTA is not the only area of land use planning impacting exploration, but for the purposes of this report, we have chosen to focus on the narrow scope of the MTA and mineral staking, further discussion can be found in Appendix B.

While we seek to deal with the core issue of the MTA, the broader challenge of implementing DRIPA by the Declaration Secretariat remains. The anxiety that industry has regarding modernizing the MTA, in part comes from the lack of clarity about the process for "modernizing" and "aligning" the laws of our province with DRIPA. AME is supportive of DRIPA, but maintains that government must ensure a clear, certain, transparent and predictable process. AME suggests four steps government should take:

1. First, better transparency about priority actions on alignment of laws (public registry of which legislation is up next for consideration, on the Declaration Act Secretariat's website)
2. A consistent approach for how government is to engage industry stakeholders in development of policy options for legislative changes.
3. A seat at the table, or an ability to work with government in advance of negotiations.
4. A formal commitment in agreements that BC will engage with industry and other stakeholders including local governments on opportunities for input and involvement in the on-going implementation of an agreement.

Survey Data

Level of effort to advance Indigenous Reconciliation:

- 63% of industry respondents reported a moderate to high degree of effort by their organization to advance Indigenous Reconciliation.
- 15% of industry respondents reported some degree of effort by their organization to advance Indigenous Reconciliation.
- 75% of industry respondents, excluding suppliers, report maintaining relationships with one or more Indigenous Nations in areas where they operate.

Top 6 key challenges in modernizing the Mineral Tenure Act:

1. Capacity of Indigenous Nations to manage industry requirements and engagement.
2. Balancing multiple interests.
3. Capacity of prospectors/exploration companies to meet requirements.
4. Requirements that are onerous and difficult to meet.
5. Unclear rules and regulations.
6. Aligning MTA reforms with UNDRIP standards.

Level of confidence that government changes will be workable:

- Only 23% of respondents expressed a moderate to high degree of confidence that government changes to the MTA will be workable for their organization.
- 69.5% of respondents expressed a lack of confidence that government changes to the MTA will be workable for their organization.

Top consultative measures respondents identified as constructive for government to undertake before introducing changes to the MTA:

1. Direct engagement to solicit feedback on options being considered.
2. Increased communications to all affected parties about proposed changes.
3. Conduct impact assessments on each option being considered.

Top 6 concerns about the potential changes to the MTA:

1. Increased uncertainty about doing business in B.C.
2. Market conditions deteriorate and B.C. becomes known as an uncompetitive jurisdiction.
3. Ensuring Indigenous communities have capacity (time, people, funds) to effectively manage increased engagement from the Mineral Exploration Industry.
4. Protecting the Intellectual Property accrued when identifying exploration targets.
5. Raising capital or funding for projects becomes difficult or impossible.
6. Projects become delayed or cancelled altogether.

Top 10 actions government can take to support the effective implementation of a modernized MTA:

1. Centralize and streamline requirements across ministries.
2. Streamline paperwork and administration including use of technology.
3. Establish a recognized consultation framework.
4. Update the MTA in a staged approach with phased rollout.
5. Provide resources to prospectors and exploration companies to support consultation.
6. Develop conflict resolution mechanisms.
7. Assist Indigenous natural resource management planning.
8. Provide resources for Indigenous participation in consultation.
9. Increase funding and resources to support implementation.
10. Facilitate partnerships and collaboration.

MTA Update Recommendations

In this section we will draw upon suggestions from members on ways that the B.C. Government can design and implement a MTA and MTO that work for everyone.

Implementation of Justice Ross's decision is possible, with all parties at the table. AME and our members want to ensure that several core principles are included in a new process. Those include:

- Reconciliation
- Rule of law
- Administrative fairness
- Timely decision making

