

Guide to Hard Rock Prospecting, Exploration and Mining in Yukon



September 2009

Note: Placer mining information is regulated through the Placer Mining Act and is not covered in this guide.

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INTRODUCTION

The purpose of this guide is to assist the mineral industry in navigating the regulatory requirements of hard rock prospecting, exploration and mining in the Yukon. It provides an overview of the general processes for mineral development on public lands.

Mineral exploration and mining in the Territory are regulated by the Yukon government and other key public institutions. This guide identifies the roles of the key authorizing agencies and bodies and the relevant legislation for mineral activities, as well as the standards, policies and procedures used to guide decision-making in the Yukon.

In addition to the information in this guide, interested parties are encouraged to follow the reference links to ensure that they are meeting the detailed requirements of relevant legislation.

IMPORTANT NOTE:

District Mining Recorder Offices, also called Mining Lands Offices, are key locations for obtaining more information about the activities described in this document. These offices are part of Yukon government's Department of Energy, Mines & Resources (EMR), and are staffed with Mining Lands Officers and Mining Recorders. For clarity, this document uses the term Mining Recorder Office or Mining Lands Officers to refer to all.

See www.yukonmining.com for more detailed information on:

- Mineral maps, data and publications;
- Prospecting, exploration and mining activities;
- Legislation and guidelines;
- Environmental and socio-economic assessment and permitting processes;
- Incentive programs;
- Statistics, studies and research; and,
- Contacts and links.

Placer mining is governed by separate regulatory requirements and is not covered in this guide. Visit www.yukonmining.com for information on placer mining.

MINERAL TENURE ON COMMISSIONER'S LAND

The [Quartz Mining Act](#) (QMA) is the primary legislation governing hard rock mining activities on lands in the Yukon. The purpose of the QMA is to encourage prospecting, exploration, staking and development of mineral resources by providing an orderly system of allocation of exclusive rights to minerals. Specific permission must be obtained where the surface is occupied by others.

Mineral tenure is granted under the free entry system in the Yukon. This system gives individuals exclusive right to publicly-owned mineral substances from the surface of their claim to an unlimited extension downward vertically from the boundary of the claim or lease. All Commissioner's lands are open for staking and mineral exploration unless they are expressly excluded or withdrawn by order-in-council (e.g. parks, interim protected lands, buildings, dwelling houses, cemeteries, agricultural lands, settlement lands).

Prospecting

A prospecting license is not required in the Yukon. Anyone 18 years or older, or an individual authorized by any corporation authorized to carry on business in the Yukon, or anyone on behalf of someone else 18 years or older, may enter on available land for mining purposes, locate, prospect, and mine for gold and other precious minerals or stones.

Mineral Claims

A claim is a parcel of land located or granted for hard rock mining. A claim also includes any ditches or water rights used for mining the claim, and all other things belonging to or used in the working of the claim for mining purposes.

Size of a Claim

A claim is a rectangular plot of ground that does not exceed 1,500' X 1,500'. All angles of a claim must be right angles, except in the cases where a boundary line of a previously located claim is adopted as common to both locations. (QMA Section 18)

Fractional Claims

A fractional claim is a plot of ground lying between and bounded on opposite sides by previously located mineral claims and measuring less than 1,500' X 1,500'. A fractional claim does not need to be rectangular in form and the angles do not need to be right angles. The lines of the previously located mineral claims, between which the fractional mineral claim is located, may be adopted as the boundaries of the fractional mineral claim. (QMA Section 19)

Staking a Claim

Before staking a claim, an individual or company should reference the relevant maps available at the Mining Recorder Office (also available online) to determine where land is available for staking and where areas have been withdrawn from staking.

Staking a claim in the Yukon requires that you acquire claim tags from the Mining Recorder prior to staking in the field and that posts be placed in the ground according to regulated requirements. The Mining Recorder Offices have staking guides available, including information such as dimensions of a post and details of the information which must be placed on the claim tag. The Yukon uses a two post system with the claim lying on one side of the line joining the two posts. (QMA Sections 12, 23-40)

[Quartz Staking Guide](#)
[Quartz Maps](#)

Recording a Claim

Once a claim is located it must be recorded with the Mining Recorder responsible for the district in which the claim is located. Claims must be recorded within 30 days of staking.

An application to record a claim must be submitted with all fees (\$10 per claim) and a sketch of claims. The application form must be notarized and can be delivered in person, by fax (with original in mail) or mailed to the Mining Recorder Office. Payment can also be made in person or over the telephone with a credit card. A claim is not considered to be received until the fees have been collected by the Mining Recorder Office responsible for the district in which the claim is located. The date that the 'Application to Record' form and fees are received is considered the recording date (anniversary date). (QMA Sections 41-47)

Application for Fractional Claim (YG5047) [English français](#)
Application for a Full Claim (YG5046) [English français](#)

Representation of Work

Continued tenure to the mineral rights is dependent upon work performed on the claim or a group of claims. When work has been done on a claim and is being used for the renewal of that claim, a full report of the work done must be submitted to the Mining Recorder Office. A renewal certificate will not be issued until the report and/or survey has been approved for the value required.

The QMA does not specify work to be performed, except in dollar terms. Renewal of a quartz claim requires that \$100 of work be done per claim per year, based on the Schedule of Representation Work outlined in the QMA. Where work is not performed, the claimant may make a payment in lieu of work. The fee for payment in lieu is \$100 per claim per year plus \$5 for the certificate of work per claim per year. (QMA Sections 53-60, Schedule 2 Fee Section 104)

[Schedule of Representation Work & Quartz Grouping Guidelines](#)

Application for a Certificate of Work (YG5049) [English français](#)
Application for Renewal of Grant for Quartz Mining Pay in Lieu (YG5220) [Bilingual](#)

Grouping Claims

Work must be performed on every claim unless groupings are filed. An [application](#) can be made to group adjoining claims; the maximum number of claims per grouping is 750. Grouping allows work to be performed on one or more claims and can be distributed to any or all other claims in the group. Groupings may be applied for at the same time as renewal applications. Each grouping requires a sketch showing the selected claims. (QMA Section 55)

Lapsing of Mineral Claims

The holder of a claim may abandon or relinquish any rights to his/her claims. If assessment work is not performed on a claim, or payment in lieu is not made, the claim will lapse. There is a 14-day grace period, after the expiry of the claim, during which assessment work which was done prior to the expiry date of the claim may be recorded without penalty. Work filed after the grace period, but before the six month anniversary of the claim's expiration, is subject to penalty fees. Work cannot be filed more than six months after the expiry date of the claim. The applicant should contact the Mining Recorder Office prior to the expiry day of the claim in order to ensure familiarity with all additional conditions of filing work in penalty.

Surveying Claims

If there is a dispute regarding claim boundaries, the holder of a claim may apply to have the claims surveyed. All surveys of mining claims must be completed by a Canada Lands Surveyor. The [Survey Notice Form](#) must be completed and submitted to the Mining Recorder Office.

Quartz Leases

Quartz Leases are the most secure form of mineral title in the Yukon. Once a vein or lode is confirmed within the limits of the claim, the proponent may apply to lease the subsurface of their claim(s). Typically, companies contemplating production will take their claims to lease which provides secure title and relieves them from their annual work requirement. Quartz leases are issued for 21 years and can be renewed for an additional 21-year term, provided that during the original term of the lease, all conditions of the lease and provisions of the legislation have been adhered to.

Applying For a Quartz Mining Lease:

- 1) The applicant must do or cause to be done \$500.00 worth of work on the claim. (This can be a combination of work and payment in lieu. The applicant must provide a spreadsheet type document for each claim being taken to lease.)
- 2) A vein or lode must have been found within the limits of the claim and certified by the Yukon government's Chief Geologist. (The Mining Recorder Office makes the request to the Chief Geologist for this report.) A Certificate of Improvements will not be issued until a report from the Chief Geologist is received.
- 3) The claim must be surveyed by a Canada Lands Surveyor.
- 4) A copy of the preliminary survey plan and a copy a Notice of Intent to Apply for a Certificate of Improvements must be posted on the claim and in the Mining Recorder Office.
- 5) A copy of the Notice must be published in the newspaper at least 60 days (continuous) prior to the application for a Certificate of Improvements. This is to allow the public to comment on the survey plan. Original newspaper clippings must be forwarded to the Mining Recorder Office to confirm that this was done.
- 6) The applicant must submit an Application for Certificate of Improvements to the Mining Recorder Office.
- 7) After 60 days, plus 20 days to allow for the possible commencement of any court action, the Mining Recorder can notify the Legal Surveys Division, Natural Resources Canada and the claim holder that no protests have been received.
- 8) The Mining Recorder will issue a Mining Recorder's Certificate that outlines that the above noted processes are complete.
- 9) Once the legal survey is approved, the Mining Recorder will issue the Certificate of Improvements.
- 10) The applicant may forward the lease fees at the same time the Certificate of Improvements is applied for or afterward. However, the lease must be applied for by letter to the Mining Recorder Office within three months from the date the Certificate of Improvements is issued. If this is not done, the claim lapses.
- 11) The lease fee includes a \$10.00 application fee. Rental fee (for 21 year term) is: \$50.00 for 51.65 acres or less; \$20.00 for each acre over 51.65 or fraction thereof.

Disputes and Procedures

The [Yukon Surface Rights Board](#) has jurisdiction to resolve disputes over access to privately-held land, including settlement land. It also has jurisdiction to resolve disputes over the competing rights of surface and sub-surface users of land, including settlement land. The Surface Rights Board will also determine compensation for the expropriation of settlement land. An order of the Surface Rights Board will have the same legal effect as an order of the Supreme Court of the Yukon.

