



Province of Alberta

FORESTS ACT
MINES AND MINERALS ACT
PUBLIC LANDS ACT

**METALLIC AND INDUSTRIAL
MINERALS EXPLORATION
REGULATION**

Alberta Regulation 213/1998

With amendments up to and including Alberta Regulation 178/2017

Office Consolidation

© Published by Alberta Queen's Printer

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(Consolidated up to 178/2017)

ALBERTA REGULATION 213/98

**Forests Act
Mines and Minerals Act
Public Lands Act**

**METALLIC AND INDUSTRIAL MINERALS
EXPLORATION REGULATION**

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Interpretation

1(1) In this Regulation,

- (a) “Act” means the *Mines and Minerals Act*;
- (b) “approved exploration program” means a program of exploration under a preliminary plan for the program approved under this Regulation;
- (c) “cut line” means a line constructed through vegetation for the purpose of conducting a program of exploration;
- (d) “Department” means the Department of Environment and Sustainable Resource Development;
- (e) “drillhole” means a hole that is drilled to explore for a metallic and industrial mineral;
- (f) “exploration” means
 - (i) any investigation, work or act to determine the presence of a metallic and industrial mineral that, in the opinion of the Minister, results in a surface disturbance, and
 - (ii) any operations that are preparatory to or otherwise connected with the operations described in subclause (i) that, in the opinion of the Minister, have the potential to cause surface disturbance,

but does not include operations exempted from Part 8 of the Act by the *Exploration Regulation* (AR 32/90) or by section 2 of this Regulation;

- (g) “exploration approval” means an approval under this Regulation of a preliminary plan for a program of exploration;
- (h) “exploration licence” or “licence” means a licence to conduct exploration under this Regulation;

- (i) “exploration permit” or “permit” means a permit to operate exploration equipment under this Regulation;
- (j) “final plan” means the final plan for an approved exploration program submitted under section 37;
- (k) “Green Area” means that part of Alberta shown outlined and coloured green on the map annexed to
 - (i) a Ministerial order dated May 7, 1985 made pursuant to section 10 of the *Public Lands Act* (RSA 1980 cP-30), as that Order is amended from time to time, or
 - (ii) any order made in substitution for that Order, as amended from time to time;
- (l) “licensee”, when used in relation to a program of exploration, means the holder of the exploration licence under which the program of exploration is conducted;
- (m) “metallic and industrial minerals” means metallic and industrial minerals as defined in the *Metallic and Industrial Minerals Regulation* (AR 66/93);
- (n) “Minister” means the Minister of Environment and Sustainable Resource Development;
- (o) “occupied public land” means public land that is the subject of a disposition under the *Public Lands Act*, the *Special Areas Act* or any other enactment that conveys an estate or interest sufficient to enable the holder of the disposition to exclude persons from entering on the land;
- (p) “permittee”, when used in relation to a program of exploration, means the holder of the exploration permit who operates or who authorizes the operation of the exploration equipment used in the conduct of the program of exploration;
- (q) “preliminary plan” means a preliminary plan for a program of exploration submitted under section 5;
- (r) “private land” means land that is not owned by the Crown in right of Alberta or the Crown in right of Canada or their respective agents;
- (s) “public land” means land owned by the Crown in right of Alberta or its agents, but does not include mines and minerals;
- (t) “road allowance” means

- (i) the right-of-way of a highway or a public road, and
 - (ii) any other right-of-way established or surveyed under the *Surveys Act*,
whether or not it contains an existing thoroughfare;
- (u) “surface disturbance” means
- (i) the disturbance, exposure, covering or erosion of the surface of land, or
 - (ii) the contamination, degradation or deterioration of the surface of land;
- (v) “surface material” means clay, marl, sand, gravel or peat;
- (w) “survey monument” or “monument” means a post, stake, pin, mound of rock or other material, pit, trench or any other thing used to mark a triangulation point or the surveyed corner of a quarter section or a section, and includes a witness post indicating the position of such a corner;
- (x) “White Area” means that part of Alberta shown outlined and coloured white on the map annexed to
- (i) a Ministerial Order dated May 7, 1985 made pursuant to section 10 of the *Public Lands Act* (RSA 1980 cP-30), as that Order is amended from time to time, or
 - (ii) any order made in substitution for that Order, as amended from time to time.

