

MINERAL RIGHTS TASK FORCE  
REPORT TO THE DEPUTY MINISTER,  
ENERGY, MINES AND RESOURCES

November 17, 2004

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## EXECUTIVE SUMMARY

This Task Force report to the Deputy Minister, EMR, prepared by the Minerals Rights Task Force members provides an overview of administrative challenges that were identified in the course of our review and suggested improvements associated with the issuance of mineral rights by the Government of Yukon. The intention in creating the Task Force was to be proactive in recommending solutions.

Briefly, the Task Force members met last spring and through discussions and contributions from members and the EMR Mining Recorders during the past few months the attached report evolved.

The report identifies a number of administrative and legislation based issues and challenges, associated recommendations, recent improvements to the disposition of mineral rights and overall conclusions and recommendations.

We have concluded that:

- Some administrative practices that would facilitate clarity or consistency could be modified immediately and in these instances changes have occurred or time lines identified for this to be completed,
- Many administrative issues are constrained by current legislation and can be resolved only through a change to existing mineral legislation; these matters cannot be addressed through administrative changes to procedures or processes as such action would contravene the law, and
- Consideration should be given by both EMR and the Yukon mining industry regarding whether non-controversial housekeeping amendments to Yukon mineral legislation that would enable additional administrative improvements are desirable in the near future.

A complete list of all recommendations arising from the Mineral Rights Task Force deliberations, and included in this report, is set forth below:

- 2.1(a) EMR will explore public posting of a notification period in the case of release of prohibition on Category B lands after a final agreement comes into effect, as well as explore posting for other situations involving lifting of entry and prohibition. In the case of settlement land, there is usually an effective date for coming into effect of the land claim agreement, so it may not be necessary to provide a separate period for notification. The department will work with ECO Land Claims Secretariat and others to determine how best to address this issue by the end of this fiscal year (March 31/05).
- 2.1(b) The Department will amend the application to record a mineral claim (refer to Appendix A) so that this information may be provided on a voluntary basis (i.e. the client provides GPS information along with the sketch map). The sketch map will continue to be used as the primary source of information, and GPS information will be used to confirm and more accurately locate the claims if appropriate.
- 2.1(c) Claim sheets do show 1:50,000 scale topographic features, based on the NRCAN dataset and are available at all District offices. The above practices will continue. However EMR is encouraging NRCAN to make these maps available on-line free of charge. EMR is committed to continuing to raise this issue with NRCAN with additional follow up by March 2005.

- 2.1(d) Establish a cooperation protocol between Mineral Management and Client Services and Inspections.
- 2.2(a) The Department has undertaken to correct errors on claim sheets regarding claim locations by reviewing map sheets regularly and correcting any errors found. This will be a continuing process of cleaning up old records and should not be occurring for any new claims recorded. The problem was created with the conversion from hand drawn maps to computer created datasets. These mineral claims were not geographically referenced and were layered onto topographic map sheets containing other information which is geo-referenced. This has not been a major problem in recent months since corrections are made as the errors are noted.
- 2.2(b) The Department undertook to accurately delineate settlement lands on mineral claim sheets last year. Canada is responsible for the data set of withdrawn settlement land blocks. The mining maps incorporate this data. After devolution occurred in April 2003, there were some administrative changes required by DIAND to transfer this responsibility internally. As a result, the datasets were not updated until sometime in September 2003. Any claim sheets dated prior to September 2003 may not depict R-blocks accurately. The mining recorder's office does not stock these older maps, but some may still be in the public domain.

Occasionally, other maps are produced as "derivative products" which show inaccuracies in settlement land boundaries. A recent example is the land status map which was displayed on the Department's web site, and had inaccuracies in some of the Kaska settlement lands. This map has been withdrawn since these inaccuracies were discovered.

- 2.2(c) MRTF did not support the suggestion of changing the colour of valid claims on claim maps.
- 2.2(d) The Department will examine what work would need to be carried out to create a "TRIM" map scale for Yukon and an estimate of financial requirements. This idea will be raised with the Technical Advisory Committee (TAC) to the Yukon Geological Survey this winter in order to receive advice from the TAC on the merits for this project and an evaluation of its priority in regards to other priorities.
- 2.2(e) The idea of utilizing ortho-rectified air photographs as a layer on claim maps will be examined to determine its feasibility, costs and implementation issues over this coming winter and discussed with industry at an upcoming Mining Recorders meeting.
- 2.2(f) EMR will work with NRCAN to ascertain their intentions regarding consistency and uniformity by March 31, 2005.
- 2.2(g) The Department will be increasing the staffing level from one to two GIS mapping technicians in the Mining Lands division. This should provide ability to cover during absences and to increase our capability in this area. Industry notes that with this increase in staffing levels, GIS support is still inadequate in the event of a staking rush, but would be adequate for normal situations.