Fees

Table 1. Schedule of Fees

Recording mineral claim	\$10.00
For a substituted record	\$10.00
Application for a lease and issue of same	\$10.00
For Certificate of Work:	
For one year	\$5.00
For two years	\$10.00
For three years	\$15.00
For four years	\$20.00
For five years	\$25.00
For a Certificate of Improvements	\$5.00
For a grouping certificate	\$5.00
Recording assignments, abandonment, affidavits or any other document	\$2.50
If document affects more than one claim, for each additional claim	\$1.00
For an abstract of the record of a claim:	
For the first entry	\$1.00
For each additional entry	\$0.10
For copies of any documents recorded:	
Up to three folios	\$3.00
For each additional folio	\$0.50
For recording a power of attorney to stake from one person	\$4.00
For recording a power of attorney to stake from two persons	\$8.00
For recording an assignment of a quartz mining lease	\$3.00
Rental for whole or fractional mineral claim granted under lease for whole term of 21 years:	
If acreage is 51.65 acres or less	\$50.00
Add for each acre or fraction over 51.65 acres	\$5.00
Rental for renewal whole term of twenty-one years:	
If acreage is 51.65 acres or less	\$200.00
Add for each acre or fraction over 51.65 acres	\$20.00
Rental iron and mica claim as defined by section 20 of the QMA	\$150.00
Rental for renewal term of twenty-one years iron and mica claim	\$600.00

Note: Iron and mica mining are dealt with separately from other minerals, as outlined in Sections 20 and 21 of the QMA. Grants for locations as outlined in Section 20 for iron and mica do not include the surface rights of the lands.

EXPLORATION

Once a person or company has acquired sub-surface tenure, they will want to explore their claims. This chapter outlines the basic elements of a successful exploration program. However, it is paramount that all applicants become familiar with applicable legislation.

Typical types of exploration activities on mineral claims include:

- Airborne Geophysics
- Prospecting and Reconnaissance Geology
- Line Cutting
- Geological Mapping
- Geochemical Surveys
- Ground Geophysical Surveys
- Mechanical and Hand Trenching and Stripping
- Drilling

Environmental and Socio-economic Assessment

The [Quartz Mining Land Use Regulation](#) ensures that the environmental effects of disturbances caused by exploration are minimized, through the application of the standard operating conditions, noted above. Most exploration activities are assessed under the [Yukon Environmental & Socio-economic Assessment Act](#) (YESAA).

The Assessors

Most mining exploration activities require a YESAA assessment. These assessments are conducted by the YESAA Board (YESAB), through one of six [Designated Offices](#) (DOs) located throughout the Yukon. The assessments are conducted within time lines set out in YESAB's Rules. During the assessment, the assessor seeks input from government, First Nations, and the public on proposed projects. The assessment process consists of identifying the environmental and socio-economic effects of a project and identifying appropriate mitigation before providing a recommendation, usually with terms and conditions, to the Decision Body on whether a project should proceed.

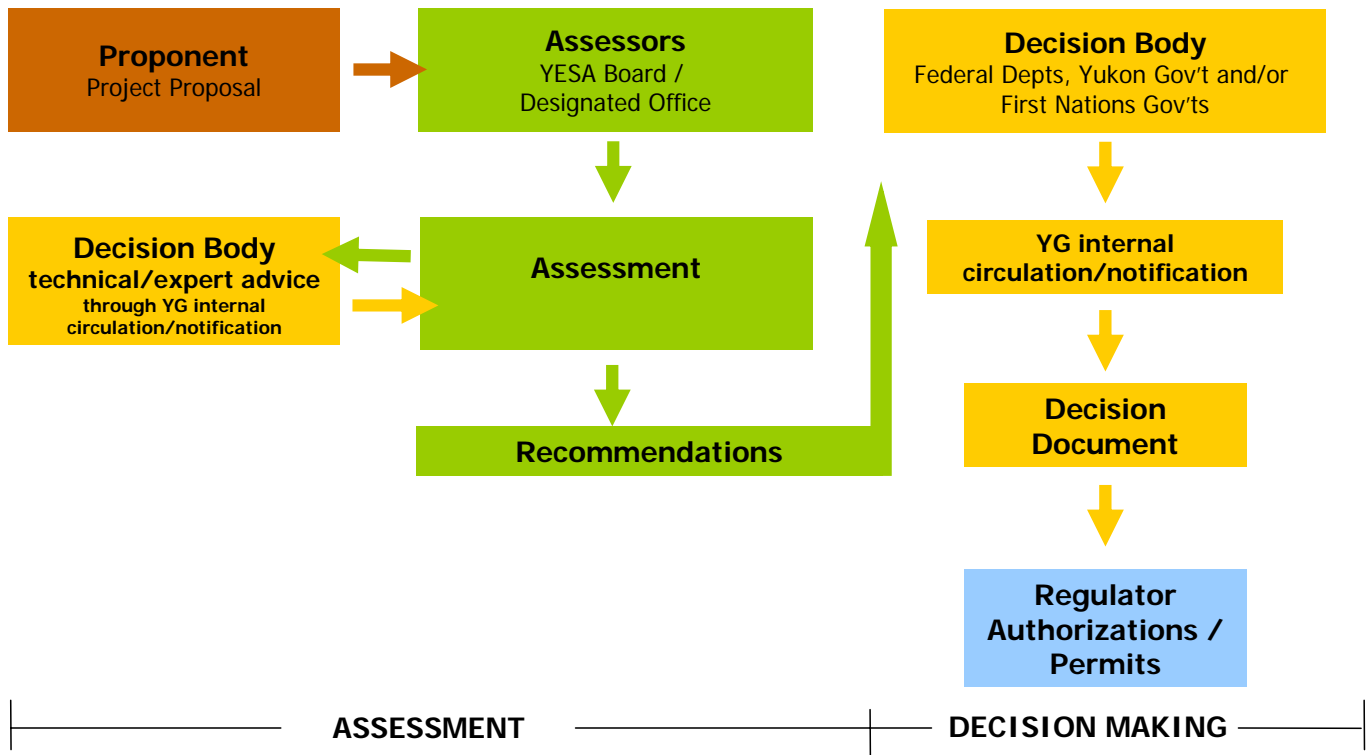
Government's role

The Yukon government, through the [Department of Energy, Mines and Resources](#), continues to be the decision maker for most mineral projects and is responsible for regulating and enforcing permits and licenses for exploration (and development) projects which fall under its legislated authority. As a Decision Body, the Yukon government reviews the recommendation from the assessor, decides whether to accept, reject or vary the assessment recommendation, and states this decision in a Decision Document.

Mining Recorder Office staff will guide proponents through requirements for both the assessment and the permit/authorization stages of projects.

The following figure illustrates the assessment and decision making processes and the key players involved.

Figure 1: Assessment and Decision Making Process



(Source: http://www.eco.gov.yk.ca/dap/guides_publications.html)

Classes of Mining Land Use Operations

The [Quartz Mining Land Use Regulation](#) establishes a classification system based on varying levels of specific activities. These threshold levels of activities categorize exploration activities into four classes of operation. Classes 1 through 4 (outlined in Table 2) represent activities with increasing potential to cause adverse environmental impacts. Each item within the table defines the upper limit of an activity or element permissible within that class of operation. If an exploration operation exceeds even one of the criteria identified, it would move up into the next class of operation.

There are differences in the details required in the application and approval process for each class of program. In addition to the activities undertaken in an exploration program, the planned duration of the program is an important factor for consideration in applications. The type of approvals required depends on the class identified for the exploration program. The approval process is described on pages 11-13 of this guide.

It is the applicant's responsibility to ensure that all application forms and related plans are completed, contain all of the required technical information, and are submitted within the correct class of program. Failure to do so could result in delays.

If an activity is not listed in Table 2 (i.e. airborne geophysical survey), that activity will not be used to classify the program, but should be included in an application for a [Notification](#) or [Quartz Mining Land Use Approval](#). Prior to submission of either, proponents are encouraged to contact the Mining Lands Officer to ensure that the appropriate class of permit is applied for.

Table 2: Class Criteria for Exploration Programs

Item/Activity	Class 1 Criteria	Class 2 Criteria	Class 3 Criteria
1. Construction of structures other than underground structures	Structures without foundations intended for use for a period of not more than 12 consecutive months	Structures without foundations	Structures with foundations
2. Number of person-days in camp	Not exceeding 250	Not exceeding 250	More than 250
3. Number of persons in camp at any one time	Not exceeding 10	More than 10	More than 10
4. Storage of fuel, total amount stored	Not exceeding 5,000 L	Not exceeding 40,000 L	More than 40,000 L
5. Storage of fuel, amount per container	Not exceeding 2,000 L	Not exceeding 10,000 L	More than 10,000 L
6. Construction of lines	Not exceeding 1.5 m in width and cut by hand or with hand-held tools	More than 1.5 m in width and cut with tools that are not hand-held	More than 1.5 m in width and cut with tools that are not hand-held
7. Construction of corridors, width	Not exceeding 5 m in width	Not exceeding 5 m in width	Not exceeding 10 m in width
8. Construction of corridors, length	Total length not exceeding 0.5 km	Total length not exceeding 0.5 km	Total length of more than 0.5 km
9. Trenching	Not exceeding: a) 1,200 m ³ on a group of three adjoining claims in the program, provided that no claim in the program forms part of more than one group of three, or b) 400 m ³ per claim that is not part of a group of three adjoining claims referred to in paragraph (a)	Total volume not exceeding 1,200 m ³ per claim per year	Total volume not exceeding 5,000 m ³ per claim per year to a maximum of 10,000 m ³ over the life of the exploration program
10. Number of clearings per claim, including existing clearings	Not exceeding 8	Not exceeding 8	More than 8

Item/Activity	Class 1 Criteria	Class 2 Criteria	Class 3 Criteria
11. Number of clearings, helicopter pads and camps	No more than 2 of the 8 clearings referred to in item 10	No more than 2 of the 8 clearings referred to in item 10	More than 8
12. Clearings – removal of vegetative mat	No removal of vegetative mat within 30 m of a water body	Removal of vegetative mat	Removal of vegetative mat
13. Surface area of clearings	Not exceeding 200 m ² , except for clearings for helicopter pads and camps which cannot exceed 500 m ²	a) Not exceeding 400 m ² per clearing, if only trees and brush are removed; b) Not exceeding 500 m ² per clearing, for helicopter pads and camps; or c) Not exceeding 1,000 m ² , if vegetative mat is removed	a) more than 400 m ² per clearing, if only trees and brush are removed; b) More than 500 m ² per clearing, for helicopter pads and camps; or c) more than 1,000 m ² , if the vegetative mat is removed
14. Establishing new access roads, per exploration program	Not authorized	Not exceeding 5 km	Not exceeding 15 km
15. Upgrading of access roads, per exploration program	Not authorized	Not exceeding 10 km	Not exceeding 30 km
16. Establishment of trails, other than temporary trails, per exploration program	Not authorized	Not exceeding 10 m in width and 15 km in total length	Not exceeding 15 m in width and 40 km in total length
17. Establishing or using temporary trails, per exploration program	Not authorized on Category A Settlement Land or on Category B Settlement Land. On Land other than Category A Settlement Land or Category B Settlement Land, establishing a temporary trail or using a temporary trail that was established for another program if: a) the temporary trail width does not exceed 7 m or 1 m more than the width of the equipment to be	Not exceeding 10 m in width and 15 km in total length	Not exceeding 15 m in width and 40 km in total length