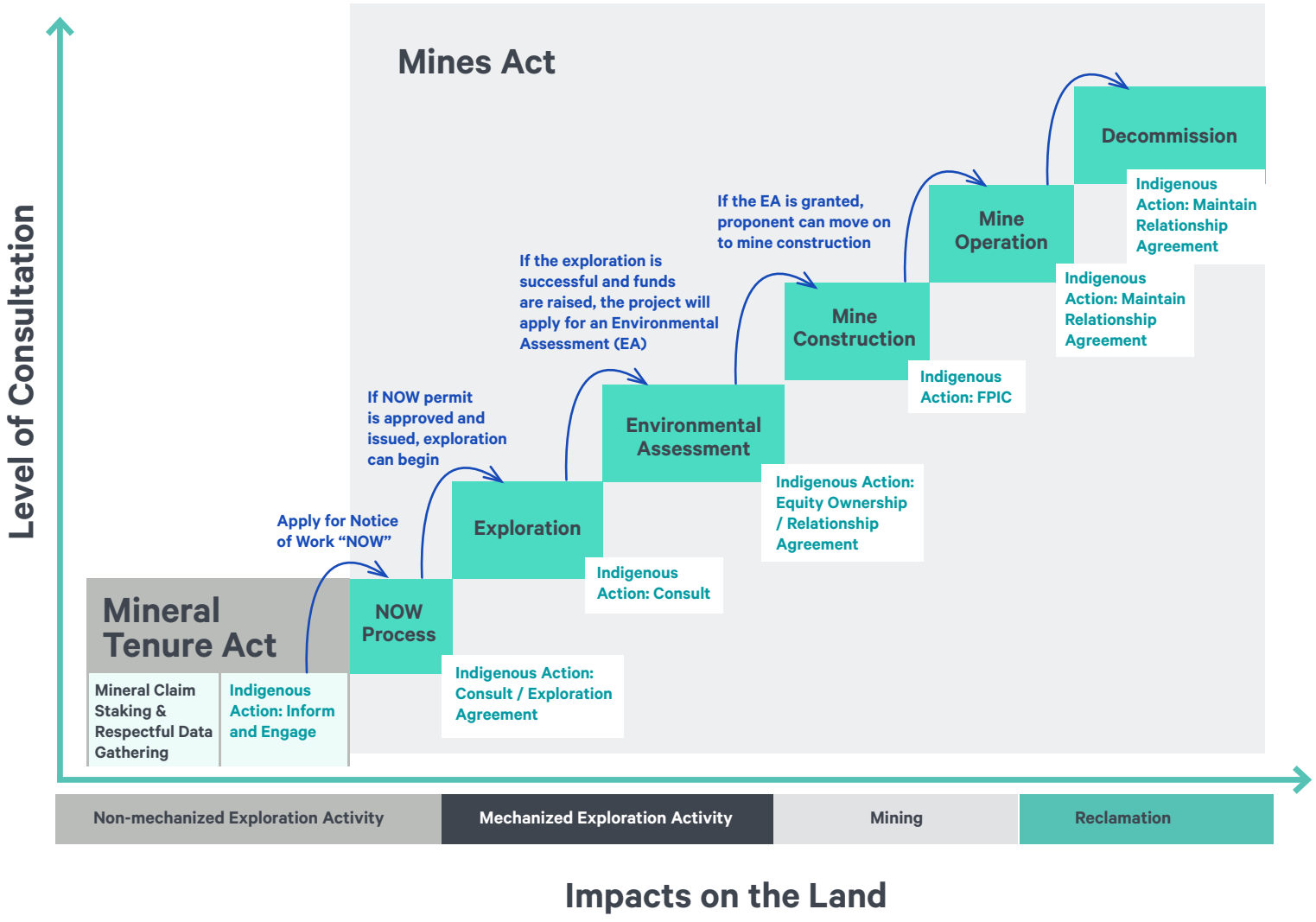
Additionally, based on feedback from our members we have prepared several key areas that a refreshed MTA should include.

Consent & Consultation Proportional to Activity

AME supports DRIPA and reconciliation as a key principle. 63% of survey respondents from the industry reported a moderate to high degree of effort by their organization to advance Indigenous Reconciliation. AME is aware that to explore for and develop minerals in B.C., engagement and consultation with Indigenous Nations is required. Protecting the land, water, and air are shared goals, but more must be done to ensure that partnerships begin at the earliest days of data collection while still protecting a prospector's intellectual property.

Some Nations believe that exploration leads to major mining projects. No matter how minimal the initial impacts are, the view is that initial activity will always lead to a mine and disturbance without their consent is prevalent. This is not the case, but work must be done to build trust with Nations to ensure the understanding that data collection does not mean a mine will be constructed. Likely this means a higher standard within the Mines Act.

The business case for Free Prior and Informed Consent (FPIC) on major projects is clear. Early engagement with Nations and ensuring their active participation reduces soft issue project risk and ensures certainty. However, the burden of consultation should be reasonable and directly proportional to the impact and scale of activity being undertaken. If the standards become too onerous for prospectors, they will simply give up. If government is committed to reconciliation, they should implement means of accommodating both the Nations and the prospectors.


Level of Consultation
Mines Act
Mineral Tenure Act
Mineral Claim Staking & Respectful Data Gathering
Indigenous Action: Inform and Engage
Apply for Notice of Work "NOW"
NOW Process
Indigenous Action: Consult / Exploration Agreement
If NOW permit is approved and issued, exploration can begin
Exploration
Indigenous Action: Consult
If the exploration is successful and funds are raised, the project will apply for an Environmental Assessment (EA)
Environmental Assessment
Indigenous Action: Equity Ownership / Relationship Agreement
If the EA is granted, proponent can move on to mine construction
Mine Construction
Indigenous Action: FPIC
Mine Operation
Indigenous Action: Maintain Relationship Agreement
Decommission
Indigenous Action: Maintain Relationship Agreement
Non-mechanized Exploration Activity
Mechanized Exploration Activity
Mining
Reclamation
Impacts on the Land

Non-Onerous

Also fundamental to the new process is the need for it to be quick and efficient. Prospectors do not have the resources or time to build Indigenous relations teams and manage open houses. These are steps for further on in the mineral exploration and mining process. At the staking stage, sending a letter, or calling the lands office should be acceptable. And for groups that spend the time building relationships the reward should be a competitive advantage in later stages of the process.

There was concern that a process that requires onerous consultation, or consent and equity deals would make smaller prospectors and companies unable to compete against larger companies.