(2) Definitions in the *Mines and Minerals Act* apply to this Regulation.

(3) Definitions in the *Forests Act* and the *Public Lands Act* do not apply to this Regulation.

AR 213/98 s1;206/2001;251/2001;170/2012

Part 1 Exempted Operations

Exempted operations

2 The following kinds of operations are exempted from Part 8 of the Act:

- (a) the investigation of the subsurface of land or water by equipment mounted in or attached to aircraft in flight;
- (b) the drilling of a well or the undertaking of any operations preparatory or incidental to the drilling of a well for which a licence is required under the *Oil and Gas Conservation Act*, other than
 - (i) the drilling of a drillhole and any operations preparatory or incidental to such drilling, and
 - (ii) the drilling of a hole to determine or evaluate the presence, extent, nature or quality of ammonite shell as defined in the *Ammonite Shell Regulation* (AR 59/89) or any mineral that is extracted in salt form and any operations preparatory or incidental to such drilling;
- (c) any operation conducted to determine or evaluate the presence, extent, nature or quality of coal, oil sands, a surface material or water;
- (d) drilling to determine soil stability or bedrock geology in connection with road building or infrastructure development;
- (e) prospecting by hand-held implements that, in the opinion of the Minister, does not cause significant surface disturbance;
- (f) taking soil, rock or geochemical samples of not more than 20 kilograms from a sample location;
- (g) handcutting of a line that does not exceed a width of 1.5 metres for the purpose of determining or evaluating the presence, extent, nature or quality of a metallic and industrial mineral.

AR 213/98 s2;251/2001

Part 2

Licences and Permits

Licences and permits

3(1) A person may apply to the Minister for an exploration licence or an exploration permit.

(2) The Minister shall not grant an exploration licence or an exploration permit to the applicant unless the applicant submits at an address specified by the Minister

- (a) an application in a form that is satisfactory to the Minister,
- (b) an application fee of \$50 in the form of cash or a certified cheque or money order payable to the President of Treasury Board and Minister of Finance, and
- (c) if the applicant is a corporation, proof satisfactory to the Minister that the applicant is incorporated, continued or registered under the *Business Corporations Act* or is incorporated by or under any other Act of Alberta.

AR 213/98 s3;27/2002;68/2008;31/2012;62/2013

Deemed licences and permits

4(1) An exploration licence under the *Exploration Regulation* (AR 32/90) is deemed to be a licence under this Regulation.

(2) An exploration permit under the *Exploration Regulation* (AR 32/90) is deemed to be a permit under this Regulation.

Part 3 Exploration Approval

Application for exploration approval

5(1) A licensee or a person authorized on his behalf may apply to the Minister for an exploration approval.

(2) The Minister shall not grant an exploration approval unless the Minister receives at an address specified by him

- (a) 4 copies of a preliminary plan described in section 6, and
- (b) a fee of \$100 in the form of cash or a certified cheque or money order payable to the President of Treasury Board and Minister of Finance.

AR 213/98 s5;27/2002;68/2008;31/2012;62/2013

Preliminary plan

6(1) The preliminary plan must be composed of a map that meets the requirements of subsection (2) and a document that meets the requirements of subsection (3).