Item/Activity	Class 1 Criteria	Class 2 Criteria	Class 3 Criteria
	<p>moved along the temporary trail, which ever is less;</p> <p>b) the total temporary trail length does not exceed 3 km; and</p> <p>c) the temporary trail is only used for the purpose of moving sampling equipment between test sites</p>		
18. Use of vehicles on existing roads or trails	Within the design limits or tolerances of the road or, if design limits or tolerances of roads or trails are not known, vehicles with a gross weight of less than 40 t for roads, and less than 20 t for trails	Within the design limits or tolerances of the road or, if design limits or tolerances of roads or trails are not known, vehicles with a gross weight of less than 40 t for roads, and less than 20 t for trails	Within the design limits or tolerances of the road or, if design limits or tolerances of roads or trails are not known, vehicles with a gross weight of more than 40 t for roads, and less than 20 t for trails
19. Off-road use of vehicles in summer	Low ground pressure vehicles only	Vehicles with a gross vehicle weight not exceeding 20 t, that are used over a distance of not more than 15 km	Vehicles with a gross vehicle weight of more than 20 t, that are used over a distance of not more than 40 km per year
20. Off-road use of vehicles in winter	Low ground pressure vehicles or vehicles with a gross vehicle weight not exceeding 40 t, used over a distance of not more than 15 km	Vehicles other than low ground pressure vehicles, used over a distance of not more than 25 km	Vehicles other than low ground pressure vehicles, used over an unlimited distance
21. Use of explosives	Not exceeding 1,000 kg in any 30 day period	More than 1,000 kg in any 30 day period	More than 1,000 kg in any 30 day period
22. Construction of underground structures	Construction in which not more than 500 t of rock is moved to the surface	Not more than 40,000 t of rock is moved to the surface per year and not more than a total of 200,000 t is moved to the surface for the exploration program	Not more than 100,000 t of rock is moved to the surface per year and not more than a total of 200,000 t is moved to the surface for the exploration program

Class 1 Program (No Notification Required)

Activities within a Class 1 program are defined as “grassroots” exploration with low potential to cause adverse environmental effects, and where activities and reclamation are completed within a year. A Class 1 program does not require government approval as long as the operator

complies with the Operating Conditions. A YESAA assessment is not required for a Class 1 program.

Class 1 programs are subject to random inspections by a Natural Resource Officer (NRO), in EMR's Client Services and Inspections branch. The NRO will look for compliance with Operating Conditions and check that the activities fall within the criteria that define a Class 1 program.

Class 2 Program (Notification)

Class 2 programs are considered to represent the upper level of grassroots exploration activities. They typically comprise activities that have a moderate potential to cause adverse environmental effects and therefore require an assessment through YESAA. A Class 2 Program must be completed within 12 months of the program's start date, including reclamation requirements and the removal of camps.

Proponents should talk with the Mining Lands Officer prior to submitting their projects to the YESAB DO in order to ensure that they are within the threshold of a Class 2. Once this is confirmed, the proponent needs to submit a Class 2 Notification which describes the proposed work and how reclamation and decommissioning will take place.

How to Apply for a Class 2 Notification

- 1) The proponent contacts the YESAB DO and fills out [Form 1](#). The proponent also contacts the Mining Lands Officer with their Notification application and fees. When completing a Class 2 [Notification form](#), the onus is on the applicant to outline the reclamation and mitigation measures being proposed. The filing fees for a Class 2 Notification are as set out in Schedule 2 of the [Quartz Mining Land Use Regulation](#).

Note: It is important that the applicant be available during the review period of the Notification application. The applicant will normally be contacted about any required alterations or changes deemed necessary for the program's approval. The Chief of Mining Land Use may decide that there are special public concerns respecting the lands affected by the exploration activities, and that the program must be re-submitted as a Class 3 or 4 application.

Class II Notification / Exploration Program (YG5110) [Bilingual](#)

- 2) The YESAB DO conducts the assessment of the project proposal by seeking input from government agencies, First Nations, interested parties and the public. Once the DO has determined that the proposal is complete, it must publish notice of the assessment on YESAB's online registry within six days. At that point, a public input period of 14 days begins, and can be extended by up to an additional 56 days, if required.
- 3) The YESAB DO completes the assessment based on input received and produces an assessment report with a recommendation on whether the project should proceed as is, proceed with terms and conditions, or not proceed.
- 4) The Yukon government Decision Body for mineral exploration projects, [EMR's](#)

[Mineral Resources branch](#), issues a Decision Document accepting, varying or rejecting the assessor's recommendation within 30 days of receiving the recommendation. The Decision Body can extend the timeline by an additional seven days if consultation with First Nation without a final agreement is required.

- 5) Once the Decision Document is issued, the proponent must agree in writing to any additional mitigation set out in the Decision Document before the application process can proceed.
- 6) The proponent completes a Class 2 Notification by including terms of the Yukon government Decision Document.
- 7) If the Notification form is complete, the Mining Lands Officer officially accepts the Notification and enters key information into the Mining Lands Public Register.
- 8) If the Chief of Mining Land Use determines that the Notification form lacks necessary information, the proponent will be contacted for more information or clarification. If the proponent cannot be contacted, the Notification form will be returned to the proponent.
- 9) Within 25 days, the Chief of Mining Land Use makes a decision on whether to approve the Class 2 Notification or redirect it to a Class 3 or 4 category. If rejected, the proponent is notified. If the Chief of Mining Land Use approves the Class 2 Notification or does not respond to the proponent within 25 days, the proponent may proceed with the Class 2 exploration program.
- 10) The onus is on the applicant to check for a written response from the Chief of Mining Land Use at their mailing address and/or facsimile number(s) provided in the application. Documents and/or requests for information will be mailed unless alternative contact methods have been requested, with details provided.

Class 3 or 4 Programs

All Class 3 and 4 Programs require submission of a detailed Operating Plan to the Mining Lands Officer. The Operating Plan must be approved before any exploration activities can proceed. An Operating Plan package is available at the Mining Recorders Office. Operating Plans may entail multi-year exploration programs to allow greater flexibility for the operator. The applicant specifies within the Operating Plan the proposed timeframe for the activities up to a 10-year duration, which the Chief of Mining Land Use may approve or alter. For Class 4 Programs, the Chief of Mining Land Use may require the operator to consult the public. The Operating Plan outlines all of the proposed project activities and requirements, as well as what measures will be undertaken to minimize any adverse effects on the environment. The onus is on the applicant to outline the operating procedures that will reduce potential effects to acceptable limits.

How to Apply for a Class 3 or 4 Quartz Mining Land Use Approval

- 1) After contacting the Mining Recorders Office, the proponent fills out an application for a Class 3 or 4 Quartz Mining Land Use Operating Plan and submits it with fees to the office.

Application for Class III/IV Quartz Mining Land Use Operating Plan / Land Use Approval (YG5069) [English](#) [français](#)

- 2) The proponent contacts the YESAB DO and submits [Form 1](#) with a copy of the Class 3 or 4 application.
- 3) The YESAB DO conducts the assessment of the project proposal by seeking input from government agencies, First Nations, interested parties and the public. Once the YESAB DO has determined the proposal is complete, it must publish notice of the assessment on [YESAB's online registry](#) within six days. At that point, a public input period of 14 days begins, which can be extended by up to an additional 56 days if required.
- 4) The YESAB DO completes the assessment based on input received and produces an assessment report with a recommendation on whether project should proceed as is, proceed with terms and conditions, or not proceed.
- 5) The Yukon government Decision Body for mineral exploration projects, [EMR's Mineral Resources](#) branch issues a Decision Document accepting, varying or rejecting the assessor's recommendation within 30 days of receiving the recommendation. The Decision Body can extend the timeline by an additional seven days if consultation with a First Nation without a Final Agreement is involved.
- 6) Once the decision body issues a Decision Document allowing the project to proceed, the Mining Lands Officer drafts an approval and the Chief of Mining Land Use determines whether to issue approval of the Operating Plan. Generally, this approval is issued promptly. The regulated timelines are available from the Mining Lands Officer.
- 7) If the Operating Plan is approved, the approval is issued with terms and conditions which conform to the Decision Document. If the Operating Plan is rejected, the proponent is notified.

Note: For Class 4 applications, the Chief of Mining Land Use has up to 67 days from the first publication of public notice to review comments, decide whether there is 'significant public concern' and inform the applicant whether a public consultation is required and in what manner. The requirement for a public consultation could further increase the approval time period.

Completing an Operating Plan

An Operating Plan to conduct a Class 3 or Class 4 program must be prepared by the operator, and submitted for approval by the Chief of Mining Land Use. The Operating Plan must be fully completed with all the necessary information in order to be accepted. The information required in a Class 3 or 4 Operating Plan is outlined in the following pages or, alternatively, the operator may complete questions provided in the Operating Plan application.

In order to avoid any unnecessary delays in the program's approval, the proponent is encouraged to contact the district Mining Lands Officer who can answer any questions or concerns regarding the requirements of the Operating Plan.

An Operating Plan requires the following information, as per Section 9(1) of the [Quartz Mining Land Use Regulation](#):

- 1) The name, address and telephone number of the person submitting the Operating Plan.

This requirement is to identify the responsible person and provide contact information for the Mining Recorder Office. The term “person” refers not only to individuals but includes corporations and partnerships. Additional information such as facsimile numbers and e-mail addresses, alternate telephone numbers or specific individuals designated as contacts, etc. will aid in the efficient processing of the application.