- 2.2(h) The Department will work towards providing interactive web maps available to the public over the 2005-06 fiscal year. In addition, the Department will be working to make these layers interactive for our own staff during 2004/05.
- 2.2(i) To compliment on-line geographic data, other data sets are planned to be developed in a searchable format over the next year. Work to put a searchable mineral rights database (NMRS) on-line has been identified as a project for funding next fiscal year, as well as a geological publications listing. A report on progress will be provided to industry next year.

Other suggestions such as use of voice mail have been drawn to the attention of the Director and Chief of Mining Lands.

- 2.3 EMR has decided to alter its policy, effective immediately, informed by YG Legal Services advice. A corporate seal will no longer be required, although it will be accepted if a client wishes to use one. Instead, a statutory declaration, which is a form of affidavit, will be sworn to by the client and notarized by the Mining Recorder. In addition to this, the Mining Recorders do have letters on file from some companies specifying those individuals who have authority to handle transactions on behalf of the company. In such cases, these letters will suffice.

In light of the move of several jurisdictions towards map staking, the Task Force further recommends the department consider the possibility of opening and modernizing the acts more broadly. In the long term, this is viewed to be essential to maintaining cost and technological competitiveness associated with the management of mineral rights.

In conclusion, the Task Force recommends that the following actions occur preferably sooner.

- EMR should continue to be proactive in working with industry to resolve issues and concerns related to the administration of the Mining Acts in a timely and responsive manner. This can be achieved through regular progress reports and dialogue in bilateral meetings (semi-annual) with YCM and the Yukon Prospectors Association, through dialogue with the Yukon Mining Advisory Board (YMAB) and through the semi-annual Mining Recorders meetings and industry discussions.
- Minor administrative or 'housekeeping' changes to the Quartz and Placer Mining Acts be considered within the short-term subsequent to appropriate consultation with the industry and others. A decision by EMR on whether it is willing to proceed in principle is sought by year end. If it concurs, appropriate consultation with the industry and others is recommended early in 2005.
- The department should discuss with industry the possibility of more substantial opening up of the mining acts including a move towards map staking to determine if there is support for this and how best to proceed.
- Additional resources should be targeted at continued improvement of information management and GIS delivery capability, for map production, querying of data sets, filing of on-line applications, and development of on-line claim status information.

Finally, it is suggested that prior to any opening of the mineral legislation consideration be given to the scope of such an exercise. In addressing administrative change which would have wide spread applicability we recommend that the consultation phase be properly framed (i.e. soliciting further input that is within a set of criteria and is time limited).

## ACRONYMS

CS&I .....	Client Services and Inspections
ECO.....	Executive Council Office
EMR.....	Energy, Mines and Resources
GIS .....	Geographic Information System
GPS .....	Global Positioning System
IGOC.....	Industry Government Overview Committee
KPMA.....	Klondike Placer Miners Association
MLU.....	Mining Land Use
MRTF.....	Mineral Rights Task Force
NMRS .....	Northern Mineral Records System
NRCAN.....	Natural Resources Canada
NWT .....	North West Territories
OGMR.....	Oil, Gas and Mineral Resources
TAC.....	Technical Advisory Committee
YCM .....	Yukon Chamber of Mines
YG.....	Yukon Government
YGS.....	Yukon Geological Survey
YMAB.....	Yukon Mining Advisory Board

## **1. INTRODUCTION**

### **1.1 Purpose of Task Force**

Further to discussion between the President, Yukon Chamber of Mines (YCM) and Deputy Minister, Energy, Mines and Resources (EMR) in March 2004, it was agreed to strike a Mineral Rights Task Force (MRTF) to recommend solutions and suggestions to administrative challenges that industry experienced associated with consistency in mineral rights issuance, in administrative and policy interpretations across all mining districts. The intent was to keep the team small and solution oriented.

### **1.2 Focus of Report**

Once the industry-government team met, they agreed that the focus would be on practical issue resolution and pragmatic recommendations with a view to some early wins or doables. It was agreed the focus would be on resolution of issues that would have a broader industry benefit rather than just benefiting one or two individuals and that issues and suggestions would be categorized by their nature. It was also agreed to include suggestions for consistency and improvement from district Mining Recorders and to report on progress and successes associated with mineral rights since devolution of minerals management to Yukon Government. This review led to the identification of challenges and associated solutions that were either administrative, policy or legislation based in nature. It was agreed that the focus of the work would centre on matters that could be changed without legislative amendment.

