



Subject Withdrawal and Reopening of Surface and/or Mining Rights - Section 35, Mining Act		Procedure PL 3.03.03	
Compiled by - Branch Lands & Waters	Section Land Management	Date Issued February 11, 1997	
Replaces Directive Title n/a	Number n/a	Dated n/a	Page 1 of 3

1.0 DEFINITIONS

In this procedure,

"Resident Geologist" means the local Resident Geologist of the Ministry of Northern Development and Mines or their delegate.

2.0 PROGRAM GUIDELINES

2.1 Purpose

To provide for the implementation of Policy PL 3.03.03 Withdrawal and Reopening of Surface and/or Mining Rights - Section 35 Mining Act.

2.2 Procedural Flexibility

A high degree of conformity is required to this procedure. Failure to follow this procedure may result in:

- i) the creation of unwanted third party interests in public lands;
- ii) program interests being put at risk through unwanted dispositions under the Mining Act;
- iii) costly acquisition alternatives to eliminate unwanted interests in public lands; and
- iv) undesirable delays of reopening unneeded surface and/or mining rights withdrawals.

2.3 Application

This policy applies to the withdrawal of surface and/or mining rights of any public lands under the Mining Act and the rescinding of withdrawal orders when no longer required.

3.0 PROCEDURE

3.1 Withdrawal Orders

- 1) When considering obtaining of withdrawal orders, Area Teams will:
 - a) identify the disposition requirement or critical MNR program interest to be protected;
 - b) consider whether it is necessary to withdraw the surface rights, the mining rights or the surface and mining rights of the affected lands; and

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- c) liaise with the Resident Geologist unless time is critical and liaison would cause and unacceptable delay which might threaten the viability of the program concern.

While liaison is to occur with the Resident Geologist, it should be remembered that the actual approval of a withdrawal order rests with Senior Management of MNM. A decision on approval of the withdrawal order will only be made following a geological review, input from the Resident Geologist and regard for the MNM Statement of Environmental Values.

- 2) After having decided to seek a withdrawal order, Area Teams will forward a request to the Mining Recorder, signed by the Area Supervisor, which includes:
 - a) the purpose for which the withdrawal is required;
 - b) a request to withdraw,
 - (i) the surface rights only,
 - (ii) the mining rights only, or
 - (iii) the surface and mining rights, as appropriate.
 - c) 6 copies of a clear sketch, on a "G" plan, with locational ties, outlining the area in red to be withdrawn (if no "G" plan exists and alternative map, will be permitted);
 - d) the size of the area, in hectares, to be withdrawn;
 - e) the duration that the lands are expected to be withdrawn for; and
 - f) the name and phone number of a staff member to contact for further information, if required.

3.2 Reopening Orders

When a withdrawal order is no longer required, Area Supervisors will promptly advise MNM, with details of the withdrawal order.

The request to rescind the order will include:

- a) the purpose for which the withdrawal was originally made;
- b) a request to reopen,
 - (i) the surface rights only,
 - (ii) the mining rights only, or
 - (iii) the surface and mining rights, as appropriate;
- c) 6 clear copies of a sketch, preferably on a "G" or "M" plan, with locational ties, outlining the area in red to be reopened;
- d) the size of the area, in hectares, to be reopened; and
- e) the name and phone number of a staff member to contact for further information, if required.

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4.0 REFERENCES

4.1 Legal References

- Mining Act - section 35

4.2 Policy Cross References

- PL 3.03.03 Withdrawal and Reopening of Surface and/or Mining Rights - Section 35, Mining Act (Policy)