- 2) A description of the natural characteristics of the area where the program is to be carried out.

The natural characteristics of an area should include general and site specific data that are relevant to conducting exploration activity within that area. This would include natural features such as topographic information, elevation, terrain hazards known in the area (e.g. permafrost, landslides, etc.), vegetation types and descriptions, annual and seasonal weather statistics, descriptions of water sources and habitat. Other relevant information could include exploration and mining history, road access, existing man-made objects, etc.

- 3) A map which clearly shows the area of influence within the proposed Operating Plan, which indicates:

- i) topography
- ii) the location and ground extent of the program;
- iii) the areas to be reclaimed;
- iv) the locations of bodies of water and streams;
- v) the location of lands in the area of the program that are subject to rights or interests held by other parties (if known).

This generally refers to other “users” of the area that hold interests such as timber rights, coal leases and licenses, quarry permits, First Nation lands, private property, placer claims, trap-lines, other surrounding quartz claims, historic sites, etc.;

- vi) the proposed access routes and, when known by the applicant, the existing access routes.

- 4) The start date of the program and the anticipated duration to a ten-year maximum.
- 5) A description of the activities to be undertaken including the reclamation measures proposed.

If an activity in the exploration program is not listed within the “Exploration Program Class Criteria”, the activity will not be used in determining the

class of program. However, the activity should still be listed in the application for the Operating Plan.

- 6) A summary of any consultations that were previously held concerning the proposed Operating Plan with any other parties that may have a right or interest in the area of the Program.

The Filing Fees must accompany the application before processing can proceed. The Filing Fees for a Class 3 or 4 Operating Plan are set out in Schedule 2 of the [Quartz Mining Land Use Regulation](#).

Amendments to an Operating Plan

Many operators may not have the ability to predict multi-year exploration programs as future activities are built on current exploration results. A program amendment may be submitted to the Chief of Mining Land Use for approval of changes and/or additions to the Operating Plan. Such amendments may trigger another assessment under YESAA. (QMA Sections 141-143)

Amendments may also include a change in the duration of the program. The original approved Operating Plan is maintained, but it will then contain approved and attached amendments. The appropriate filing fees provided in Schedule 2 of the Quartz Mining Land Use Regulation must accompany the amended application before processing can begin.

Assignment of an Operating Plan

If changes occur to the ownership of the approved Operating Plan, the Assignment of Operation Plan form must be completed and turned in to the District Mining Recorder Office, with the appropriate fees. This must be done at least 25 calendar days before the date of the proposed assignment. (QMA Sections 141-143; [Quartz Mining Land Use Regulation](#) Section 16)

Assignment of Operating Plan (YG5072) [English](#) [français](#)

The Chief of Mining Land Use will authorize the assignment when the assignee (prospective new holder) undertakes in writing to comply with the Operating Plan and furnishes any required security.

Certificate of Completion

The operator should, on final completion of their Operating Plan, apply to the Chief of Mining Land Use for a Certificate of Completion. To issue a Certificate of Completion, the Chief must be satisfied that the operator has complied with all the terms and conditions and the reclamation requirements of the Operating Plan approval and of the QMA and [Quartz Mining Land Use Regulation](#). (*Quartz Mining Land Use Regulations Sections 137 & 149*)

Security

Security may be required of any proponent where it is determined that there may be a risk of adverse environmental effect. Past performance of an operator may be considered. The security cannot total more than the costs of restoring the site, including any measures required to be taken or continued. In fixing the amount of security, the Chief of Mining Land Use may consider the degree of risk, the financial ability of the proponent and any security deposited under the [Waters Act](#). There are several forms of security that are acceptable under the QMA.

Pre and Post Season Reports

When applying for a Class 3 or 4 program, where the duration is more than one year, a proponent will list all activities and areas of exploration. The results of the first year's program may determine the course of the exploration in future years.

To accommodate the proponent need for flexibility and EMR's enforcement unit need for certainty, EMR requires an annual pre-season report. This report will give a general layout of what work is expected to be done that year, including maps showing locations of drill sites and trenches.

Previous Disturbances

It is important for applicants to document all previous disturbances or structures on their claim in their application submission. Any workings which the Mining Lands Officer has not been made aware of could later be mistaken as resulting from current prospecting or mining activities.

If a proponent plans to make minor disturbances on large, pre-existing workings, such as collecting hand samples from existing trenches, concessions for reclamation of existing disturbances may be made. It is recommended that this is reviewed with the Mining Lands Officer before proceeding with work. (QMA Section 149; Quartz Mining Land Use Regulation Schedule 1)

Operating Conditions

Minimal performance levels for land use activities are set out in the Operating Conditions defined in the [Quartz Mining Land Use Regulation](#). They apply to all mineral exploration programs at all times, including Class 1 activities. Additional mitigation will be required for project-specific concerns in operating plan approvals.

For more information about the operating conditions and how to achieve their objectives, see Schedule 1 of the [Quartz Mining Land Use Regulation](#).

Fees

Table 3: Schedule of Fees

Class 2 Notification	\$100.00
Application for an approval of an Operating Plan for a Class 3 or 4 exploration program of not more than five years duration	\$250.00
Application for approval of an Operating Plan for a Class 3 or 4 exploration program of more than 5 years duration	\$500.00
Amendment to an Operating Plan	\$150.00
Application for an assignment of an Operating Plan	\$50.00

MINE LICENSING

A major hard rock mining project in the Yukon moving to development and/or production requires a detailed environmental and socio-economic assessment and various regulatory approvals, including but not limited to a Type A or B Water License and a Quartz Mining License.

There are two distinct stages that a project goes through before mining activity can commence. First, an assessment identifies environmental and socio-economic effects, their significance, and related mitigation measures. Secondly, there is the regulatory stage where regulators issue their respective permits, licenses or other authorizations as the case may be.

The following sections will provide a brief outline of the requirements and procedures for obtaining a Quartz Mining License.

Environmental and Socio-economic Assessment

Most major mine development and production projects require a screening by the Executive Committee of YESAB, established under the YESAA. Where the development and production level of a project does not meet the threshold for an Executive Committee level screening it will be assessed through the appropriate DO.

[Rules for Screenings Conducted by the Executive Committee](#)
[Executive Committee Screenings Flow Chart](#)

Proponents are encouraged to first contact the regulators at [EMR's Mineral Resources](#) branch for preliminary discussions on regulatory requirements. The Yukon government works with the proponent and YESAB on the integration of the assessment and regulatory requirements. The proponent should also meet with YESAB to discuss the project and receive instructions on any YESAA requirements, processes, and timelines. YESAA also requires the proponent to consult with affected First Nations and communities prior to submitting their project proposal.

Proposal Submission

Upon receipt of the proposal, the YESAB Executive Committee determines whether it is adequate or whether supplementary information is required from the proponent.

Scope of Project

At the outset of its screening, the Executive Committee prepares a statement describing the scope of the project based on the information contained in the proposal. The scope of a project includes activities identified in the proposal and any other activity considered likely to be undertaken in relation to the project.

The scope of a project may be modified by the Executive Committee in the course of conducting its screening, as a result of supplementary information provided by the proponent, or other information available to or received by the Executive Committee relevant to the screening.

Screening

The Executive Committee publishes a notice on the screening of the project and invites government agencies, interested persons and members of the public to submit views and information relevant to the screening in writing. Public meetings may also be held to seek views about the project and information relevant to the screening.

The Executive Committee determines if it has sufficient information to prepare a draft screening report or if supplementary information from the proponent is required.

Upon completion of a draft screening report, government agencies, interested persons and members of the public are again invited to submit views or comments about the draft screening report in writing.

Upon completion of the screening, the Executive Committee prepares a final screening report which includes the recommendation stating whether the project can proceed, and if so, on what terms and conditions. This report is submitted to the Decision Body(s).

Decision Stage

Once the Yukon government reviews the screening report from the Executive Committee, it decides whether to accept, reject or vary the recommendation and states this decision in a Decision Document. There may be a further referral back to the Executive Committee, prior to the final Decision Document being issued. After the Decision Document has been issued, government regulators may issue the required permits and licenses.

Quartz Mining License

Any operator who wishes to construct a facility or do physical work in support of the commercial production of most minerals (other than placer gold and coal) will require a Quartz Mining License. This applies to all mines whether or not they have an existing Water License. A Quartz Mining License is required before development or production can begin.

Development and production are both defined in Section 129(1) of the [Quartz Mining Act](#) as:

“Development means the construction of a facility or work for the production of minerals, but excludes the construction of a facility or work for the sole or principal purpose of assessing land for its suitability for the production of minerals.”

“Production means taking a mineral from the land, or treating a mineral that has been taken from the land, if done for commercial purposes, but excludes an exploration program.”

Notwithstanding the definitions above, the following exceptions apply:

Production less than 10,000 tonnes/year: Producing mines that will be disturbing less than 10,000 tonnes of material per year may not require a quartz mining license. This tonnage includes ore, waste and overburden. Operations that fit into this category may be regulated under the Quartz Mining Land Use Regulation and if so, will require an approved Operating Plan to proceed.

Exploration at a Producing Mine and Pre-Development Activities

All exploration activities that are not related to the delineation of known mineable reserves of a deposit(s) under development and production, as regulated under the Quartz Mining License, are regulated under the [Quartz Mining Land Use Regulation](#). This will allow the company to retain maximum flexibility in its exploration activities at the mine site under their Operating Plan.

What Does the Quartz Mining License Regulate?

The Minister may include in the Quartz Mining License any conditions related to land use and reclamation which the Minister considers appropriate. Quartz Mining License terms and conditions will typically cover the following areas:

- the area and mineral deposits to be mined;
- allowable mining and milling rates;
- pre-construction plans and drawings;
- post-construction as-built drawings;
- monitoring programs;
- design of mine workings, including underground and open pit development and production, and waste dumps;
- site infrastructure, including buildings, roads, fuel storage, etc.;
- solid waste disposal;
- reclamation, including slope stability, erosion control, and re-vegetation;
- financial security; and
- annual reporting requirements.

Application for a Quartz Mining License

Quartz Mining Licenses are issued by the Minister of EMR. License terms and conditions are prepared by the Mineral Resources branch for recommendation to the Minister.