This report includes six sections:

1. Introduction including purpose and membership
2. Administrative changes and efficiencies
3. Legislation based challenges
4. Progress
5. Conclusions and recommendations
6. Implementation

### **1.3 Membership**

Task Force Members included:

#### **YUKON GOVERNMENT**

Lois Craig, OGMR, EMR Chair  
Sam Wallingham, YMAB  
Robert Holmes, Minerals Management, EMR  
Glenna Southwick, Mining Recorder, EMR  
Viviane Tessier, Secretariat Support

#### **INDUSTRY**

Scott Casselman, President, YCM/YMAB  
Denis Jacob, Industry Representative

In addition, the Committee wishes to acknowledge the contributions of Kathryn Perry, Ross McLachlan, Kaori Torigai and David Wiebe to the deliberations and understanding of issues at play.

## **2. ADMINISTRATIVE CHANGES and EFFICIENCIES**

Members of the Task Force as well as the EMR and the Mining Recorders brought to the table for discussion a number of proposed administrative changes to current procedures and practices. These proposed changes were discussed by the Task Force with regard to:

- whether they involved amendments to the mining legislation, in which case they would be dealt with in a different manner (these are discussed in section 3 of this report);
- whether they involved administrative procedures that had a broad industry impact or were limited to a small number of situations or individuals; and
- whether they would provide for greater efficiencies, fairness and transparency.

In all cases, the suggested change was discussed so that a clear understanding of the issue was obtained. Several suggested approaches were then discussed and the Yukon representatives were tasked with the responsibility to explore pragmatic solutions. In some cases, the issue tabled was part of a broader set of challenges such as the Department and Government's overall strategy regarding Geographic Information Systems (GIS) design and delivery.

The issues tabled and discussed by the Task Force, along with any proposed changes to administrative procedure, are summarized in Table 1. The following is a description of the issue and the proposed changes:

### **2.1 Procedural** – Refer to Table 1 (page 18)

These comments suggest a number of administrative changes to current procedures. Comments were compiled from both the members of the Task Force and the Mining Recorders.

#### **a) More responsive notification where R-block boundaries are changing.**

A concern was identified that the boundaries of settlement lands may change, if negotiations result in new land selections and the dropping of old selections, or if claims are settled and certain lands become available for mineral disposition where withdrawal is lifted through the coming into effect of the agreement. A recent example in the Kluane traditional territory was cited, where the withdrawal order was lifted on certain Category B lands. In such cases, both industry and the mining recorders would find public notification of these changes helpful. Because mining recorders are unable to communicate Cabinet deliberations, timing, nature of the changes etc. to industry, the mining recorders are sometimes called by companies on a daily or even hourly basis for an indication of whether the changes have come into effect. Apart from the inconvenience of this process, the mining recorders are also put in a position of potentially treating one client differently than others.

**Resolution:** EMR will explore public posting of a notification period in the case of release of prohibition on Category B lands after a final agreement comes into effect, as well as explore posting for other situations involving lifting of entry and prohibition. In the case of settlement land, there is usually an effective date for coming into effect of the land claim agreement, so it may not be necessary to provide a separate period for notification. The department will work with YG's Land Claims Secretariat and others to determine how best to address this issue by the end of this fiscal year (March 31/05).

#### **b) Adding Global Positioning System (GPS) coordinates to sketch sheets.**

Under the mining acts, a person who records a mineral claim must provide a sketch map to the Mining Recorder, showing the location of the claim. It was suggested that Geographic Positional System (GPS) coordinates could also be provided to the Mining Recorder in order to improve the accuracy of the claim location on placer and quartz maps.

It is noted that the mining acts do not require GPS coordinates to be provided. Also, many mining clients may not be familiar with GPS technology. In some cases, if the client is unfamiliar with the

technology, the information could make the location even less accurate. However, some clients are currently providing this GPS information along with sketch maps and, if the client is familiar with the technology, the Department is using the information.

**Resolution:**

The Department will amend the application to record a mineral claim (refer to Appendix A) so that this information may be provided on a voluntary basis (i.e. the client provides GPS information along with the sketch map). The sketch map will continue to be used as the primary source of information, and GPS information will be used to confirm and more accurately locate the claims if appropriate.

**c) Availability of topographic maps for sale by Mining Recordors**

It was suggested that topographic maps could be sold by the department through the mining recordors office.

EMR has not been in the business of selling topographic maps, since these maps are currently sold by the private sector. The department does sell claim sheets which are the responsibility of government to produce and which contain Yukon government data. Clients can obtain topographic maps in Whitehorse at Mac's bookstore. It is recognized however in communities that there may not be an outlet.

