

B.C. Reg. 251/2004  
O.C. 553/2004 Deposited June 11, 2004

Coal Act

**Coal Act Regulation**

[includes amendments up to B.C. Reg. 78/2008, June 2, 2008]

Contents

- 1 Definitions
- 2 Confidentiality
- 3 Submissions under sections 8, 13 and 18 of the Act
- 4 Professional verification of information and data
- 5 Reduction of size of licence location
- 6 Application for lease
- 7 Fees

Schedule

Definitions

1 In this regulation:

"Act" means the Coal Act;

"chief gold commissioner" means the chief gold commissioner under the Mineral Tenure Act;

"coal exploration and development lands" means the location or freehold land to which information and data requirements relate, excluding the area of an approved mine plan;

"exploration and development" means, in relation to coal exploration and development lands,

(a) prospecting or geological, geophysical or geochemical investigations carried out underground or on the surface,

(b) rotary, percussion or diamond drilling, and logging and sampling in relation to that drilling,

(c) excavation of open pits, stripping, trenching or driving adits, inclines or shafts for the purpose of sampling or geological investigation,

(d) sampling of coal seams for the purpose of physical and chemical analysis, the resulting analyses, investigations, beneficiation and any tests to evaluate coking properties, and the results and interpretation of any of those activities,

(e) reclamation and environmental activities,

(f) construction of trails, roads, drilling sites, construction and use of on-site core storage facilities, helicopter or fixed wing landing sites or railways that are within or that connect with a licence or lease or any freehold land,

(g) a photogeological interpretation that is an adjunct to other exploration and development,

(h) airborne geophysical surveys by recognized methods covering any part or all of a licence, lease or freehold land and any area of contiguous land,

(i) topographical and aerial surveys to record and correlate the results of work or to establish the position of work in relation to the boundaries of a licence, lease or freehold land,

(j) boundary surveys of licences, leases and freehold lands,

(k) any other investigation that is conducted as an adjunct to other exploration and development;

"freehold land" means land, other than coal land, on which a person is exploring for, developing or producing coal;

"mine plan" means the plan referred to in section 10 of the Mines Act;

"National Instrument 43-101" means Standards of Disclosure for Mineral Projects published by the Canadian Securities Administrators;

"sample" means any material collected for analysis, testing or investigation.

#### Confidentiality

2 (1) The following information or data is confidential:

(a) information or data on methane desorption tests that is submitted in a separate document under section 3;

(b) information or data on the matters referred to in section 3 that is included in a separate coal analysis submitted under that section for washed coal samples;

(c) information or data submitted under section 6 (f) to (m) in support of an application for a lease under section 18 of the Act.

(2) Information or data not referred to in subsection (1) that is contained in a submission is confidential for a period of 3 years after the date that the information or data was submitted.

(3) Despite subsections (1) and (2), information or data referred to in those subsections is not confidential

(a) if it relates to a lease that has expired or been cancelled,

(b) if it relates to a licence

(i) that has expired or been cancelled, and

(ii) the term of which has not, within 30 days after that expiry or cancellation, been extended under section 14 of the Act,

(c) if and to the extent that a court of competent jurisdiction orders that disclosure of the information or data must or may be made, or

(d) if and to the extent that a written consent is provided by

(i) the holder of the licence or lease to which the information or data relates, or

(ii) the person exploring for or developing coal on freehold land who submits the information or data.

#### Submissions under sections 8, 13 and 18 of the Act

3 (1) A person referred to in sections 8, 13 and 18 of the Act must submit to the minister by the due date referred to in this section information and data in the form and manner approved by the minister

and sufficient for consideration of the submission by the minister for the purposes of the relevant section of the Act.

(2) For the purposes of subsection (1), the information and data must

(a) clearly document, at suitable scales, the specific type, amount, date and location of all original exploration and development conducted on coal exploration lands in relation to the boundaries of the location, and submit the results of the exploration and development in the form of text, maps, diagrams, logs, cross-sections, tables and spreadsheets necessary to describe, illustrate, explain and interpret the exploration and development,

(b) include a statement of costs and, if requested by the minister, receipts for those costs,

(c) include, as appropriate, written descriptions of the materials, media and coal horizons mapped or sampled including interpretation of field observations and post-survey data processing,

(d) for all drilling activity, trenches, pits and adits, include

(i) a surface location or geological and sampling map of all sites,

(ii) a comprehensive log of each hole, trench, pit or adit and all associated data,

(iii) collar and down-hole surveys, lithological, stratigraphic, structural, geophysical or digital photographic logs, and

(iv) complete analytical and testing results of all samples, core and cuttings keyed to the logs, and

(e) provide an estimate of coal reserves and resources that conforms with the standards set by National Instrument 43-101.