(2) The map must be on a scale of 1:50 000 or any larger scale approved by the Minister and must show

- (a) in respect of any program or part of a program that will be conducted in the surveyed area of Alberta, the location of the area that will be explored by reference to sections, townships, ranges and meridians,

- (b) in respect of any program or part of a program that will be conducted in an unsurveyed area of Alberta, the location of the area that will be explored by reference to the NTS Grid,
 - (c) the public roads and other roads and trails that the licensee will use or construct to gain immediate access to the area that will be explored,
 - (d) the approximate location of any cut lines that the licensee will use or cut in connection with the program or, if those cut lines will exceed 500 metres in their total length, the boundary of the areal extension of those cut lines,
 - (e) the approximate location of any drillholes that the licensee will drill, make or open up in connection with the program or, if the program is to be conducted within township 69 or within any township north of township 69, the areal extension of the location of drillholes that the licensee will drill, make or open up in connection with the program,
 - (f) the approximate location of any pits, excavations and workings that the licensee will use, make or open up in connection with the program,
 - (g) any campsites and landing strips that the licensee will use or construct in connection with the program, and
 - (h) any other matter or thing requested by the Minister before the preliminary plan is submitted.
- (3)** The document accompanying the map must
- (a) identify the mineral or minerals being explored for in the program of exploration,
 - (b) indicate the method, technique and equipment to be employed in the program of exploration,
 - (c) indicate the device to be used for plugging drillholes,
 - (d) state the name and address of any person who will conduct exploration on the licensee's behalf,
 - (e) state the expected date of commencement and date of completion of the program of exploration,
 - (f) indicate the type of permit tag that will be used to identify
 - (i) the number of the exploration approval for the program, and

- (ii) the number of the permit of the permittee for the program,

and

- (g) identify, indicate or state any other matter or thing required by the Minister to be identified, indicated or stated in respect of the program of exploration before the preliminary plan is submitted.

Green Area and White Area

7(1) If an application for an exploration approval relates to a program of exploration on public land in the Green Area and the licensee for the program wants notice of the status of the application under section 8(1), the licensee for the program of exploration shall ensure that a copy of the preliminary plan is received by

- (a) the forest superintendent of each forest in which the exploration or any part of it is to be conducted, and
- (b) the senior forest officer of each ranger district in which the exploration or any part of it is to be conducted,

at the same time as the application is received by the Minister.

(2) If an application for an exploration approval relates to a program of exploration on public land under the administration of the Minister in the White Area and the licensee for the program wants notice of the status of the application in accordance with section 8(1), the licensee for the program of exploration shall ensure that a copy of the preliminary plan is received by the district public lands office of the Department for each district in which the exploration or any part of it will be conducted, at the same time as the application is received by the Minister.

AR 213/98 s7;206/2001

Notification of disposition of application

8(1) An applicant whose proposed program of exploration is on public land in the Green Area or White Area and who provides copies of the preliminary plan in accordance with section 7 shall be notified as to the status of the application for an exploration approval not later than 10 working days after the day on which the preliminary plan was received by the Minister at the address specified by him.

(2) An applicant whose proposed program of exploration is on public land in the Green Area or White Area and who does not provide copies of the preliminary plan in accordance with section 7

shall be notified as to the status of the application for an exploration approval not later than 25 working days after the day on which the application was received by the Minister at the address specified by him.

(3) An applicant whose proposed program of exploration will be conducted only on private land shall be notified as to the status of the application not later than 10 working days after the day on which the preliminary plan was received by the Minister at the address specified by him.

Application refused

9(1) If the Minister refuses an application for an exploration approval, the Minister shall specify the reasons for the refusal.

(2) If an application for an exploration approval is refused by reason of deficiencies in the preliminary plan or because the preliminary plan does not comply with section 6,

- (a) the applicant may resubmit the application, with the deficiencies corrected or the non-compliance remedied, and
- (b) the provisions of this Part that apply to an application for an exploration approval apply to an application that is resubmitted.

Security deposit before exploration approval

10(1) The Minister may require a licensee applying for an exploration approval to provide a security deposit in an amount and form specified by the Minister.