The Yukon government has created a new project management process to help mining companies in their efforts to secure permits for major mine proposals. This process is headed up by a committee of deputy ministers. A mining project may be assigned a Project Facilitator, whose primary role is to work closely with the company to provide advice and help it through the regulatory process.

Application for a Quartz Mining License or inquiries regarding the Project Facilitator process can be made to:

Director, Mineral Resources
Energy, Mines and Resources
Box 2703 K-9
Whitehorse, Yukon Y1A 2C6
Tel (867) 667-3126
Fax: (867) 456-3899

Content of Application for Quartz Mining License

Application for a Quartz Mining License should be in the form of a letter requesting a license and a project description containing the information requirements as outlined below. The letter of application should include at a minimum the following information:

- name, address, telephone, fax, email of the applicant;
- project name and current status (pre-development, development, producing, closed, other);
- topographic map sheet number, latitude and longitude, a map or maps at a scale of 1:50,000 or more detailed showing the location of the project;
- list or map of quartz claims or leases over which the Quartz Mining License should apply;
- legal relationship between the applicant and the owner or owners of the claims/leases;
- list of any current or past Water License, surface lease, or other dispositions on the property;
- list of any class 3 or 4 operating approval issued for exploration activities on the claims;
- description with accompanying maps showing the nature and location of major project components and facilities;
- description of current or proposed access;
- proposed timing of development and production;
- description of mining methods, stripping ratios and the amount of ore, waste, and overburden to be removed per year;
- description of the regional and property scale geology, including ore deposit mineralogy, mineable reserves and grades, expected mine life; and
- description of ore processing and rates.

Timing for the license application process for new projects varies depending on the complexity of the project. It is important to contact the Mineral Resource branch as early in the planning process as possible to discuss the project. Review of this application and development of the Quartz Mining License may occur concurrently with the YESAA assessment. However, a license cannot be issued until a final Decision Document has been signed by the Decision Body.

Once the Quartz Mining License application has been received, Mineral Resources will review the application for completeness and notify the applicant in writing that either the application is complete or that more information is required.

Renewals of Quartz Mining License

The duration of the Quartz Mining License is usually tied to the length of the Water License, if one exists for the project. Renewal of a Quartz Mining License must be approved by the Minister of EMR. Written application should be made to the Director of Mineral Resources.

Amendments of Quartz Mining License

Amendment of a license must also be approved by the Minister of EMR. Applications to amend the license should be submitted to the Director, Mineral Resources. Natural

Resource Officers (NROs) with the EMR's Client Services and Inspections branch can authorize minor amendments through the use of a variation notice if they are satisfied that the amendment will not result in any significant adverse environmental effects.

Requests to an NRO should be made in writing. If it is determined that the amendment is beyond the scope of the NRO's authority, then an environmental and socio-economic assessment may be required before the license amendment can be considered. Any major amendment to the license should be requested as early as possible to allow time for review and to incorporate them into the license.

Assignment of Quartz Mining License

Assignments of a Quartz Mining License require the Minister's approval. Assignments (sale or transfer of properties) are authorized as long as the assignee (prospective new holder) undertakes in writing to comply with the license and EMR is satisfied that the assignment of the license will not result in contravention of any condition of the license or provisions of the [Quartz Mining Act](#). Requests for assignments should be made in writing to the Director of Mineral Resources.

The request should include the name and address of the assignee, a written commitment from the assignee to undertake all obligations of the license, a summary of the security arrangement proposed, corporate registry information (including ownership, assets and liabilities, registration of corporation), and information on closing (dates of ownership transfer). Additional information may be requested by the Director of Mineral Resources. If an assignment of the Water License is also required, EMR will coordinate the closing date of assignment with the Water License date. An application should also be made to the district Mining Recorder for assignment of mineral claims and leases.

Public Notice and Consultation

The QMA states that the circumstances and manner in which public notification is to take place may be set out in regulations. When there is no other requirement for public notification under other legislation, Mineral Resources will prescribe the manner in which the proponent must notify or consult with the public concerning the project. Any consultation held in conjunction with the environmental and socio-economic assessment process or in conjunction with other regulatory processes, such as a water licensing process, will be taken into account. The applicant will be notified whether such consultation will be required and what form it should take.

Closure

When it has been determined that the mining operation has been terminated and all conditions of the license and [Quartz Mining Act](#) have been complied with, the Minister of Energy, Mines and Resources may issue a Certificate of Closure. The proponent must make written application for such a certificate to the Director, Mineral Resources. Issuance of the certificate would likely be independent of the closure of other licenses such as the Water License or surface lease. A Certificate of Closure under the [Quartz Mining Act](#) does not extinguish closure obligations under any other authorizations or

legislation.

Reclamation

The Quartz Mining License will contain terms and conditions regarding reclamation of mining activities as well as financial security for reclamation and closure activities. Reclamation under the Quartz Mining License includes terrestrial impacts of the mining operation. Activities related to the use of water or deposit of waste into water will continue to be covered under the mine's Water License. In some instances, mine reclamation requirements could be considered both terrestrial and water related (e.g. the design of waste rock dumps). In these instances, the terms and conditions of the Quartz Mining License will be designed so as not to conflict with the Water License requirements. However, the Quartz Mining License may require additional mitigation beyond the Water License requirements.

ROYALTIES

Under the [Quartz Mining Act](#), a royalty is a share of profits from a Yukon mine, reserved for the Yukon government as owner of the mineral rights, for permitting extraction of mineral resources. It is paid by a mine owner or operator to the Yukon government. It is not a tax. The Yukon government has developed a [Royalty Narrative and Interpretive Bulletins](#) to provide guidance on the interpretation of royalty provisions of the QMA. The narrative provides a summary description of the royalty regime, an outline of the basis for the calculation of royalty, and a supplementary context to Interpretation Bulletins as may be issued by the Yukon government from time to time.

Royalty regulations are currently under development. Recent amendments to the QMA have capped the royalty at 12% based on a net profit calculation. These amendments plus the new regulations are anticipated to become effective in the fall, 2009.

YUKON MINE RECLAMATION AND CLOSURE POLICY

The Yukon government is committed to ensuring that mining developments are managed in a sound and sustainable manner and with greater benefits for all Yukon residents.

The [Yukon Mine Site Reclamation and Closure Policy](#) guides hard rock mine developments in the Territory. The policy and supporting guidelines are based on modern industry standards and they are consistent with national mine site reclamation policies. In addition to regulatory requirements, the Yukon government also follows a number of best management practices and technical guidelines to inform decision making.

The basis of the policy is that mine operators are responsible to plan, implement and fund mine reclamation and closure and they must provide financial security to contain the public risk for site reclamation and closure costs. The reclamation and closure plan must be prepared by the mine owner and submitted for review and approval by the government prior to receiving a Quartz Mining License. The reclamation and closure plan must be updated periodically throughout the operating mine life (minimum every five years).

Elements of a Reclamation and Closure Plan

A reclamation and closure plan should fully address, but not be limited to, the following:

- reclamation objectives, including closure design criteria;
- the progressive reclamation of the site during the life of the operation;
- the removal or stabilization of any structures and workings;
- the design of tailings and waste rock disposal areas;
- the reclamation and re-vegetation of the surface disturbances wherever practicable;
- methods for protection of water resources;
- a temporary closure plan;
- a cost estimate of the work required to close and reclaim the mine; and
- a plan for ongoing and post-closure monitoring and reporting at the site. A plan should include the establishment of thresholds and identified adaptive management responses should such thresholds be reached.

Annual Reporting and Post Closure Monitoring

The mine owner must file an annual report stating what progressive reclamation has been accomplished and the results of environmental monitoring programs. As progressive reclamation and closure work is completed, monitoring will be conducted by the mine operator with respect to the effectiveness of the mitigation measures.

Financial Security

The mine owner must provide financial security for the full outstanding mine reclamation and closure liability. Outstanding reclamation and closure liability is based on the cost to reclaim and close the mine site in its current status, in accordance with the approved reclamation and closure plan. The outstanding reclamation and closure liability will be reassessed periodically (minimum every two years) to reflect the impact of operations and progressive reclamation.

Yukon passed a [Security Regulation](#), pursuant to the QMA, that outlines government's ability to collect, hold and review security under a Quartz Mining License.

Closure Certificate

When the Mineral Resources branch is satisfied that the owner is no longer operating and has met all conditions of the Quartz Mining License, the Minister of EMR may issue a closure certificate.

Technical and Financial Guidelines

Technical and financial guidelines are being developed to complement the policy. These guidelines will address the specific conditions for reclamation standards and the forms of acceptable financial security.

INSPECTIONS AND COMPLIANCE

Mineral exploration and development programs are subject to regular, periodic inspections by NROs with EMR's Client Services and Inspections branch. The inspection will confirm compliance with the Operating Conditions and will ensure that the program activities fall within the thresholds of its class of program.

Pre-inspections before the issuance of an approved Operating Plan will not be done unless an environmental concern is identified, or if otherwise necessary for clarification on the proposed operation (e.g. if the Mining Recorder Office is unfamiliar with proposed mitigation measures). The Mining Lands Office will rely on the photo and video coverage supplied by the applicant to document the condition of the site at the onset of the proposed program.

When a NRO believes, on reasonable grounds, that the operator has, or is about to, contravene the Operating Conditions, or is causing unnecessary danger to people, property or the environment, the NRO will instruct the operator in writing to rectify the situation or to cease the activity. The NRO will provide a time limit for the operator to comply based on the possible severity of the potential danger and the complexity of the required remedial measures.

If the operator undertakes the appropriate and corrective action, the NRO may revoke his/her instructions. If the operator does not comply with the instructions of the NRO, the NRO may, with the consent of the Chief of Mining Land Use, take the appropriate measures to comply with the instruction, at the operator's expense.

If an NRO believes, on reasonable grounds, that an operator has temporarily or permanently abandoned an exploration program site which has not been fully reclaimed, the NRO has options to remedy the situation. In a case where the operator has failed to meet all of the conditions of the approved program, or the disturbances left behind could cause a danger to persons, property or the environment, the NRO may take any reasonable measures or corrective action deemed appropriate, at the operator's expense (including use of the security bond). The NRO must first make a reasonable effort to contact the operator and give them the opportunity to remedy the situation.

