

Generally, the administration and management of mineral resources and rights on and/or beneath Indian reserves is the responsibility of INA Canada. Minerals can be disposed under the mining, or oil and gas regulations by either tender or negotiated agreement, following the respective Indian band approval.

10.8.2 Federal mining laws and regulations

Mining exploration and development is carried out in Yukon under the Yukon Quartz Mining Act and the Yukon Placer Mining Act. In the Northwest Territories, including Arctic coastal waters, operations are governed by the Canada mining regulations. Regulations for placer-gold dredging, coal mining and quarrying are common to both territories. In Yukon, mining rights may be acquired by staking claims. A one-year lease may be obtained to prospect for the purposes of placer mining, renewable for additional one-year periods; a 21-year lease, renewable for a like period, may be obtained under the Yukon Quartz Mining Act.

Under Canadian mining regulations, a prospector must be licensed. Staked claims must be converted to lease or relinquished within 10 years. In certain areas, a system of exploration over large areas is allowed by permit. Any individual 18 years of age or more or any joint stock company in Canada may hold a prospector's licence.

10.8.3 Provincial laws and regulations

In general, Crown mineral lands within provincial boundaries (with the exception of those in Indian reserves, national parks and other lands under federal jurisdiction) are administered by the province. Mineral rights on Crown lands may be acquired or leased from the province, if not already held by others.

Crown land purchases or grants currently do not include the mineral rights, which reside with the province. Some early land grants in the four western provinces, and in Quebec, New Brunswick and Newfoundland included certain mineral rights which can be conveyed along with the land to a purchaser. Otherwise mineral rights must be acquired separately from the owner or leaseholder thereof if in private hands, or acquired or leased from the province if in the public domain. However, there are some exceptions, mainly surface minerals, which the land owner retains, as explained under the heading "Quarrying regulations" following. In Nova Scotia this exception is broadened, where the land owner retains the mineral rights to gypsum, agricultural limestone and building materials. Mining activities may be

classified as placer, general minerals (veined minerals and bedded minerals), fuels (coal, petroleum and gas) and quarrying.

In provinces where placer deposits occur, regulations define the size of placer holdings, the terms under which they may be acquired and the royalties to be paid.

General minerals are sometimes described as quartz, lode, or minerals in place. The most elaborate laws and regulations apply in this division pertaining to prospector or miner licences to search for mineral deposits, staking and recording claims, time limits, recording fees where required, work of a specified cost to be performed in some provinces, and renewals of development licences. Mining taxation is applied most frequently as a percentage of net profits of producing mines.

Coal, petroleum and natural gas. In provinces where coal occurs, specifications include the size of holdings, and their conditions of work and rental. In the search for petroleum and natural gas, an exploration permit or reservation is usually required; in Saskatchewan, Alberta and British Columbia leases usually follow when a discovery of oil or gas is made; exploration costs may be applied to the lease rental. In other provinces, discovery of oil or gas is usually a prerequisite to obtaining a lease or grant of a limited area, subject to carrying out drilling obligations and paying a rental, a fee, or a royalty on production.

Quarrying regulations define the size of holdings and the terms of lease or grant concerning quarryable substances (ordinary stone, building and construction stone, sand, gravel, clay, limestone and peat moss). In several provinces, such substances belong to the owner of the land, but regulations vary. For further details on quarrying regulations and other mining information mentioned in this section, refer to provincial mining legislation.

10.9 Energy, Mines and Resources Canada

The Department of Energy, Mines and Resources was created in October 1966 from the former department of mines and technical surveys. It has jurisdiction over federal matters related to energy, mines, minerals and other non-renewable resources, technical surveys and explosives. The department is responsible for federal mineral and energy policies and for conducting technical surveys and research related to mineral and energy resources. The surveys and research are conducted in three sectors: the Mineral and Energy