> "There's a whole bunch of those small prospectors or small companies … are required to go through a bunch of hoops … And if it takes one year to get a permit, or if it takes two years to get a permit … they are [still] responsible to come up with the money [for the tenure], the time and the resources to maintain that property… that's holding that prospect hostage."
>
> **— Kamloops Session, April 10, 2024**

> "Definitions that … are applied to consent and consult. These are two critical words. Consent is one thing, but consult is [another] thing. But as soon as it flips the consent, it could be that all of that risk capital disappears very quickly because it requires so much money to bring up property from a prospect into something potentially viable for mining at an incredible amount of money."
>
> **— Kamloops Session, April 10, 2024**

> "But there's lots of types of permits [that] require First Nations consent today, even though it's not legally required. So, what's going to happen is that's probably going to change with these amendments. That is the answer I see to this. For government by you, this consent will be required probably right away in some form."
>
> **— Kamloops Session, April 10, 2024**

> "We cannot afford to make mineral exploration in B.C. "pay to play." We need everyone to be able to be involved."
>
> **— Kamloops Session, April 10, 2024**

> "It is critical that the province gets this right. Investment in exploration is already leaving the province and a system that further limits certainty will only impede investment further. AME is a solution focused organization that is willing to work with Nations and governments to take on these big problems, government must come to the table ready to act."
>
> **— Kamloops Session, April 10, 2024**

> "When the money leaves, the money leaves, and it don't come back for a decade.… and it has a major impact on the economy. It has a major impact to all the people in this room. So, tread carefully."
>
> **— Kamloops Session, April 10, 2024**

Many examples were brought forward on how smaller explorers are engaging with Nations in non-onerous ways:

> "I write a letter every spring on all my claims. I write letters and I phone, and I call, and I meet with the First Nations that choose to meet with me. And I've done it long before there was consultation."
>
> **— Kamloops Session, April 10, 2024**

> "Right now, we have the section 19 landowner notification. And if you're going to set foot on somebody's private property, you will serve them notice before you do that. I think that's appropriate.… And I think it's fair that we treat First Nations the same way that we treat private landowners in the province. So, I have no problem with consultation. I don't equate it with consent, but to let them know that we are on their territory. I think that's a reasonable thing to do."
>
> **— Kamloops Session, April 10, 2024**

> "… I stake the claims. I send a letter.… You want to talk to me? I'll come and see you. I have my second and I.… I have to have respect. When I go to a First Nations meeting. My name is (redacted). It's an honour and a privilege to be here."
>
> **— Kamloops Session, April 10, 2024**

Ensuring Confidentiality

Prospectors require confidentiality to ensure the value of their claims. This represents a major issue with a new system as prospectors need to be able to share information with Indigenous Nations and still ensure they have a right to the land, otherwise, there is no value in the asset, and they will have no incentive to explore it. We propose a third-party entity that could store the data and ensure confidentiality through the review process with Nations.

This was the subject of a comment:

> "Registered mineral tenure (staked claims) needs to be confidentially reserved and protected for the interested party prior to a notification and review process with FN."

— Individual Response, April 10, 2024

> "I collected the data and I've filed my report. It's been confidential for one year after the time I file my report. After that it becomes public knowledge. So that means that anybody can read it and say, your analytical method is totally inappropriate. I'm a stakeholder, I think you missed. So that gives the public the right to go and look at my work and say, okay, this guy doesn't know what he's doing. I like the system. It's competitive. You have to do your homework and have to make sure that you do it right."

— Kitimat Session, May 10, 2024

Updating Terminology

In developing a new system, new terminology could be used to better reflect the reality of what staking a claim and doing non-invasive exploration are. As discussed, free entry does not mean unrestricted access to land and would be better reflected as what it is, respectful data collection, or a "right to non-invasive exploration," or "respect-based engagement."

We received significant feedback about terminology:

> "The language and concept of establishing mineral tenure (claim staking) in a valid area should be updated to be understood as an "exclusive right to explore for minerals" with B.C. and FN level governments, and not as an "ownership" of the minerals under tenure. It should be crafted more as a rental agreement with governing bodies."

— Individual Response, April 10, 2024

Respect-Based Engagement (AME)

AME has begun efforts to better ensure our members are building relationships early. We hope to create agreements with Nations that allow us to establish basic working ground rules for those staking mineral claims and seeking to do exploration on Indigenous territory. This work will be done in high-priority areas, with Nations who support development. The goal of which is to move away from the heavy-handed zoning approach being taken by government using ELUA section 7 orders.

AME has developed several conceptual models of "respect-based engagement" with Nations. This model would see activities done jointly between prospectors and Nations with support from AME. We hope to develop relationships with more nations and build a system that facilitates early engagement and Nations to monitor activity of traditional territory/culturally sensitive areas.

Members shared helpful thoughts about building and maintaining relationships during sessions:

> "... there's three things that work to help one another in the communities that you're on. Because, in order to do business with someone, there's three things that's important to get things right. That's transparency, honesty, and respect. Without one of those things, you're never going to get the business done at hand."

— Kitimat Session, May 10, 2024

> "The anecdote I always like to use is this: imagine you have two neighbours and they both want to borrow your rake. One neighbour knows your family and your kids, they've been to your place for dinner. The other neighbour hasn't bothered to show up in two years. Who are you going to lend your rake to? It's the same with building a human connection – your project and your work will be better off and stronger for it."

— Kitimat Session, May 10, 2024

Process

One of the key subjects of debate has been process by which government should manage engagement with Indigenous Nations. In many ways they highlight the challenges with the current system. Unlike a jurisdiction like the Northern Territories of Australia (See Appendix A) B.C. has not provided administration of large portions of land to Indigenous Nations. Instead, much of B.C. is crown land. While Nations may dispute who and how this land is administered the fact remains, that mineral exploration is done on crown land. It is the view of AME that a broader change to crown lands should happen under a different process and in the view of all British Columbians.