**Resolution:**

Claim sheets do show 1:50,000 scale topographic features, based on the NRCAN dataset and are available at all District offices. The above practices will continue. However EMR is encouraging Natural Resources Canada (NRCAN) to make these maps available on-line free of charge. EMR is committed to continuing to raise this issue with NRCAN with additional follow up by March 2005.

**d) Mining Inspections**

A concern was raised about the availability of Mining Inspectors and if an inspector is going to be away whether it is possible to have another inspector handle their files or answer any telephone inquiries.

**Resolution:**

Establish a cooperation protocol between Mineral Management and Client Services and Inspections.

**2.2 Geomatics**

There were a number of concerns raised around the issue of boundaries associated with settlement land and the recording of R-blocks on maps.

**a) Errors occurring on claim sheets regarding claim locations**

There was concern expressed by industry that, as a result of digital conversion of claim data, the location of claims relative to settlement lands (R-blocks) occasionally changed with new versions of mineral claim sheets. In some cases, claims adjacent to R-blocks showed a gap of vacant ground between the claim and R-block in a subsequent map due to digital conversion. This relative movement of claims also seemed to be occurring with regard to topographic features.

**Resolution:** The Department has undertaken to correct errors on claim sheets regarding claim locations by reviewing map sheets regularly and correcting any errors found. This will be a continuing process of cleaning up old records and should not be occurring for any new claims

recorded. The problem was created with the conversion from hand drawn maps to computer created datasets. These mineral claims were not geographically referenced and were layered onto topographic map sheets containing other information which is geo-referenced. This has not been a major problem in recent months since corrections are made as the errors are noted.

**b) First Nation Settlement Lands not recorded correctly on maps.**

Concern has been expressed in the past that certain settlement lands were not shown accurately on mineral claim sheets and, in some cases were missing entirely. Industry noted this could serve to mislead industry into staking claims on withdrawn lands.

**Resolution:** The Department undertook to accurately delineate settlement lands on mineral claim sheets last year. Canada is responsible for the data set of withdrawn settlement land blocks. The mining maps incorporate this data. After devolution occurred in April 2003, there were some administrative changes required by DIAND to transfer this responsibility internally. As a result, the datasets were not updated until sometime in September 2003. Any claim sheets dated prior to September 2003 may not depict R-blocks accurately. The mining recorder's office does not stock these older maps, but some may still be in the public domain.

Occasionally, other maps are produced as "derivative products" which show inaccuracies in settlement land boundaries. A recent example is the land status map which was displayed on the Department's web site, and had inaccuracies in some of the Kaska settlement lands. This map has been withdrawn since these inaccuracies were discovered.

**c) Colour of valid claim on map shows black when photocopied.**

Concern was expressed by industry that the "yellow" colour on a claim map cannot be replicated by photocopier or fax without confusion with other colours. This did not seem to be a broad issue of concern for industry so was not pursued. Any change to the colours used in mining map sheets could involve some financial investment, and the change in colours could result in other difficulties.

**Resolution:** MRTF did not support the suggestion of changing the colour of valid claims on claim maps.

**d) Map Scale: Some desire to have 1:20,000 scale maps.**

The British Columbia Government uses a "TRIM" scale map of 1:20,000. Industry members expressed a desire to move to this scale for Yukon maps as it would provide for greater accuracy.

In order to create this scale of map for Yukon it was noted this would involve significant multi year financial resources. Currently topographic map sheets are only available thru NRCAN as 1:50,000 scale. Producing claim sheets at 1:20,000 scale would provide no additional information over current claim sheets unless the base topographic data was also available at that scale. Yukon Government would need to conduct topographic surveys of the entire Yukon to produce a whole new topographic scale. This would constitute a significant financial commitment for government over several years. Some of the work occurring through Geomatics Yukon may provide greater accuracy of topographic data in the future.

**Resolution:** The Department will examine what work would need to be carried out to create a "TRIM" map scale for Yukon and an estimate of financial requirements. This idea will be raised with the Technical Advisory Committee (TAC) to the Yukon Geological Survey (YGS) this

winter in order to receive advice from the TAC on the merits for this project and an evaluation of its priority in regards to other priorities.

**e) Better promotion of Yukon as a place to invest and explore through access to information**

It was suggested that better on line information may assist with attracting additional mineral investment to the Yukon such as using orthophotos in conjunction with claim maps.

The Department is conducting a strategic planning exercise for Information Management, both to develop better in-house information tools and to provide better products for our clients. A needs assessment has recently been conducted utilizing information needs identified by clients and users, and this will drive our future budget requests and work plans.