(2) If the Minister requires a security deposit under subsection (1), the Minister shall not grant an exploration approval unless the Minister receives the security deposit.

Security deposit after exploration approval

11(1) If the Minister does not require a licensee to provide a security deposit before the exploration approval is granted, the Minister may, after granting the exploration approval, require the licensee to provide a security deposit in the amount and form specified by the Minister.

(2) No person shall perform any operation or activity in connection with the exploration program from the time that the licensee receives notice of the requirement for the security deposit until the Minister receives the security deposit.

Forfeiture of security deposit

12(1) If the Minister is of the opinion that a program of exploration for which a security deposit has been furnished under this Part is not being or has not been conducted in compliance with this Regulation or the conditions of the exploration approval, or that land or any renewable natural resource associated with land is being or has been damaged or adversely affected through the conduct of the program, the Minister may

- (a) declare the security deposit forfeited to the Crown in right of Alberta, and
- (b) expend on the location of the program of exploration the security deposit and any additional funds that are necessary to remedy the non-compliance, or to restore or repair the damage to the land or the renewable natural resource.

(2) The amount of additional funds referred to in subsection (1)(b) is a debt payable by the licensee to the Crown in right of Alberta and may be recovered by an action in debt.

Refund of forfeited security deposit

13(1) If the Minister has declared a security deposit forfeited, the licensee may, after the program of exploration has been completed, request in writing that the Minister refund any portion of the security deposit not expended under section 12.

(2) After receiving a request under subsection (1), if the Minister is satisfied that the non-compliance has been remedied or that the land or renewable natural resource has been restored or repaired and the licensee is not otherwise in default of compliance with this Regulation or the conditions of his exploration approval in relation to the program of exploration, the Minister shall refund to the licensee any portion of the security deposit not expended under section 12.

Refund of non-forfeited security deposit

14 If the Minister is satisfied that section 12 has no application to a completed program of exploration for which a security deposit has been furnished under this Part, the Minister shall refund the security deposit to the licensee.

Duties of licensee

15 The licensee for an approved exploration program shall ensure that all exploration conducted in the approved exploration program is in accordance with, and at the locations specified in, the

preliminary plan approved for the program and is in accordance with the conditions of the exploration approval.

Expiry of exploration approval

16 An exploration approval expires on the earliest of the following dates:

- (a) the date specified in the exploration approval for the expiry of the approval;
- (b) April 30 of the fiscal year of the Government next following the fiscal year in which the exploration approval for the program was granted if no expiry date is specified in the exploration approval;
- (c) the date that exploration under an approved exploration program is completed.

Cut lines

17(1) After an exploration approval has been granted, the Minister may, anywhere in Alberta, authorize the use of existing cut lines or the cutting of new lines that were not shown on the preliminary plan.

(2) An authorization respecting cut lines under this section does not require an amendment to the exploration approval.

AR 213/98 s17;206/2001

Amendment of approved program

18(1) The licensee of an approved exploration program may apply to the Minister for an amendment to the exploration approval in respect of a change to the program.

(2) The Minister may not accept an application under subsection (1) if the exploration approval has expired.

(3) The provisions of this Part that apply to an application for an exploration approval apply to an application for an amendment to the exploration approval under subsection (1).

Part 4 Right to Conduct Exploration

General right

19 Subject to this Part, an exploration approval authorizes the licensee for the program of exploration, and any person authorized by the licensee to conduct the program, to use the land designated

in the exploration approval in accordance with the terms and conditions of the approval.

Public land

20(1) No person shall conduct exploration on public land

- (a) under the administration of a Minister of the Crown in right of Alberta other than the Minister of Environment and Sustainable Resource Development except with the consent of the Minister who has the administration of the public land, or
- (b) under the administration of a corporation that is an agent of the Crown in right of Alberta, except with the consent of that corporation.