A variety of ideas was brought forward by the membership on how government can best consult with Nations:

> “One possible solution would involve having the Office of the Chief Gold Commissioner itself consult directly with each First Nation, which I understand numbers over two hundred, as to whether they agree to an initial claim staking on their traditional territory. However, my understanding is the traditional territories of most First Nations and particular Indian bands haven't really been mapped out. So as a starting point, I think that there needs to be a real mapping out where their traditional territories are. There would have to be an agreement amongst Aboriginal people where there are overlapping claims to the same territory as to how they would operate with each other. And I think once you have that mapped out, then the chief gold commissioner's office could consult directly with each Indian Band and First Nation and come up with a list of First Nations that are willing to have initial exploration done on their territories.”
>
> **— Vancouver Session, May 13, 2024**

> “Once the tenure record is issued, the Crown has an obligation to advise the First Nations. Well, it depends on which First Nation has the strongest case because as we know there are situations in British Columbia where there are many First Nations that are claiming ownership of similar lands. I think in order to deal with that, there has to be somebody that's negotiating on behalf of the First Nations in terms of compensation. So that what you've got is that all of the First Nations would be represented at that table, in terms of the negotiations, and my suggestion is, is that there'll be a two year period within which you had to negotiate but it would be an exclusive right to negotiate the claim holder, and the First Nations, I would suggest the government be involved as an observer only, not as a decision maker, on this exercise.”
>
> **— Vancouver Session, May 13, 2024**

> “As the MTA was not considered to be unconstitutional by the Court (Gitxaala v. B.C. case), consider leaving the claim staking process intact and establish a pre-NoW level Notice-of-Prospecting letter of notification that is provided to FN following registration of mineral tenure. The FN can then request engagement with the proponent if so desired. The proponent must comply with this request. If the area is a no-go zone for FN, it can be communicated to the proponent at this time. Prospecting in the area can continue under the ‘right to explore’ tenure with the knowledge that a mineral project is unlikely to succeed in high-level permit consultation (NoW permit or higher).”
>
> **— Individual Response, April 10, 2024**

> “Have the FN Nations issue free miner’s certificates prior to staking.”
>
> **— Individual Response, April 10, 2024**

Policy Enhancements

It is the objective of AME to ensure our members are made whole by any negative policy outcomes that are implemented. We would like government to acknowledge that added time to the regulatory process means an increase in costs. To ensure that B.C. remains a jurisdiction that attracts prospecting investment we have proposed several policy enhancements.

Building Capacity

Rather than punitive actions that either disincentivize exploration or shift exploration activities to only companies with Indigenous relations departments, government should focus on ways to raise all boats. This includes increasing capacity of First Nations Land offices and environmental monitors who want to play a role in mineral exploration and mining.

Capacity building was an idea raised by several members throughout engagement:

> "I find there's a lot of responsibility put on industry to try and figure out how to make changes... For me something that I see people have brought up capacity for First Nations as being a very clear issue that we face... So how does that change? What you're able to do moving forward if the decision makers that once said yes are maybe not the same people that are there 10 years later? I think there's some onus on government to really invest in education for the Nations on these and other sorts of benefits that can come to your community if these projects are able to move forward."
>
> **— Vancouver Session, May 13, 2024**

> "Many Indian bands and First Nations lack the capability to do this in a timely way. Further work needs to be done in terms of providing monies to support staff or contractors provided federally."
>
> **— Vancouver Session, May 13, 2024**

Maintaining Mineral Tenure – Environmental Monitoring and Indigenous Knowledge Credit

Under section 29 of the MTA, to maintain a claim a tenure holder must register a statement of the exploration and development or making payments instead of exploration and development.[6] The value of exploration and development required to maintain a mineral claim increases from $5/hectare to $20/hectare after seven years.[7] Currently tenure holders can receive credit for archeological impact assessments and other technical exploration and development on their sites. This should be expanded to include more services that Indigenous land offices offer including environmental monitoring, mapping of culturally significant sites, and cultural training videos and seminars. This could help incentivise collaboration with Nations early by reducing the cost to hold mineral tenures and encouraging prospectors to understand the culturally significant areas, which helps derisk projects for future stages of exploration and development.

Members articulated the importance of maintaining mineral tenures in their feedback:

> "What it means to maintain my tenure, I have obligations. I must then work the ground, and I must record my work. If I fail to do that by a certain date, it automatically returns to the crown, without notice and without recourse. I can't say you've gotten sick, I'm sorry I didn't get this in. That doesn't work. It immediately reverts to the crown and then any other free miner can go after it. And this is so important for a competitive system."
>
> **— Kitimat Session, May 10, 2024**

6. https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/00_96292_01#section29
7. https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/529_2004

Maintaining Mineral Tenure – Payment Pause

If Indigenous Nations refuse to engage, or access to work on land is limited by a factor outside of the prospector's control, and they are not able to do work on land, they should not be required to pay to maintain the tenure and this balance should be made up for by government. Generally, this rule should be applied across industry to prevent companies from bearing additional burdens and costs associated with unforeseen delays.

We received this feedback from members suggesting that if permits stall, for unstated reasons, the owner should have payments paused on holding said tenure:

> "I think there needs to be consideration [of permitting delays] in that process. When we get held up like this, that the government [should say] you don't have to pay for that year or for those two years … if we're being held up because of their processes."