It should be noted that any person who contravenes the rules and regulations of the QMA and/or the [Quartz Mining Land Use Regulation](#) is guilty of an offence. Upon summary conviction, the person would become liable for a fine. The amounts of such fines and other details are given within the QMA, Sections 150, 151 and 152.

OTHER REGULATORY REQUIREMENTS

Land Use Permits

[EMR's Lands branch](#) is responsible for Land Use permitting for a variety of off-mineral claim activities, including:

- site clearing or earth work;
- constructing a new road, trail or access;
- clearing or installing a utility right-of-way;
- quarrying or extracting aggregate;
- conducting geo-technical or hydrological studies;
- temporarily using or occupying Yukon land (such as a construction camp); and
- oil and gas and seismic activities.

Other types of activities which generally do not require a Land Use Permit include:

- trail cutting (less than 1.5 metres wide and less than 4 ha); and
- short-term wilderness camping.

A Land Use Permit allows a person to do a specific activity over a specific period of time. A permit does not give any exclusive rights or tenure to the land. If a proponent wants to do work within a Yukon highway right-of-way, an application for a permit must be submitted to [Transportation branch, Department of Highways and Public Works](#).

How to Apply for a Land Use Permit

- 1) A [Land Use Permit](#) may be obtained by submitting a [Land Use Permit](#) application form and an application fee. The Lands branch will help verify land ownership and supply application forms.
- 2) The Lands branch conducts a review of applications for policy constraints and completeness, and determines if the application is subject to YESAA. If the application is subject to YESAA, the applicant is then directed to the appropriate YESAB DO to complete and submit a [Form 1](#) and a copy of the [Land Use Permit](#) application form.
- 3) The YESAB DO notifies government agencies and other interested parties, receives comments, prepares an assessment report and forwards their recommendation to the [Lands branch](#). The Lands branch issues a Decision Document on the project/application stating whether it can proceed, proceed with terms and conditions or not proceed. If the project can proceed, the Lands branch then issues a [Land Use Permit](#) in conformity with the Decision Document. This completes the land use permitting process.

Water Licences

The [Yukon Water Board](#) (YWB) is an independent administrative tribunal established under the [Waters Act](#). The Board is responsible for the issuance of Water Licences for the use of water and/or the deposit of waste into water.

The Board's mandate is stated as follows:

“The objects of the Board are to provide for the conservation, development and utilization of waters in a manner that will provide the optimum benefit from them for all Canadians and of the residents of the Yukon in particular.” (Section 10, [Waters Act](#))

Water Licence applications usually include a significant amount of technical information. The YWB has licensing officers and technical consultants to assist with gathering and presenting the required information.

The forms and guidelines associated with use and deposit of water in regard to quartz mining are available at the YWB office or on the YWB's website by following the link to [Forms and Info Sheets](#).

Public Records

All information pertaining to Water Licences and applications is in the public domain. This information is located at the YWB's Register Room. It contains:

- 1) Water Use Binders including information on active Water Licences and related documents, Water Licence applications and supporting documents, including engineering and design plans, construction and design plans, construction schedules, as-built drawings, technical submissions, correspondence between the YWB and the applicant, reasons for decision, and conditions of issued licences.
- 2) Water Licence files containing information on licences that have been issued, including correspondence between the YWB and the applicant and documentation on monitoring and compliance with licence conditions, in addition to the information in the Water Use Binders.

Consultation Process

The [Waters Act](#) states that public notice must be given regarding applications for licences, amendments to licences, and cancellation of licences by publication in a newspaper in general circulation in the area affected.

Public Hearing Process

Section 19 of the [Waters Act](#) establishes the rules for when the YWB must hold a public hearing. A hearing must be scheduled for:

- an application for a Type A licence;
- an amendment to a Type A licence (where the quality, quantity or rate of flow of a watercourse would be altered);

an application for cancellation of a Type A licence; or
a YWB decision to initiate the cancellation of a Type B licence.

The YWB may also hold a public hearing if it is satisfied that it is in the public interest to do so. Public hearings are convened in accordance with the [YWB's Rules of Procedure](#). This requires that parties who would be affected by the YWB's decision must be given adequate notice of the case before the YWB, and must be given an opportunity to present a response.

Anyone wanting to make representations to the YWB can intervene by filing a written submission at the YWB's office, located in Whitehorse, before the deadline on the intent date. The intent date is usually 35 calendar days prior to the hearing.

Application Requirements

Water licences require an assessment under YESAA. The YWB cannot issue a Water Licence if the issuance of the licence is contrary to a Decision Document issued under YESAA, and a Water Licence cannot conflict with a Decision Document.

In addition to the information requirements identified in the YWB package, the YWB also requires a completed YESAA project confirmation form after a Decision Document has been issued by the Yukon government. The form is available from the YWB office or on the [YWB's website](#).

After the project confirmation form has been received and the review for adequacy is complete, the YWB will provide a public notice. The proponent will receive a copy of any interventions in response to the public notice, and may respond to those interventions. The YWB will then consider the entire register, including the application, the interventions, responses to interventions and the Decision Document prior to making a decision on issuance of the licence.

YUKON FIRST NATIONS LAND CLAIMS

Land claims is the term used to describe the process of negotiating final and self-government agreements respecting aboriginal rights and title to land. Historically, the Government of Canada negotiated treaties with First Nations to establish aboriginal rights. As treaties were never concluded in the Yukon, the Governments of Canada and Yukon are now negotiating and implementing modern-day treaties for individual First Nations through the land claims process based on the [Umbrella Final Agreement](#).

The Yukon has [14 First Nations](#). As of January 2007, 11 agreements have been settled, and another three are outstanding. Settlement of land claims provides Yukon First Nations with access, rights and obligations to land and resources, and the right to govern their own affairs. It also provides more certainty for the Yukon with respect to land management and resource development, and charts a future for social and political development of the territory.

The [Umbrella Final Agreement](#) and individual First Nations Final Agreements outline specific chapters relating to access, management of settlement lands and non-renewable resources.

Settlement Lands

Category A Settlement Land is settlement land where a Yukon First Nation has ownership of the surface and subsurface, including minerals. All staking, exploration and mining activity is governed by the First Nations for new mineral interests.

Category B Settlement Land is settlement land where a Yukon First Nation has ownership of the surface. New and existing staking, exploration and mining activity are governed by the Yukon government.

Fee simple Settlement Land is settlement land where a Yukon First Nation has the same fee simple title as other land registered in the Land Titles Office.

Mineral Rights on Settlement Land

The holder of an existing mineral right on Settlement Land or on Non-Settlement Land ('existing' means prior to the effective date of the Yukon First Nation Final Agreement) has a right of access to exercise mineral rights, without the consent of the First Nation, provided that the access is of a casual or insignificant nature, or the route traveled is generally recognized and not altered significantly.

A person who has a new mineral right on Category B or Fee Simple Settlement Land also has a right of access on Settlement Land without permission from a First Nation. That person also has a right to use that parcel of Settlement Land, provided that no heavy equipment or methods more disruptive than hand labour methods are used. Refer to Chapter 6 and 18 of the Umbrella Final Agreement for further information.

First Nation Participation

First Nations have demonstrated that they are willing to work with mining companies and support their projects in exchange for benefits to the local community. Many of these new partnerships are reflected in socio-economic agreements designed to foster more local benefits.

Elements of these agreements include specialized training, scholarships, contracting opportunities, environmental monitoring, etc.

First Nation economic development corporations have already been eager to assist, on a competitive basis, in the construction and supply of existing mining operations and promising exploration programs. Recognition and protection of traditional lifestyles, employment and training opportunities, and equity participation, such as stock options, are some of the topics discussed in these negotiations.

Key Considerations for Consultation with First Nations

The following are some of the key consultation components that should be addressed by companies when researching and developing a project proposal for either exploration or licensing applications:

- identify nearby communities;
- identify key contact people in nearby communities (e.g. chief, councillors, lands officer, administrators, mayor);
- identify issues and concerns of importance to the communities;
- communicate the company's short and long term plans to the community;
- be aware of local cultural differences and communication styles;
- initiate meetings to exchange information between the company president and the chief, director of lands and resources or other senior official(s).

For more information, contact the First Nation Liaison Officer, Mineral Resources, EMR at (867) 667-8708 or visit the following websites.

- [Yukon First Nations and Mining](#)
- [Council of Yukon First Nations](#)
- [Yukon Government Land Claims Secretariat](#)

The following figure (Figure 2) shows Yukon First Nation Traditional Territories and NWT Transboundary First Nations lands in the Yukon. A Traditional Territory means the geographic area within the Yukon identified as that Yukon First Nation’s traditional territory as outlined on a map in the Umbrella Final Agreement.