(2) No person shall conduct exploration on occupied public land, except with the consent of the Minister or corporation required under subsection (1), where applicable, and

- (a) in the case of occupied public land that is the subject of a grazing lease or a farm development lease under the *Public Lands Act*, except
 - (i) with the consent of the person in possession of the land under and by virtue of the grazing lease or farm development lease, or
 - (ii) pursuant to a right of entry order issued under the *Exploration Dispute Resolution Regulation* under the *Public Lands Act*;
- (b) in the case of occupied public land, other than public land that is the subject of
 - (i) a grazing lease or farm development lease to which clause (a) applies, or
 - (ii) an agricultural disposition within the meaning of the *Public Lands Act* that is not a grazing lease or farm development lease

except with the consent of the person in possession of the public land under and by virtue of the disposition.

AR 213/98 s20;206/2001;227/2003;170/2012

Metis settlements

21 No person shall conduct exploration on land within a Metis settlement, except with the consent of the settlement council and the Metis Settlements General Council.

Land subject to mining operations

22 No person shall conduct exploration on land

- (a) within that part of the location of an agreement issued under the *Mines and Minerals Act* in which the holder of the agreement has been granted surface access under a disposition granted under the *Public Lands Act* to the mineral rights granted by the agreement,
- (b) within the area of a permit for a mine site or mine granted under the *Coal Conservation Act*,
- (c) within the area of an approval for a scheme or operation granted under the *Oil Sands Conservation Act*, or
- (d) within the area of a metallic and industrial mineral lease issued under the *Metallic and Industrial Minerals Regulation* (AR 66/93) designated for development under authority of an order made by the Lieutenant Governor in Council under that Regulation,

unless that person is the holder of the agreement, permit, approval or lease or a person authorized by the holder.

Land within municipalities

23 No person shall conduct exploration on land within the boundaries of a city, town, village or summer village, except with the consent of the council of the city, town, village or summer village or an employee of the city, town, village or summer village authorized by the council to give consent.

Other land

24 No person shall conduct exploration on

- (a) private land, except with the consent of the person having lawful possession of the land or that person's agent;
- (b) land owned or occupied by the Crown in right of Canada, except with the consent of the appropriate Minister or agency of the Government of Canada or of a person authorized by the appropriate Minister or agency to give the consent;

- (c) land, other than public land, of which the Crown in right of Alberta is in lawful possession, except with the consent of the appropriate Minister or agency of the Government of Alberta.

Other consents

25 Nothing in this Part shall be construed as removing the necessity to obtain a consent to conduct exploration on any land from any person not referred to in this Part, if that person's consent is required by law.

**Part 5
Notices****Notice to Department**

26(1) If the field operations for a program of exploration located in whole or in part on public land in the White Area will be commenced on a date that differs from the date of commencement stated in the preliminary plan by more than 5 working days, the licensee shall notify the district public lands office of the Department for each district in which the program of exploration is to be conducted of the date of commencement of field operations in the district.

(2) The licensee for a program of exploration located in whole or in part on public land in the White Area shall notify the district public lands office of the Department for each district in which the program of exploration was conducted that field operations in the district have been completed immediately after completion of field operations in the district.

AR 213/98 s26;206/2001

Notice to Alberta Land and Forest Service - senior forest officer

27(1) If the field operations for a program of exploration located in whole or in part on public land in the Green Area will be commenced on a date that differs from the date of commencement stated in the preliminary plan by more than 5 working days, the licensee shall notify the senior forest officer for each ranger district in which the program of exploration is to be conducted of the date of commencement of field operations in the district.

(2) The licensee for a program of exploration located in whole or in part on public land in the Green Area shall notify the senior forest officer for each ranger district in which the program of exploration was conducted that field operations in the ranger district have been completed immediately after completion of field operations in the ranger district.

Forest management agreement

28(1) In this section, “forest management agreement” means a forest management agreement entered into in respect of public land pursuant to the *Forests Act*.