— Kamloops Session, April 10, 2024

Upfront Ownership – Fund/Tax Credit/ First Right of Refusal

To stimulate exploration and early partnerships, the provincial government could provide a pot of capital, accessible by Nations who are seeking to purchase equity in exploration projects early on, this could provide a much-needed early capital injection and ensure Indigenous Nations have a stake in exploration on their territory. Additionally, government could provide Nations and industry with tax credits if they allow Indigenous Nations to take an interest in exploration and prospecting. This could be coupled with a first right of refusal for Nations to take additional equity in projects once they reach a certain stage of development helping pave the way for FPIC on mines developed on their territory.

Conclusion

With a deadline fast approaching and another legal challenge underway, there is still much work to be done on MTA and MTO. As you can see, AME and its members are committed to solutions that empower exploration in a way that is consistent with DRIPA. AME is advocating for a system that is proportionate to the amount of impact on the land and does not try to add scope to the MTA beyond what is relevant. Our members have provided both their fears and their solutions. We hope that government will incorporate these ideas into the updated MTA so our members can get back to doing what they do best: exploring for the minerals that will lead to the future energy transition.

Appendix A: Global Survey

Australia – Northern Territory

Gitxaala v BC included discussion about Australia's Northern Territory as an example because their consultation begins with the "claim stage." The example was ruled inadmissible on the grounds that Australia and Canada are not an "apples to apples" comparison. This is a fair interpretation because Australia uses a concept of Preliminary Exploration and not claim staking like we do in Canada.[8] Comparing the Northern Territory to BC is not appropriate, because in 1976 they converted a large amount of reserve and claim land to fee simple. There are also only four Aboriginal Land Councils that hold this land in trust. The Traditional Aboriginal Owners (TOs) do have an explicit veto and if they use this, a moratorium is placed on the land for 5 years. The bar for engagement, consultation and consent are higher at each stage in the Northern Territory, but the Northern Territory in Australia appears to have dealt with some of the underlying issues, generations ago, by settling land claims and placing almost ~49% of the Northern Territory under their direct control of Aboriginal Land Councils and providing a veto.

Australia – Western Australia

In Western Australia, a 'miner's right' must be obtained before prospecting activities can commence. This 'miner's right' allows the holder to pass and re-pass over land, to gain access to Crown land for prospecting purposes. This can be obtained for a fee from the Department of Mines, Industry Regulation and Safety (DMIRS).[9]

The 'miner's right' does not entitle the holder to access land subject to exclusive possession native title rights. The holder must seek the permission of the relevant native title party before entering.[10]

If minerals are found during prospecting activities and a prospector wants to apply for the ground, the area must be pegged, and mining tenement must be applied for. The application for a mining tenement includes a notice to the affected parties, including native title rights holders and allows for a 35-day objection period. If an objection is made, the application will go to a Warden's court where it will be granted or refused. If the objection is upheld the applicant may appeal the decision to the Minister.[11]

Australia - South Australia

In South Australia, prospectors are first to register for a 'mineral claim' to 'stake' the land. This process includes identifying interested parties and stakeholders, serving notices, and negotiating required agreements, consents or authorizations.[12]

Elements relevant to Indigenous Peoples when registering for a mineral claim:

- Notice of entry
  - Prospectors need to serve a notice of entry to the relevant native title parties as per section 5 of the Native Title (South Australia) Act 1994.[13]
  - Prospectors need to serve notice of entry to relevant native title parties 42 days before first entering land to carry out prospecting activities, as per section 58 and 58A of the Mining Act and regulation 60 of the Mining Regulations.[14] [15]
- Prospectors need to obtain written consent from the relevant native title parties under section 75 of the Mining Act to peg for extractive minerals.[16]

8. https://nt.gov.au/__data/assets/pdf_file/0011/1096409/guide-to-mineral-exploration-in-the-northern-territory.pdf
9. https://www.dmp.wa.gov.au/Minerals/Miners-Rights-2427.aspx
10. https://www.dmp.wa.gov.au/Documents/Safety/MSH_G_ProspectingWA.pdf
11. https://www.dmp.wa.gov.au/Minerals/Native-Title-Act-Process-5548.aspx
12. https://www.energymining.sa.gov.au/industry/minerals-and-mining/mining/establish-a-mine-or-quarry/how-to-apply
13. https://www.legislation.sa.gov.au/__legislation/lz/c/a/native%20title%20(south%20australia)%20act%201994/current/1994.92.auth.pdf
14. https://www5.austlii.edu.au/au/legis/sa/consol_act/ma197181/s58a.html#:~:text=(b)%20the%20holder%20of%20an,in%20accordance%20with%20this%20section
15. https://www.legislation.sa.gov.au/__legislation/lz/c/r/mining%20regulations%202020/current/2020.300.auth.pdf
16. https://www.legislation.sa.gov.au/__legislation/lz/c/a/mining%20act%201971/current/1971.109.auth.pdf

Canada – Yukon

In the Yukon, to stake a claim, posts are required to be physically put in the ground. You cannot stake a claim on a map or online.

