Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that the attached Mining Deferral Area (Lax K’naga Sts’ool) Order is made.

Minister of Water, Land and Resource Stewardship  

Presiding Member of the Executive Council

Authority under which Order is made:

Act and section: Environment and Land Use Act, R.S.B.C. 1996, c. 117, s. 7

Other: 

(This part is for administrative purposes only and is not part of the Order.)
MINING DEFERRAL AREA (LAX K’NAGA STS’OOL)

ORDER

Definitions

1 In this order:

“claim” has the same meaning as in the Mineral Tenure Act;

“deferral area” means the Lax K’naga Sts’ool Mining Deferral Area established by section 2;

“deferral period” means the period beginning on the date this order comes into force and ending on February 21, 2029;

“deferred claim” means a claim identified by a tenure number set out in Schedule A;

“deferred lease” means the mining lease identified by the tenure number 1027557;

“mining activity” has the same meaning as in the Mineral Tenure Act;

“mining lease” has the same meaning as in the Mineral Tenure Act;

“mining official” means any of the following officials under the Mines Act:
(a) the chief permitting officer;
(b) the chief inspector;
(c) an inspector;

“minister” means the minister responsible for the administration of the Mines Act;

“recorded holder” has the same meaning as in the Mineral Tenure Act;

“register” has the same meaning as in the Mineral Tenure Act;

“registry” has the same meaning as in the Mineral Tenure Act;

“tenure number” means the number given in the registry to the parcels or tracts of land that are
(a) subject to a particular claim or mining lease, and
(b) shown with reference to the number on an electronic map in the registry.

Lax K’naga Sts’ool Mining Deferral Area

2 The Lax K’naga Sts’ool Mining Deferral Area is established, consisting of the land described in Schedule B.

Issuance of leases temporarily prohibited

3 Despite section 42 (4) [issue of mining lease] of the Mineral Tenure Act, the chief gold commissioner must not, during the deferral period, issue a mining lease with an area entirely or partially within the deferral area.

Deferred mining activities – free miners and mineral tenure holders

4 (1) Despite the Mineral Tenure Act, the following persons may not, during the deferral period, conduct mining activities within the deferral area:
(a) the recorded holder of a deferred claim;
(b) the recorded holder of the deferred lease;
(c) a free miner who
   (i) does not hold a claim or mining lease, or
   (ii) holds a claim or mining lease with an area entirely outside of the deferral area.

(2) Subsection (1) of this section does not apply in relation to mining activities related to the reclamation, monitoring, protection, control or treatment of a previously mined area.

(3) The following provisions of the *Mineral Tenure Act* do not apply during the deferral period in relation to the deferred claims or deferred lease, as applicable:
   (a) section 14 (3) and (4) [surface rights];
   (b) section 15 [disposition of surface rights];
   (c) section 50 [rental obligations].

(4) Despite sections 29 [continuation of claims] and 33.1 [registration of revised expiry date of claim] of the *Mineral Tenure Act*, the chief gold commissioner must do the following:
   (a) register a revised expiry date for a deferred claim that is one year after an existing expiry date of the claim if
      (i) the existing expiry date falls within the deferral period, and
      (ii) the recorded holder submits a written request to the chief gold commissioner at least 7 days and no more than 30 days before the existing expiry date;
   (b) register a revised expiry date for a deferred claim that is one year after the end of the deferral period if, as of the last day of the deferral period, the next expiry date of the claim falls within the one-year period after the end of the deferral period.

(5) Despite section 42 (5) of the *Mineral Tenure Act*, if the term of the deferred lease expires during the deferral period, the lessee is not entitled to a renewal of the lease for a term that ends more than 6 months after the end of the deferral period.

**Issuance of Mines Act permits temporarily prohibited**

5  (1) In this section, “mine” has the same meaning as in the *Mines Act*.

(2) A mining official must not, during the deferral period,
   (a) issue or exempt a person from the requirement to hold a permit under section 10 of the *Mines Act* to carry out work on an area of land that is entirely or partially within the deferral area, or
   (b) amend a permit issued under section 10 of the *Mines Act* to permit a person to carry out work on an area of land that is entirely or partially within the deferral area.

(3) The minister must not, during the deferral period, exercise discretion under section 11 of the *Mines Act* to do anything referred to in subsection (2) (a) or (b) of this section.

(4) Subsections (2) and (3) of this section do not apply in relation to work relating to the reclamation of a mine.
**Schedule A**

253829  
253830  
1060541  
1060731  
1060750  
1060752  
1060849  
1104066  
514646  
1037603  
1037604  
1037605

**Schedule B**

All the land, including foreshore and land covered by water, contained within the area shown hatched in black on the attached map titled “Lax K’naga Sts’ool Mining Deferral Area” and dated February 2, 2024.