(2) The licensee for a program of exploration shall ensure that, before the program is commenced on land that is subject to a forest management agreement, the holder of the agreement is notified that the program is to be conducted on the land.

Part 6

Exploration Field Operations

Damage to survey monument

29 If a survey monument is damaged, destroyed, moved or altered during the conduct of a program of exploration, the licensee for the program shall

- (a) report the matter immediately and in writing to the Forest Management Division of the Department,
- (b) pay the costs and expenses of restoring, replacing or re-establishing the monument, and
- (c) follow any directions given by the Minister or an Alberta land surveyor registered under the *Land Surveyors Act* regarding the restoration, replacement or re-establishment of the monument.

Release of fluids

30(1) Drill fluids may be discharged on sites of the exploration, but the licensee shall ensure that

- (a) the entire discharge is confined to the area outlined in the exploration approval for the program,
- (b) the total volume of discharged fluids does not exceed 500 cubic metres per drill site,
- (c) the discharge takes place 30 metres or more from the ordinary high water mark of a body of water, and
- (d) the discharge takes place in a manner that prevents the flow of surface water or fluids to an aquifer.

(2) If fluid is released from an aquifer or stratum and comes to the surface of a drillhole during the conduct of a program of exploration, the licensee for the program shall

- (a) after the completion of the drillhole, ensure that the drillhole is plugged or otherwise sealed without undue delay so as to confine the fluid to the aquifer or stratum from which it originated, and
- (b) immediately report the release of fluid to the district public lands office of the Department for the district or the senior forest officer for the ranger district in which the release of fluid occurred.

AR 213/98 s30;206/2001

Subsidence

31 If the ground surrounding a drillhole subsides or collapses, the licensee for the program of exploration shall immediately take the action that is necessary

- (a) to fill the area of the subsidence so that the ground level is the same as it was before the hole was drilled, and
- (b) to minimize any further subsidence.

Abandonment of drillholes

32 The licensee for a program of exploration shall ensure that any drillhole that is made in the conduct of the program is not temporarily or permanently abandoned until

- (a) the hole is plugged using the device specified in the approved exploration program and in a manner specified in the exploration approval,
- (b) the number of the exploration approval for the program is clearly marked on the plug, and
- (c) all drill cuttings or other material not required to conceal the approved plug are spread evenly over the ground surrounding the hole or, if they cannot be so disposed of, are disposed of in a manner and at a location that is satisfactory to the Minister.

Contamination of water

33(1) In this section, “harmful contaminants” means substances that are known to be toxic or harmful to man.

(2) The licensee for an approved exploration program shall ensure that the drilling or abandonment of any hole drilled in the program is conducted

- (a) using fluids and materials that do not contain harmful contaminants,
- (b) in a manner that prevents the flow of surface water to an aquifer or other formation, and
- (c) so as to prevent the movement of water from one formation to another.

Permit tags

34 The licensee for an approved exploration program shall ensure that each person involved in the conduct of the program complies with the terms and conditions of the exploration approval that pertain or relate to permit tags.

Reclamation certificate

35 The licensee for a program of exploration shall obtain a reclamation certificate issued pursuant to the *Environmental Protection and Enhancement Act* in respect of all work conducted under the authority of the exploration approval for the program.

Part 7 Final Plan

Operations not conducted

36 If no exploration field operations are conducted under an approved exploration program before the exploration approval expires, the licensee for the program shall, not later than 30 days after the exploration approval expires, file with the Minister at the address specified by the Minister a written statement that no exploration field operations were conducted under the program.

Final plan

37(1) Within 60 days after the completion of the conduct of exploration under an approved exploration program, the licensee for the program shall submit to the Minister at the address specified by him 4 copies of a final plan described in section 38 for the program of exploration.