After posts are put in the ground you are required to complete an application for a grant of claim to record your claim. Deadlines for when this must be completed depend on the area with a minimum time of 10 days.[17]

Chile

The structure of mining rights in Chile falls under a Mining Concession. There are two different types of Mining Concessions, 'an exploring right', and an 'exploiting right.' An exploring right is meant to be a basic research concession and is not meant for actual mining. An exploiting right is designed for actual mining and is also known as a mining claim.[18]

To obtain an exploiting right a company must request the court to order a survey of the of the exploiting right. This application is then published in the Official Mining Bulletin after which third parties can file objections. If there are no objections a mining engineer or other appropriate specialist designated by the applicant will proceed to survey the claim. The mining engineer or specialist will produce a report given to the National Geology and Mining Service for review. If again there are no objections the court will grant the exploiting request.[19]

In terms of Indigenous consultation, Chile has ratified the Indigenous and Tribal People Convention, 1989 which recognized the Indigenous rights over their traditional lands and processes for consultation. However, in 2008, the constitutional court in Chile stated an interpretation changing the meaning and scope of the Indigenous consultation in Chile. The court held that the consultation in the international agreement was not legally binding. As a result, authorities must consult those administrative measures to those Indigenous that are 'directly affected' by those decisions, but the final decision still lies with the administrative authority that makes the consultation.[20]

Separately Chile also introduced the Environmental Impact Assessment System Implementing Regulations. These regulations require an environmental permit for all projects listed in Article 10 of Law No 19 300, which includes mining development plans, exploration, prospecting, and exploitation.[21] These regulations include specific provisions requiring mandatory prior and informed consultation of affected Indigenous communities during the environmental assessment of a project. The Environmental Assessment Agency carries out this consultation.

Peru

Like Chile, Peru manages the exploitation of minerals through the mining concession system, granting mining rights to private parties. Individuals or entities are entitled to apply for mining rights from INGEMMET (an online system) and are required to pay the necessary processing fees.

Regarding consultation and Indigenous rights, the protection of the rights of Indigenous and tribal people does not affect the acquisition or exercise of mining rights. However, the Peruvian government has also adopted the Indigenous and Tribal Peoples Convention (1989) by which title holders shall consult Indigenous communities domiciled in areas located in projects prior to starting activities. The MINEM and the Ministry of Culture control the process of prior consultation.

17. https://yukon.ca/en/doing-business/licensing/apply-placer-claim
18. https://www.cochilco.cl/Lists/Leyes%20Destacadas%20Ingls/Attachments/3/mining_code.pdf
19. https://www.bizlatinhub.com/the-different-methods-to-aquire-a-mining-concession-in-chile/
20. https://conferences.iaia.org/2013/pdf/Final%20papers%20review%20process%2013/Indigenous%20Consultation%20and%20Participation%20under%20Chilean%20Environmental%20Impact%20Assessment%20.pdf
21. https://www.cochilco.cl/Lists/Leyes%20Destacadas%20Ingls/Attachments/5/Law19.300_general_basesofthe_environment.pdf
22. https://www.dentons.com/en/insights/newsletters/2022/january/17/dentons-global-mining-guide/dentons-global-mining-guide-2022/peru

Appendix B: Other Land Use Issues

AME is focused on delivering a MTA that allows for prospecting to continue and deepens relationships with Indigenous communities, but the engagement process surfaced significant issues with mineral exploration and development in B.C. that government should have on their radar outside of the MTA process.

Modernized land use planning, done without industry consultations undermines the work being done to modernize the MTA and will shake investor confidence in British Columbia. Access to the land base is also occurring in conjunction with a myriad of other provincial initiatives including, but not limited to, the proposed Land Act Amendments, the Biodiversity and Ecosystem Health Framework, the Tripartite Framework Agreement on Nature Conservation, the Mineral Tenure Act modernization process, the Watershed Security Strategy and Fund, and the Coastal Marine Strategy, among others.

We recommend the BC Government assess the key items below when undertaking modernized land use planning. Important questions that need to be addressed for our members, include (but are not limited to):

- What are the full details of any potential proposal?
- Is the Province contemplating measures for other First Nations that have requested moratoriums or other actions as they relate to mineral claim staking within their territories, especially in areas where there are no overlapping rights and title claims?
- How will the Province respond to similar requests of No Registration Reserve from other First Nations?
- What legislative tools are the preferred path forward to resolve similar requests relating to modernized land use planning?
- Has current, comprehensive work on mineral potential been incorporated into the scope of the modernized land use process?
- Have impacts on capital markets been considered?
- Have impacts on economic loss and job loss to the mineral exploration industry and value chain been considered?
- Has the Province engaged with municipalities?
- What is contemplated within the initial time period when there is an effective moratorium on mineral staking?

Outside of the MTA and MTO, numerous issues are impacting members from land use to wildlife habitats and the government's 30 by 30 plan:

- "I would just bring up these wildlife habitat areas that are just cropping up everywhere. And it's essentially this is just de facto land use planning where they're circumventing having to look at economic impacts because they're limiting our ability to work and the exploration industry …. and they're scapegoating First Nations because they're saying that they've done this in conjunction consultation with them."
  — Kamloops Session, April 10, 2024
- "[The] 30 by 30 or looking at 30% of the provinces base to be in protected areas. And we're expecting to do that through the creation of Indigenous protected and conserved areas."
  — Kamloops Session, April 10, 2024
- "Cascadia was identified as a [region] which extends from the United States to British Columbia and immediately crosses international boundaries and therefore takes it out of the national conversation."
  — Kamloops Session, April 10, 2024

Appendix C: Active Metals Mines

Overview

According to government and industry databases there are 18 active mines operating in B.C. as of 2024. Of these mines, eight are metallurgical coal and 10 are metals. For AME's purposes and due to lack of information about the discovery of metallurgical coal mines, we have chosen to focus on metal mines. While not technically in operation, the Blackwater Gold Project has been included as the mine is nearly 73% complete.