(3) Except when required under section 8 (2) of the Act as a result of an expiry, a surrender or a cancellation of a licence or lease, the information and data required under subsections (1) and (2) of this section must be submitted to the minister as follows:

(a) for a licence extension, with the application or on another date allowed by the minister under section 13 (4) of the Act;

(b) for a lease, on or before the anniversary date of the lease in each year;

(c) for a person exploring for or developing coal on freehold land, on or before March 31 in each year.

Professional verification of information and data

4 (1) For the purposes of sections 8, 13 and 18 of the Act,

(a) information and data that deals with exploration and development must be prepared by or under the supervision of a professional engineer or professional geoscientist qualified in the subject matter of the submission and registered under the Engineers and Geoscientists Act as a member of the Association of Professional Engineers and Geoscientists of the Province of British Columbia, and

(b) a report of information and data on physical and chemical analyses and investigations, beneficiation and metallurgical testing must be signed by a qualified analyst and must include a statement of the analyst's qualifications.

(2) Despite subsection (1), the chief gold commissioner may accept information and data prepared by a person

(a) who, in the opinion of the chief gold commissioner, is qualified by training or experience in the subject matter of that part of the submission, and

(b) whose qualifications are set out in the submission.

#### Reduction of size of licence location

5 For the purposes of section 11 (4) of the Act, a recorded holder of a licence may not reduce the size of a licence location unless

(a) the reduced location will have at least one unit,

(b) if the reduced location consists of two or more units, the units are adjoining, and

(c) the reduction does not result in any internal voids or open areas in the location.

#### Application for lease

6 For the purposes of section 18 (2) (d) of the Act, the minister may require the following information or data in respect of the lands over which a lease is sought:

(a) details of coal and surface rights held by the applicant;

(b) the history of previous production, a record of any previously submitted information and data, and a list of applications made under the Mines Act in respect of the lands over which a lease is sought;

(c) maps of the lands over which a lease is sought on a scale of less than 1:50 000 showing topography, general geology, outcrops, drill hole collars, excavations, principal coal seams, area of development and other workings;

(d) information on the nature of strata adjacent to the coal seams and on faults, washouts and other significant geological features that may influence mining conditions and results;

(e) a description of the principal coal seams deduced from drilling data or other observation, setting out

(i) the dimensions of the coal seams,

(ii) the attitude of the coal seams,

(iii) the areas of outcrops,

(iv) the geological configuration of the coal seams, and

(v) the quality of the coal in the coal seams;

(f) a categorization, subdivided, if feasible, into metallurgical and thermal coal and further into measured, indicated and inferred classes, of coal reserves present in the lands over which a lease is sought;

(g) estimates of actual mineable coal reserves in the lands over which a lease is sought, adequately illustrated by maps and stratigraphic and structural cross-sections;

(h) the parameters, methodology and other supporting data used to calculate the reserves and resources referred to in paragraphs (f) and (g), and if the minister requires the parameters, methodology and other supporting data, they must be prepared in compliance with National Instrument 43-101;

- (i) short and long range plans, in general terms, for exploration and development on the lands over which a lease is sought;
- (j) a summary of preproduction work to be done during the term of the proposed lease;
- (k) if analyses have been performed, information and data must be prepared in accordance with section 3;
- (l) a description of coal treatment and preparation facilities to be built during the term of the proposed lease;
- (m) anticipated recovery data.

#### Fees

7 The fees payable under the Act are those set out in the Schedule.

#### Schedule

##### Table of Fees

The following fees and rents are payable under the sections of the Act indicated in this table.

- 1 Application fee under section 12 (2) (a) for a licence \$25
- 2 Application fee under section 18 (2) (a) for a lease \$1 000
- 3 Application fee under section 19 (3) (a) for extension of the term of a lease \$300
- 4 Fee under section 14 for late filing of application to extend the term of a licence \$40
- 5 Fee under section 6 (2) (b) for recording
  - (a) a document effecting a disposition \$100
  - (b) each licence or permit affected \$25
- 6 Prescribed rent under section 12 (2) (b) \$7/ha, or fraction
- 7 Prescribed rent under section 13 (3) (a)
  - (a) for the first 5 one-year terms \$7/ha, or fraction
  - (b) for the second 5 one-year terms \$10/ha, or fraction
  - (c) rent will increase by \$5/ha at the end of each 5 year period beginning with the 11th year.

For the purposes of this rent calculation, all licences that were in effect in 1986 must be considered to have been issued on their anniversary date in 1986.
- 8 Prescribed rent under section 18 (2) (b) \$10/ha, or fraction
- 9 Prescribed rent under section 19 (3) (b) \$10/ha, or fraction

Note: this regulation replaces B.C. Reg. 19/93.

[Provisions of the Coal Act, S.B.C. 2004, c. 15, relevant to the enactment of this regulation: section 26]