(2) Concurrently with the submission of the final plan for the program of exploration to the Minister, the licensee shall submit a copy of the final plan to

- (a) the forest superintendent of each forest,
- (b) the senior forest officer for each ranger district, and

- (c) the district supervisor of the Rural Development Division of the Department of Agriculture and Rural Development for each district,

in which the program of exploration or any part of it was conducted.

AR 213/98 s37;35/2007;68/2008

Composition of final plan

38(1) The final plan must be composed of a map that meets the requirements of subsection (2) and a document that meets the requirements of subsection (3).

(2) The map must be on a scale of 1:50 000 or any larger scale approved by the Minister and must show

- (a) the boundaries of the Green Area and the White Area as shown on the preliminary plan approved by the Minister,
- (b) in respect of any program or part of a program that was conducted in the surveyed area of Alberta, the location of the area that was explored by reference to sections, townships, ranges and meridians,
- (c) in respect of any program or part of a program that was conducted in an unsurveyed area of Alberta, the location of the area that was explored by reference to the NTS Grid,
- (d) the public roads and other roads and trails that were used or constructed to gain immediate access to the area that was explored,
- (e) existing cut lines that were used during the conduct of the program of exploration to acquire data or to gain access to the area that was explored,
- (f) new cut lines that were cut during the conduct of the program of exploration to acquire data or to gain access to the area that was explored,
- (g) existing cut lines and new cut lines that were used or cut under the authority of the Minister under section 17,
- (h) drillholes, pits, excavations and other workings drilled, made or opened up in the course of conduct of the program,

- (i) campsites and landing strips used or constructed in connection with the conduct of the program and the size of the campsites and landing strips,
 - (j) any area or location in the field for the storage of core samples, and
 - (k) any other matter or thing requested by the Minister before the final plan is submitted.
- (3) The document accompanying the map must
- (a) state the name and address of any person who conducted exploration on the licensee's behalf,
 - (b) state the date of commencement and completion of the program of exploration,
 - (c) indicate the locations at which samples larger than 20 kilograms were extracted and the approximate quantity of each such sample extracted,
 - (d) have attached to it copies of field approvals representing the authorization of the Minister for cut lines referred to in subsection (2)(g), and
 - (e) identify, indicate or state any other matter or thing that is required by the Minister to be identified, indicated or stated in respect of the program of exploration before the final plan is submitted.

AR 213/98 s38;206/2001

Deficiencies in final plan

39(1) If a final plan submitted to the Minister does not meet the requirements of section 38, the Minister may by notice in writing

- (a) require the licensee for the program of exploration to correct any deficiencies in the final plan, or
 - (b) reject the final plan and require the licensee for the program of exploration to resubmit a final plan that conforms with section 38 within the period prescribed by the Minister.
- (2) The licensee shall comply with the Minister's requirements under subsection (1).
- (3) The Minister is deemed to have approved a final plan on the date the Minister receives it unless the Minister gives a notice under this section within 90 days of that date.

Part 8 Assessment Work Reports and Core Samples

Assessment work report

40(1) As soon as possible after the completion of a program of exploration, the licensee for the program shall,

- (a) in respect of exploration conducted on the location of a metallic and industrial mineral permit, submit to the Minister of Energy an assessment work report that complies with the requirements for an assessment work report set forth in the *Metallic and Industrial Minerals Regulation* (AR 66/93), and
- (b) in respect of exploration that is not conducted on the location of a metallic and industrial mineral permit, submit to the Minister of Energy an assessment work report in a form consistent with National Policy 2A - Guide for Engineers, Geologists and Prospectors Submitting Reports on Mining Properties to Canadian Provincial Securities Administrators, as amended from time to time, or in any other form that is acceptable to the Minister of Energy.