#	Name	Commodities	Discovery	Discovery
1	**Brucejack Mine**	Gold (Au) and Silver (Ag)	In 1935, prospectors discovered copper-molybdenum mineralization on the Sulphurets Property in the vicinity of the Main Copper zone, approximately six km north-west of Brucejack Lake; however, these claims were not staked until 1960.[23]	Prospector 1935
2	**Copper Mountain Mine**	Copper (Cu), Gold (Au), Silver (Ag)	Copper was first discovered in the area in 1884 by a trapper named Jameson, but it was not until 1892 that R.A. (Volcanic) Brown staked the Sunset claim that later became the center of the Copper Mountain mine.[24]	Prospector 1884
3	**Gibraltar Mine**	Copper (Cu) and Molybdenum (Mo)	The Gibraltar mine area has a long history of mineral exploration, beginning around 1917, when Joseph Briand and partners explored copper-bearing quartz veins on the Rainbow group of mineral claims. These original showings are believed to lie about 60 metres west of the current Pollyanna pit. Prospecting in the Granite Mountain area continued through the 1920s and by 1928, the Sunset shear zone was discovered west of the Rainbow Group on ground held by G.F., H.B., and J.F. Hill. The discovery area is now known to have been the exposed southeast end of the Gibraltar West orebody. The Rainbow showings and the Sunset shear zone provided the focus for further prospecting up to at least the 1960s.[25]	Prospector 1917

23. https://minfile.gov.bc.ca/Summary.aspx?minfilno=104B+193#:~:text=In%201935%2C%20prospectors%20discovered%20copper,were%20not%20staked%20until%201960
24. https://propertyfile.gov.bc.ca/reports/PF887635.pdf
25. https://minfile.gov.bc.ca/Summary.aspx?minfilno=093B++012

4	**Highland Valley Copper Mine**	Copper (Cu), Molybdenum (Mo), and Gold (Au)	Between 1899 and 1905 numerous important copper deposits were discovered in the Highland Valley. Small underground mines, on the southwest side of the Valley operated in the area from 1915 to 1920. The first ore was shipped in 1915-16. There was little mining activity in the area until exploration and evaluation of the present properties took place in the late fifties and early sixties.[26] [27]	Prospector Syndicate 1899
5	**Mount Milligan Mine**	Copper (Cu) and Gold (Au)	The area was prospected as early as 1929 by George Snell, but no serious work was done until 1972 when Pechiney Development Ltd. conducted induced polarization (IP), geochemistry and a five-hole drill program. The property was dormant until 1983 when Selco Inc. did extensive geochemical work which identified a gold-arsenic anomaly east of Heidi Lake. Selco amalgamated with BP Resources Canada Limited in 1984. In that same year, R. Haslinger staked claims on adjacent ground, which BP then optioned. Extensive geological, geochemical, lithogeo chemical, magnetic, IP and trenching work was done by BP until 1986, when Lincoln Resources Inc. optioned the property.[28] [29]	Prospector 1929
6	**New Afton Mine**	Copper (Cu), Gold (Au), Silver (Ag)	In 1949, prospector Axel Berglund staked the 8 claim Afton group in the vicinity of the Pothook showings. In 1952, Kennco Explorations (Canada) Limited optioned the Afton group and expanded the property to 58 claims. The company carried out a program of geological mapping, geophysical surveys, and 1,388 metres of diamond drilling in 14 holes. This work indicated a substantial tonnage of submarginal material. Work was discontinued in August 1952.[30]	Prospector 1949
7	**Premier Gold Mine**	Gold (Au), Zinc (Zn), Silver (Ag)	These claims were located O.B. Bush, in October 1910 who then incorporated Salmon Bear River Mining Company, Limited to carry on the exploration Westmin Resources Limited. Mining activities on and around the site began in 1918, and the Premier Gold Mine was operated by Westmin Resources Limited from May 1989 to April 1996 when it closed. Boliden Ltd. acquired the mine from Westmin in 1998, and Ascot Resources Ltd. is currently exploring the site.[31]	Prospector 1910

26. https://a100.gov.bc.ca/pub/acat/documents/r38252/38252_1386037714085_6031306355.pdf
27. http://www.em.gov.bc.ca/dl/PropertyFile/NMI/092I7_Cu1.pdf
28. https://minfile.gov.bc.ca/Summary.aspx?minfilno=092INE023
29. https://s28.q4cdn.com/583965976/files/doc_multimedia/portfolios/mount-milligan-2020.pdf
30. https://minfile.gov.bc.ca/Summary.aspx?minfilno=092INE023
31. https://minfile.gov.bc.ca/summary.aspx?minfilno=104B%20%20054

