

February 7, 2025

Hon. Jagrup Brar
Minister of Mining and Critical Minerals
Parliament Buildings
Victoria, British Columbia V8V 1X4

Sent via email: MCM.Minister@gov.bc.ca

Dear Minister,

Re: Mineral Claims Consultation Framework

We are writing today to again share our concerns about the implementation of the Mineral Claims Consultation Framework (MCCF) and its implementation by March 26, 2025.

AME and its Board do not endorse the current Mineral Claims Consultation Framework (MCCF). Our membership has informed us that the MCCF will negatively impact our members' ability to stake claims in a timely and commercially viable manner.

There is also significant concern that the framework that continues to be presented in the same manner will be used to disadvantage our smaller members, who do not have budgets for early engagement and impact benefit agreements with First Nations. The uncertainty around the MCCF, combined with existing challenges in getting Notice of Work permits, and the alignment of DRIPA with the MTA are driving a narrative that there will be significant capital flight from B.C. in 2025 as people look to other regions and countries to stake claims and explore. This is an existential crisis for our industry and has the potential to materially harm our members.

However, with the March 26 deadline approaching and with the risk of a moratorium on staking mineral claims, AME continues to work with the province to design a regime that treats everyone involved in the process fairly, protects their intellectual property, and is not cost prohibitive. Furthermore, over the past year, we have continually provided government with the concerns of our membership. As you are aware, we have significant issues with the potential for consultation timelines and scope to expand and become unworkable. Additionally, we continue to take issue with the names of applicants being shared as we have previously identified that this will put proprietary information at risk. These issues have been flagged in various forms by our organization and membership and continue to put investment in our sector at risk.

OUTSTANDING ISSUES:

As you are aware AME has identified several major existing issues that have yet to be addressed by government:

- **Scope of Consultation** - While government has outlined the scope of consultation is to fulfill their obligations under section 35 of the Constitution, they have not yet outlined a standardized list of activities that will be consulted on in confirming mineral claims. This is important to ensure that the scope of the consultation does not expand, and stays within the narrow and limited impacts associated with the Justice Ross decision.
- **Confidentiality** - Providing the names of prospectors to Indigenous Nations risks giving up their intellectual property and could also subject applicants to subjective bias. AME has no issue with members' names being shared with government, but given that the consultation is happening between government and Indigenous Nations, we feel that sharing names is inappropriate. Consultation should take place based on impacts and not individuals.
- **Denial of Claim** - What happens in the rare occurrence that a claim is denied? Specifically, how long will that cell be frozen and does the person who submitted get first right or refusal in the future? If they do not, this mechanism will be subject to gaming and ensuring only favoured parties have claims confirmed. It risks the intellectual property and research done by our members.
- **Timelines** - How will government ensure that timelines are maintained, and the process moves quickly and effectively to render decisions?
- **Defining Spiritual Impacts** - How will government define and accommodate spiritual impacts from confirming mineral claims? How will a subjective issue be addressed in an objective way?
- **Overlapping Land Claims** - How will government handle overlapping Indigenous land claims, especially where there is support generally and dissent from the minority?
- **Allowable Activity on Crown Land** - Questions remain about what members can do on Crown land prior to and during the claim consultation process exploration on Crown land, or private land with permission of the landowner. A lack of clarity of what non-impactful activities such as walking, camping, or non-impactful mineral exploration that a Canadian citizen can do on Crown lands will lead to varying interpretations, and fear from the public about what can and can't be done on Crown and private lands.
- **Private Land** - Are claims staked on private land subject to the same process of consultation, even with the permission of the owner?
- **Indigenous Capacity** - The proposed system puts a significant strain on the resources of Indigenous Nations. AME is supportive of funding from government to Indigenous Nations to ensure their lands offices can keep up with the demand.

AME HAS ADVOCATED FOR CORE PRINCIPLES:

AME continues to advocate for these core principles in any process that is built.

- **Reasonable Timelines** – The Chief Gold Commissioner could and should establish presumptive service standards or time limits for consultation and decision-making, recognizing that there will need to be discretion as the extent of consultation and accommodation required is fact specific, and that time must be allowed for meaningful consultation. Without clear timelines, consultation may create significant delays.
- **Best Efforts** – All parties must make best efforts to engage with one another during the process.
- **Transparency** – Decisions and decision making must be publicly accessible, with clarity for Indigenous Nations and proponents on who must participate in consultation.
- **Fairness** – All participants must be treated fairly and without prejudice under the law. If the applicant is denied, they will still have first rights to the process and opportunity to make a claim.
- **Confidentiality** – Applicants to the process must have their information and information about their projects protected by government and Indigenous Nations.
- **Capacity** – Government must ensure that Indigenous Nations have the appropriate funding to receive, review applications for mineral tenure. This could be delivered as annualized funding, or a portion of the fee associated with making an application.

AME continue to uphold our commitment to working with government. The need to implement a consultation framework by March 26 is not in doubt, so we must use the short time we have left to get it right.

We look forward to speaking with you about this pressing matter and working together to ensure a strong and vibrant mineral exploration sector in British Columbia.

Sincerely,



Trish Jacques
Chair
Board of Directors
Association for Mineral Exploration

cc: Board of Directors, AME
Regional Exploration Groups
Hon. David Eby, Premier of British Columbia
AME Membership