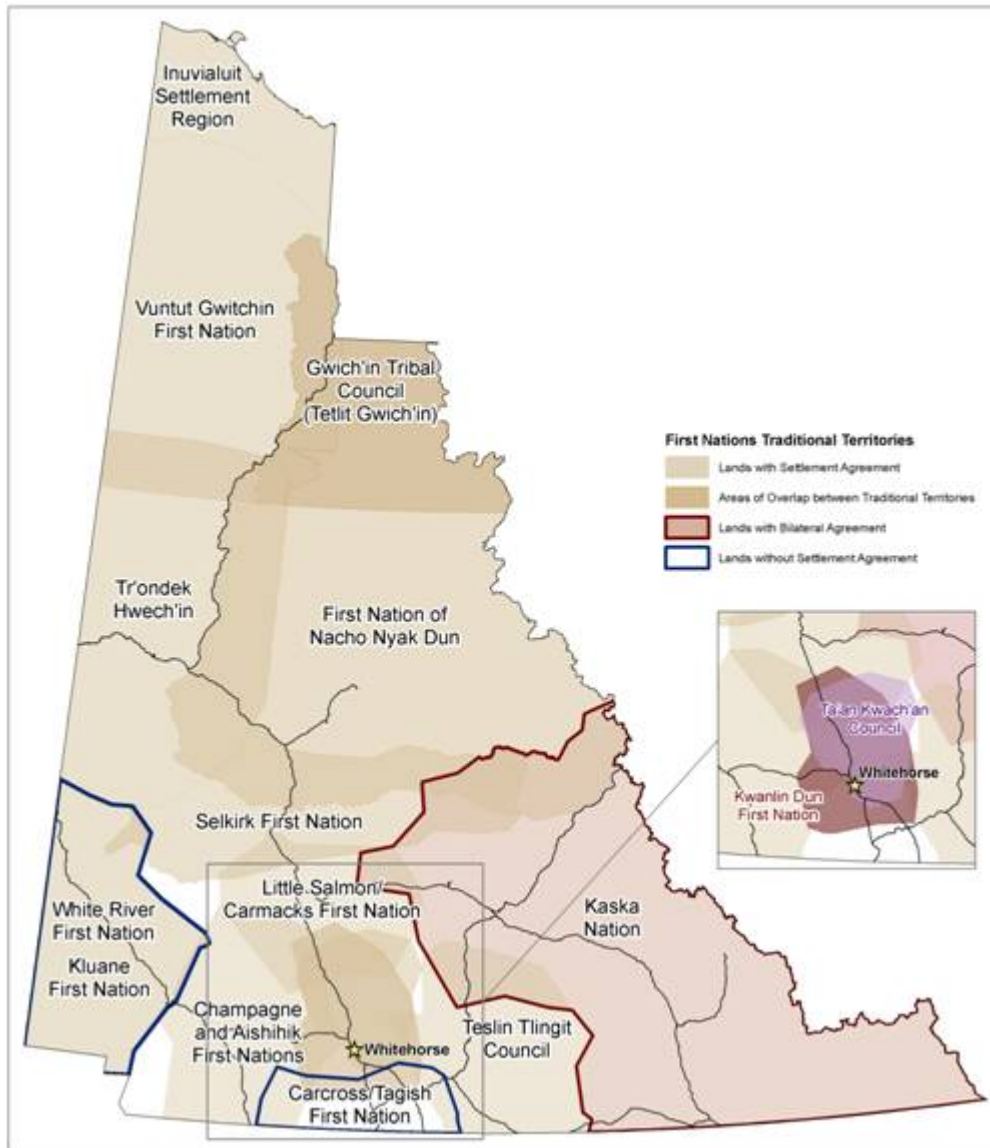


Figure 2: Traditional Territories of Yukon First Nations and Trans-boundary First Nations land.

The Kluane and White River Traditional Territories overlap 100 per cent. The White River First Nation has not yet settled its land claim.
 The Ross River Dena Council and Liard First Nations are both members of the Kaska Nation. Neither First Nation has settled their land claims in the Yukon
 The Gwitch'in Tribal Council and Inuvialuit are based in the Northwest Territories.

GOVERNMENT, BOARD AND COUNCIL ROLES AND RESPONSIBILITIES

Yukon Government

[Department of Energy, Mines and Resources \(EMR\)](#)

The [Minerals Resources](#) branch regulates exploration and mining activity and encourages its development. This includes the following functions for placer, hard rock, coal and dredging operations:

- issuing mineral titles, including fee collection, rentals and royalties, approval of assessment work and providing claim maps;
- permitting/licensing of proposed exploration and mining developments;
- providing mine coordination support to facilitate development projects; and
- supporting training, education and policy/ program review and development and other initiatives.

There are [Mining Recorder Offices](#) in Dawson City, Mayo, Watson Lake and Whitehorse, each covering district areas. These offices provide information and advice on how to stake and which areas are open for staking. The Mining Recorder Offices process all mining land use applications, issue and maintain mineral titles, review work filed for assessment credit and sell claim maps.

The [Yukon Geological Survey](#) provides the geoscience and technical information base required to enable stewardship and sustainable development of the territory's energy, mineral and land resources, including:

- Scientific and technical information on the geology and mineral deposits of the territory;
- and
- Baseline geoscience information in support of oil and gas exploration and development.

[Assessment and Abandoned Mines](#) mandate is to carry out Yukon government responsibilities with respect to Type II sites under the Devolution Transfer Agreement. The term "Type II" refers to major mine sites with the potential for unfunded environmental liabilities at the time of closure.

The [Client Services and Inspections branch](#) provide field services and enforcement for Energy, Mines and Resources with offices located throughout the Yukon. It is responsible for activities that range from inspections, to issuing some timber permits (for cutting up to 1000 m³ of timber) to emergency response.

The [Lands branch](#) is responsible for land use permitting for a variety of uses occurring off mineral claims, including site clearing or earth work, new roads, trails or access, clearing or installing utility right-of ways, conducting geo-technical or hydrological studies, and issuing quarry permits for sand, gravel and topsoil. The branch is also responsible for disposing of public land through sale or lease.

Other Government Departments

A full list of departments responsible for permit or authorization issuance on mineral exploration and development projects can be found in the [Permit and Authorization Guide for Activities in the Yukon](#).

Department of Economic Development

Economic Development is responsible for business development, trade and investment opportunities, and partnerships for the development of the Yukon economy.

Department of Environment

Environment is responsible for water resources, wildlife, special waste, conservation.

Executive Council Office

Executive Council is responsible for land claims, statistics, Yukon Water Board and development and assessment.

Federal Government

[Environment Canada](#) and [Fisheries and Oceans Canada](#) are the two main federal departments in the Yukon that are involved in the review of project proposals, assessments and regulating quartz mining activities in the Yukon.

Boards and Councils

Several boards and committees, most created under the [Umbrella Final Agreement](#), manage Yukon natural resources. In addition to providing recommendations to the government, these public bodies help in the planning, prioritizing and managing specific areas of interest, providing a cohesive approach to governance of the territory.

Dispute Resolution Board

The mandate of the Dispute Resolution Board, under Chapter 26 of the Umbrella Final Agreement, is to appoint mediators and arbitrators, and to establish rules and procedures governing mediation and arbitration. This board provides a comprehensive dispute resolution process to resolve disputes which arise out of the interpretation, administration or implementation of settlement agreements or settlement legislation, and to facilitate the out-of-court resolution of disputes in a non-adversarial and informal atmosphere.

Renewable Resources Councils

Chapter 16 of the Umbrella Final Agreement establishes a Renewable Resources Council, in each Traditional Territory as the primary instrument for local renewable resources management in that area. Each Renewable Resources Council makes recommendations to the Yukon government's Minister of Environment, the affected First Nation(s), the Fish and Wildlife Management Board and the Salmon Sub-Committee, on any matter related to fish and wildlife.

Yukon Surface Rights Board

Under Chapter 8 of the Umbrella Final Agreement, the primary role of the Surface Rights Board is to resolve access disputes between those owning or having an interest in land (surface rights holders) and others with access rights to the land. The Surface Rights Board gets involved in disputes when the parties are unable to reach an agreement and a party applies to the Surface Rights Board. If an agreement between parties is not reached, the Surface Rights Board issues an order that establishes the terms and conditions of a right of access (if any) to the land. An order from this board has the same legal effect as an order of the Supreme Court of the Yukon.

Yukon Environmental & Socio-economic Assessment Board

Under Chapter 12 of the Umbrella Final Agreement, the Yukon government, Canadian government and the Council for Yukon First Nations were required to bring forward legislation to provide a single environmental and socio-economic assessment process for projects under federal, territorial or First Nation jurisdiction. The YESAA legislation created the Board and its six Designated Offices that administer the *Act* and regulations.

Yukon Fish and Wildlife Management Board

Under Chapter 16 of the Umbrella Final Agreement, the Yukon Fish and Wildlife Management Board is the primary instrument of fish and wildlife management in the Yukon. It makes recommendations to the Minister of Environment, Yukon First Nations and Renewable Resource Councils on all matters related to fish and wildlife management, legislation, research, policies and programs.

Yukon Land Use Planning Council

Chapter 11 of the Umbrella Final Agreement, established the Yukon Land Use Planning Council which makes recommendations to government and each of the affected Yukon First Nations on the land use planning policies, goals, priorities, planning regions, and the general terms of reference for Land Use Planning Commissions.

Yukon Water Board

Chapter 14 of the Umbrella Final Agreement and the *Waters Act* sets out the requirements for the Yukon Water Board. The YWB's powers cover a range of discretionary and non-discretionary authorities. These authorities include: issuing or amending a Water License; holding license application hearings; regulating water use; prescribing information requirements; assigning a license; cancelling a license; and advising the Minister of the Executive Council Office on various water planning matters.

YUKON FINANCIAL / INCENTIVE PROGRAMS

Several Yukon initiatives have been created to encourage mineral exploration in the territory. These programs target industry, attempting to promote exploration and development of the untapped resources that abound this territory.

Yukon Mining Incentive Program (YMIP)

This program promotes and enhances mineral prospecting, exploration and development activities by providing a portion of the risk capital required to locate and explore for mineral deposits. For more information contact:

Yukon Geological Survey
Phone: (867) 456-3828
E-mail: ymip@gov.yk.ca

Assay Coupon Program

This program complements the Yukon Mining Incentive Program by supporting prospectors who do not apply or qualify for YMIP. Prospectors can receive coupons towards the cost of an assay or analysis. For more information contact:

Yukon Geological Survey
Phone: (867) 456-3828
E-mail: ymip@gov.yk.ca

Fuel Tax Exemption

Tax-exempt fuel is for authorized off-road commercial purposes, including mining, logging, outfitting, agriculture, trapping, fishing, hunting, tourism, and generation of electricity. Users may apply for a Fuel Tax Exemption number which allows them buy tax-exempt fuel at any authorized agent. There is no fee for applications. Users may also apply for a refund on taxes already paid on fuel. Applications must list equipment, serial numbers, fuel use breakdown, and include all fuel invoices. Fuel tax rates are 7.2 cents for diesel, 6.2 cents for gasoline, and 1.1 cents for aviation fuel. For more information contact:

Department of Finance
Phone: (867) 667-5343

Mining and Petroleum Environment Research Group

This group funds and publishes research for mining, oil and gas and environmental issues in the Yukon. For more information contact:

Phone (867) 456-3808

E-mail: mperg@gov.yk.ca

Robert E. Leckie Award

This award recognizes outstanding mining reclamation practices. It was created in 1999 as a tribute to Robert E. Leckie, a mining inspector from Mayo, who passed away in November 1999. A placer operator or mining company may be nominated for reclamation and site restoration efforts that are exceptional such as: reclaiming land for which there was no obligation to rehabilitate; adding features to the land that notably enhanced the area and local community; or returning mined land to a condition that is not only structurally sound but aesthetically pleasing. For more information contact:

Mineral Resources branch

Phone (867) 456-3961

E-mail: leckieaward@gov.yk.ca

APPENDIX A: CONTACTS

Yukon Government

Department of Energy, Mines and Resources

Box 2703
Whitehorse, Yukon Y1A 2C6
(867) 667-3130

Mineral Resources branch

400-211 Main Street
Whitehorse, Yukon
(867) 633-7952

Yukon Geological Survey

2099-2nd Avenue
Whitehorse, Yukon
(867) 667-8508

Client Services & Inspections branch

330-300 Main Street
Whitehorse, Yukon
(867) 667-3137

Lands branch

320-300 Main Street
Whitehorse, Yukon
(867) 667-5215

Energy branch

400-211 Main Street
Whitehorse, Yukon
(867) 667-5461

Yukon Mining Recorder Offices

Whitehorse Mining Recorder

Room 102-300 Main Street
Whitehorse, Yukon, Y1A 2B5
Phone (867) 667-3190
whitehorse.mining@gov.yk.ca

Dawson Mining Recorder

Box 249
Dawson City, Yukon, Y0B 1G0
Phone (867) 993-5343
dawson.mining@gov.yk.ca

Forestry branch

918 Alaska Highway
Whitehorse, Yukon
(867) 456-3999

Library

335-300 Main Street
Whitehorse, Yukon
(867) 667-3111

Assessment and Abandoned Mines branch

Royal Centre, 4114 4th Ave, Room 2C
Whitehorse, Yukon
(867) 393-7429

Yukon Placer Secretariat

206B Lowe Street
Whitehorse, Yukon
(867) 393-7437

Mayo Mining Recorder

Box 10
Mayo, Yukon, Y0B 1M0
Phone (867) 996-2256
mayo.mining@gov.yk.ca

Watson Lake Mining Recorder

Box 269
Watson Lake, Yukon, Y0A 1C0
Phone (867) 536-7366
watson.mining@gov.yk.ca

Other Government of Yukon Departments

[Department of Economic Development](#)

209-212 Main Street
Box 2703
Whitehorse, Yukon Y1A 2C6
(867) 393-7191

[Department of Environment](#)

10 Burns Road
Box 2703
Whitehorse, Yukon Y1A 2C6
(867) 667-5652

[Executive Council Office](#)

Yukon Government Administration Bldg
Box 2703
Whitehorse, Yukon Y1A 2C6
(867) 667-5393

[Highways and Public Works](#)

Box 2703
Whitehorse, Yukon Y1A 2C6
(867) 667-5128

[Yukon Worker's Compensation Health and Safety Board](#)

401 Strickland Street
Whitehorse, Yukon Y1A 5N8
(867) 667-5645

Federal Government Departments

[Environment Canada](#)

70 Crémazie Street
Gatineau, Quebec K1A 0H3
Telephone: 1 800 668-6767

[Fisheries and Oceans Canada](#)

Communications branch
200 - 401 Burrard Street
Vancouver, BC, V6C 3S4
Tel: 604-666-0384

Boards and Councils

[Yukon Environmental and Socio-Economic](#)

Assessment Board
3059-3rd Avenue
P.O. Box 31642,
Whitehorse, Yukon Y1A 6L2
(867) 668-6420
Email: yesab@yesab.ca

[Yukon Water Board](#)

106-419 Range Road
Whitehorse, Yukon Y1A 3V1
(867) 456-3980
Email: ywb@yukonwaterboard.ca

[Yukon Surface Rights Board](#)

206 Horwood's Mall, 100 Main Street
Box 31201
Whitehorse, Yukon Y1A 5P7
(867) 667-7695

[Yukon Minerals Advisory Board](#)

Box 2703
Whitehorse, Yukon Y1A 2C6
(867) 667-8861

Yukon First Nation Governments

Carcross Tagish First Nation
Box 130
Carcross, Yukon Y0B 1B0
Heritage and Natural Resources
Phone (867) 821-8216

First Nation of Na-cho Nyak Dun
Box 220
Mayo, Yukon Y0B 1M0
Lands & Resources
Phone (867) 996-2415

Kwanlin Dun First Nation
35 McIntyre Drive
Whitehorse, Yukon Y1A 5A5
Heritage, Lands and Resources
(867) 633-7836

Little Salmon/Carmacks First Nation
Box 135
Carmacks, Yukon Y0B 1C0
Lands & Resources
(867) 863-5576

Selkirk First Nation
Box 40
Pelly Crossing, Yukon Y0B 1P0
Lands & Resources
(867) 537-3331

Teslin Tlingit Council
Box 133
Teslin Yukon Y0A 1B0
Lands & Resources
(867) 390-2532

Vuntut Gwitchin First Nation
Box 94
Old Crow, Yukon Y0B 1N0
Natural Resources
(867) 966-3261

Champagne/Aishihik First Nation
100-304 Jarvis Street
Whitehorse, Yukon Y1A 2H2
Lands Department
Phone (867) 668-3627

Kluane First Nation
Box 20
Burwash Landing, Yukon Y0B 1V0
Lands, Resources & Heritage
Phone (867) 841-5501

Liard First Nation
Box 328
Watson Lake, Yukon Y0A 1C0
Lands & Resources
(867) 536-2912

Ross River Dena Council
General Delivery
Ross River, Yukon Y0B 1S0
Economic Development
(867) 969-2097

Ta'an Kwach'an Council
117 Industrial Road
Whitehorse, Yukon Y1A 2T8
Lands & Resources
(867) 668-3613

Tr'ondek Hwech'in
Box 599
Dawson, Yukon Y0B 1G0
Lands & Resources
(867) 993-7100

White River First Nation
General Delivery
Beaver Creek, Yukon Y0B 1A0
Land Claims
(867) 862-7802

Renewable Resources Councils (email contacts only)

Alsek Renewable Resources Council

E-mail: admin@alsekrrc.ca

Mayo District Renewable Resources Council

E-mail : mayorrc@northwestel.net

North Yukon Renewable Resources Council

E-mail: vgrrc@yknet.yk.ca

Teslin Renewable Resources Council

E-mail: teslinrrc@yknet.yk.ca

Selkirk Renewable Resources Council

E-mail: selkirkrrc@yknet.yk.ca

Carmacks Renewable Resources Council

E-mail: carmacksrrc@yt.sympatico.ca

Dawson District Renewable Resources Council

E-mail: dawsonrrc@cityofdawson.ca

Laberge Renewable Resources Council

E-mail: labergerrc@northwestel.net

Industry Associations

[Yukon Chamber of Mines](#)

3151-3rd Avenue
Whitehorse, Yukon Y1A 1G1
(867) 667-2090

[Klondike Placer Miners' Association](#)

3151-B 3rd Avenue
Whitehorse, Yukon Y1A 1G1
(867) 667-2267

[Yukon Prospectors' Association](#)

3151-B 3rd Avenue
Whitehorse, Yukon Y1A 1G1

APPENDIX B: REFERENCE MATERIALS

Application Forms

Quartz Claims

Application for a Certificate of Improvements (YG5050) [English français](#)
Application for a Certificate of Work (YG5049) [English français](#)
Application to Group Mineral Claims (YG5048) [Bilingual](#)
Application for Fractional Claim (YG5047) [English français](#)
Application for a Full Claim (YG5046) [English français](#)
Application for Renewal of Grant for Quartz Mining Pay in Lieu (YG5220) [Bilingual](#)
Notice of Intent to Apply for Certificate of Improvements (YG5112) [Bilingual](#)
Survey Notice (YG5111) [Bilingual](#)
Transfer of Quartz Mining Claim(s) or Interest (YG5044) [English français](#)

Quartz Mining Land Use

Aboveground Storage Tank (AST) - Registration Form (YG5025) [Bilingual](#)
Application for Class III/IV Quartz Mining Land Use Operating Plan / Land Use
Approval (YG5069) [English français](#)
Assignment of Operating Plan (YG5072) [English français](#)
Class II Notification / Exploration Program (YG5110) [Bilingual](#)

Guidelines

[Quartz Staking Guide](#)
[Schedule of Representation Work and Quartz Grouping Guidelines](#)
[Quartz Mining Land Use and Reclamation Guides](#)
[Mine Reclamation and Closure Policy and Guidelines](#)
[Energy, Mines and Resources \(EMR\) Assessment – Regulatory Guide](#)
[Guidebook on Fuel Storage and Handling](#)
[Permit/Authorization Guide to Activities in the Yukon](#)

Maps, Data, Publications

Information on Yukon mineral, claims, land geoscience and natural resource maps; spatial data; online databases, including Minfile, searchable claim data, geology; and mineral publications, such general interest, guidelines on legislation, regulations and permitting, mineral resources, placer mining and Yukon Geological Survey.

Yukon Topographical Map Sales:

[Mac's Fireweed Books](#)
[Geomatics Yukon](#)

Yukon Mining and Petroleum Environmental Research Group

MPERG funds and publishes research for mining, environmental and petroleum issues in the Yukon.

Yukon Geological Survey

Yukon Geological Survey staff carry out regional bedrock mapping projects, mineral deposit studies, placer deposit studies, mineral assessments, and geochemical, geophysical and environmental studies.

Publications and open files: <http://www.geology.gov.yk.ca/publications/index.html>

Current research studies: <http://www.geology.gov.yk.ca/projects/index.html>

EMR Library

The EMR Library houses:

- Yukon, Canadian and international reports on mining, geology, energy
- Yukon mining assessment reports
- Yukon Mining Incentive Program reports
- Yukon maps (topographical, aeromagnetic, geological and land use)
- Yukon aerial photographs (flight line indexes, photographs and stereoscope)
- Collection of journals and periodicals on mining, geology, energy
- GeoRef (access to international geology and geography publications) *Available to the public for use within the library only*

Yukon Community Profiles

This website provides information on the history, aboriginal cultures, geography, flora and fauna, government structure, highways, and industry in Yukon communities.