8	**Mount Polley**	Copper (Cu), Gold (Au), and Silver (Ag)	The Mount Polley ore deposit was discovered subsequent to an airborne magnetometer study completed by the Canadian government in 1964 which detected a significant reading for the surveyed map in the region of Polley Mountain. Investigating further, Karl Springer discovered an alkalic porphyry deposit there the same year.[32]	Prospector 1964
9	**Red Chris Mine**	Copper (Cu), Gold (Au), and Silver (Ag)	The deposit that would eventually become the Red Chris Mine was first explored in 1956 by Conwest Exploration Co. Over the years, junior exploration companies kept coming back to it, staking several claims, but its remote location near the Alaska Panhandle and lack of power were always major impediments. It wasn't until the B.C. government started considering bringing electricity to the region that Red Chris and other mines in the region became economically viable to develop.[33]	Junior 1956
10	**Blackwater Gold (Nearing Completion)**	Gold	The Blackwater-Davidson prospect was discovered in 1973 through a stream sediment geochemical survey. Follow-up geophysical and geochemical surveys led to drilling and between 1985 and in 1992, 36 diamond and 34 reverse circulation holes were drilled on the property. This drilling led to discovery of the Gold and Silver zones, two areas with anomalous gold and silver.[34] [35]	Prospector 1973

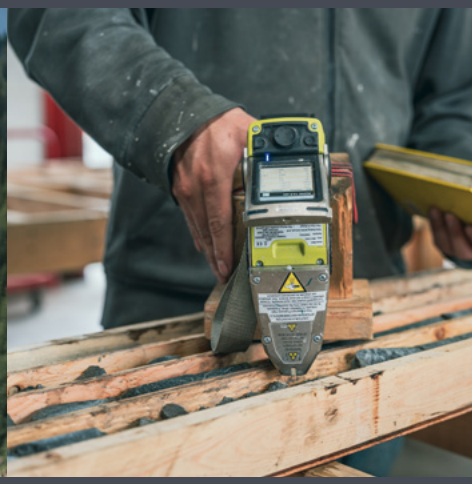
32. https://minfile.gov.bc.ca/Summary.aspx?minfilno=093A++008
33. https://www.biv.com/news/resources-agriculture/B.C.s-red-chris-mine-six-decades-making-8242656#:~:text=The%20deposit%20that%20would%20eventually,power%20were%20always%20major%20impediments.
34. https://minfile.gov.bc.ca/summary.aspx?minfilno=093F%20%20037
35. https://www.miningnewsnorth.com/story/2011/04/24/news/new-gold-inks-buyout-of-blackwater-owner/2406.html

Appendix D: Current Claim Staking Process

- Mineral and Placer Claims are acquired using the Mineral Titles Online (MTO) system. The online MTO system allows clients to acquire and maintain (register work, payments, etc.) mineral and placer claims.
- You register a cell claim by selecting one or more adjoining cells on the electronic MTO map.
- Placer Titles can only be acquired in Placer Claim or Placer Lease Areas[36] in the Province. You cannot use a Mineral Claim to carry out Placer activity and vice versa.
- Mineral Titles can be acquired anywhere in the province where there are no other impeding interests (other mineral titles, reserves, parks, etc.).
- No two people can select the same cells simultaneously, since the database is live and updated instantly; once you make your selection, the cells you have selected will no longer be available to another person, unless the payment is not successfully completed within 30 minutes.
- The electronic Internet map allows you to select single or multiple adjoining grid cells. Cells range in size from approximately 21 hectares (457m x 463m) in the south to approximately 16 hectares at the north of the province. This is due to the longitude lines that gradually converge toward the North Pole. Clients are limited to 100 selected cells per submission for acquisition as one claim. The number of submissions is not limited, but each submission for a claim must be completed through to payment before you can commence another registration.
- When you have made your cell selection, you must confirm it and make payment electronically through your Visa, AMEX or MasterCard, or by cash or cheque if you are using a PC terminal in a government office.
    - Fee for Mineral Claim Registration: $1.75 per hectare
    - Fee for Placer Claim Registration: $5.00 per hectare
- MTO will calculate the exact area in hectares according to the cells you select, and calculate the required fee. The fee is charged for the entire cell, even though a portion may be unavailable due to a prior legacy title or alienated land.
- Upon confirmation of payment, which is immediate, your title is issued. A title number will be issued for the registered claim. You will receive an immediate email confirmation of your transaction and title.
- MTO provides you with the GPS co-ordinates for the four corners of each cell in your claim. Using a GPS unit, you can easily determine the claim position on the ground. For more information about obtaining coordinates using MTO, refer to the MTO Help Guide.
- NOTE: Rights to any ground encumbered by existing legacy claims will not be granted with the cell claim except through the Conversion process. However, the rights held by a legacy claim or lease will accrue to the cell claim if the legacy claim or lease should terminate through forfeiture, abandonment, or cancellation, but not if the legacy claim is taken to lease. Similarly, if a cell partially covers land that is alienated (park, etc) or a reserve, no rights to the alienated or reserved land are acquired; but if that alienation or reserve is subsequently rescinded, the rights held by the cell expand over the former alienated or reserve land within the border of the cell.
- Upon registration, a cell claim is deemed to commence as of that date ("Date of Issue"), and is good until the "Expiry Date" (Good To Date) that is one year from the date of registration. To maintain the claim beyond the expiry date, exploration and development work must be performed and registered, or a payment instead of exploration and development may be registered [refer to the section "Maintaining Claims" below for more information on claim maintenance]. If the claim is not maintained, it will forfeit at the end of the "expiry date" and it is the responsibility of every recorded holder to maintain their claims; no notice of pending forfeiture is sent to the recorded holder.

36. https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/mineral-exploration-mining/documents/mineral-titles/mineral-placer-titles-getting-started/forms-maps-publications/maps/placer_designated_areas.pdf





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