(2) Each assessment work report submitted under subsection (1)(b) must

- (a) describe the result of any assessment work conducted in connection with the exploration including, without limitation, the results of core analyses or assays and down-hole logs,
- (b) itemize the expenses incurred in conducting the assessment work,
- (c) include or be accompanied by any other information or data in relation to the assessment work that the Minister of Energy may require,
- (d) include a certification by a professional engineer, professional geoscientist or the prospector that the report was prepared by him or under his supervision, and
- (e) be accompanied by an affidavit of the licensee or his agent attesting to the veracity of the expenses incurred in conducting that assessment work.

AR 213/98 s40;170/2012

Core samples

41(1) The licensee for a program of exploration

- (a) shall follow all directions pertaining or relating to coring, core samples or drill cuttings set out in the exploration approval for the program, and
- (b) shall follow any directions or instructions given by the Minister of Energy or any person authorized by the Minister of Energy with respect to the retrieval, selection, labelling, delivery, transportation and storage of core samples.

(2) No person conducting exploration for metallic and industrial minerals shall retrieve from sample locations any samples of 20 kilograms or more, unless a person involved in the conduct of the exploration has been granted rights to the mineral being explored for under an agreement issued pursuant to the Act or the retrieval of the samples has been approved by the Minister of Energy.

Part 9 Confidentiality

Requirement for confidentiality

42(1) The Government shall keep confidential any information contained in a preliminary plan, final plan or assessment work report for one year after the plan or report is received by the Government.

(2) If

- (a) the licensee for an approved exploration program applies to the Minister with respect to preliminary plans and final plans or to the Minister of Energy with respect to assessment work reports to extend the period during which information is to be kept confidential beyond one year, and
- (b) the Minister or the Minister of Energy, as the case may be, is satisfied that the circumstances warrant an extension of the period,

the Minister or the Minister of Energy may extend the period during which the information is to be kept confidential.

AR 213/98 s42;206/2001

Exception

43 Notwithstanding section 42, the Minister with respect to preliminary and final plans and the Minister of Energy with respect

to assessment work reports may make available any information in a plan or report

- (a) to any person for the purpose of enforcing a law of Canada or a province, or
- (b) to a person employed in the Government for the purpose of administering any enactment under the administration of the Minister or the Minister of Energy or evaluating, formulating or administering a policy or program of the Department of Environment and Sustainable Resource Development or the Department of Energy.

AR 213/98 s43;206/2001;170/2012

Part 10 Penalties

Penalties

44 For the purposes of section 112 of the Act,

- (a) the maximum penalty for a contravention of section 107 of the Act in respect of exploration for metallic and industrial minerals is \$10 000;
- (b) the maximum penalty for a contravention of any of the following provisions of this Regulation is the amount shown opposite that provision:

| | |
|---------------|--------|
| section 11(2) | \$3000 |
| section 15 | 3000 |
| section 20 | 3000 |
| section 21 | 3000 |
| section 22 | 3000 |
| section 23 | 3000 |
| section 24 | 3000 |
| section 26 | 3000 |
| section 27 | 3000 |
| section 28 | 3000 |
| section 29 | 3000 |
| section 31 | 3000 |
| section 32 | 3000 |
| section 33 | 3000 |
| section 34 | 3000 |
| section 36 | 3000 |
| section 37 | 3000 |
| section 39(2) | 3000 |
| section 40 | 3000 |
| section 41 | 3000 |

- (c) the maximum penalty for a contravention of section 30 of this Regulation, for each day on which the contravention occurs, is \$1000;
- (d) the maximum penalty for a failure to comply with any condition of any exploration approval, licence or permit is \$5000.

AR 213/98 s44;251/2001

Part 11 Transitional and Expiry

Transitional

45(1) An exploration licence, exploration permit or exploration approval that

- (a) was issued or granted under the predecessor to this Regulation, and
- (b) is in force on September 30, 1998,

is continued and deemed to have been issued or granted under this Regulation.

(2) An application for an exploration licence, exploration permit or exploration approval made under the predecessor to this Regulation and not concluded by September 30, 1998 shall be dealt with under this Regulation.

46 Repealed AR 178/2017 s2.



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