Over the next few years, it is planned that all of the public data sets will be made available on line. As well, it is planned that other data sets will be developed in a searchable format to support core business activities, such as mining and exploration. It is recognized that there is a need for continual upgrading and monitoring to ensure competitiveness and adaptation to the changing technologies.

The Chamber of Mines suggested that ortho-rectified air photographs could be utilized as a layer on claim maps and would provide detailed visual features that could assist in locating claims more accurately on claim maps. There are a number of issues that need to be examined with this proposal, including file management issues, consistency of coverage, detail of coverage, the changed look of claim maps, alignment of photos with topography and other issues.

**Resolution:** The idea of utilizing ortho-rectified air photographs as a layer on claim maps will be examined to determine its feasibility, costs and implementation issues over this coming winter and discussed with industry at an upcoming Mining Recorders meeting.

**f) Alignment of base maps**

Concern was expressed that some of the mining claim sheets do not align if placed side by side, and lines of topography and claim boundaries appear to be broken. There may be several reasons why this is occurring. First, the claim maps are set up to default to a print size of 42 inches by 48 inches. However, it is possible to adjust the scale of the map by printing on a different size paper. Mining Recorders are advised not to do this but occasionally slightly different scales are printed off, especially when comparing maps printed at different times.

NRCAN's topographic coverage of the Yukon is not uniform. Some areas were mapped years ago and some more recently. In some cases, lines of topography do not line up across map sheets, but this is due to the quality of the dataset available for Yukon. It is noted that topographic coverage for Yukon is of high quality compared to Nunavut and NWT and the entire Yukon is available at 1:50,000 scale

**Resolution:** EMR will work with NRCAN to ascertain their intentions regarding consistency and uniformity by March 31, 2005.

**g) Increased staffing levels to provide more consistent and better service.**

The District Mining Recorders suggested that staffing levels in the mapping section should be increased to provide better service. Industry notes that should there be a staking rush current resourcing levels would not be adequate. The Department realizes that there is significant work to do to consult with industry, to develop new information technology products and services, to

research competing jurisdictions, and to provide outreach both within our own Government and within the industry and public.

**Resolution:** The Department will be increasing the staffing level from one to two GIS mapping technicians in the Mining Lands division. This should provide ability to cover during absences and to increase our capability in this area. Industry notes that with this increase in staffing levels, GIS support is still inadequate in the event of a staking rush, but would be adequate for normal situations.

#### **h) Improve maps by reflecting all dispositions affecting mining**

The District Mining Recorders expressed a desire for more information to be put on mining claim sheets. Industry noted that areas not open to staking or under interim protection be clearly delineated.

There is more information on claim sheets currently than in the past, including agricultural leases, settlement lands, roads, and rivers. A listing of these layers and a summary of the current status of these GIS databases is contained in Appendix C.

**Resolution:** The Department will work towards providing interactive web maps available to the public over the 2005-06 fiscal year. In addition, the Department will be working to make these layers interactive for our own staff during 2004/05.

#### **i) Read only NMRS access for claim information**

It has long been a goal of industry and the Department to offer the Northern Mineral Records System (NMRS) as a “read-only”, searchable database on-line. This would allow clients to query the system for information such as claim expiry dates, ownership, status etc. Certain information may need to be kept confidential. At the present time, access to the database is available at several workstations located at the District Mining Recorders offices. Work on providing a fully searchable on-line version of NMRS is a priority of the Department.

**Resolution:** To compliment on-line geographic data, other data sets are planned to be developed in a searchable format over the next year. Work to put a searchable mineral rights database (NMRS) on-line has been identified as a project for funding next fiscal year, as well as a geological publications listing. Industry would appreciate a report on progress next year.

Other suggestions such as use of voice mail have been drawn to the attention of the Director and Chief of Mining Lands.

### **2.3 Policy**

#### **a) Use of Corporate Seals affecting claims transfer**

Industry has been of the view for several years now that the requirement for a corporate seal in order to transfer the ownership of claims from a corporation to another corporation or to an individual was not required by law, does not provide effective due diligence on the part of government is an inconvenience and an unnecessary expense for industry. Upon devolution, the Yukon government had adopted the federal policy that a corporate seal be required for such transfers of mineral title.

**Resolution:**

EMR has decided to alter its policy, effective immediately, informed by YG Legal Services advice. A corporate seal will no longer be required, although it will be accepted if a client wishes to use one. Instead, a statutory declaration, which is a form of affidavit, will be sworn to by the client and notarized by the Mining Recorder. In addition to this, the Mining Recorders do have letters on file from some companies specifying those individuals who have authority to handle transactions on behalf of the company. In such cases, these letters will suffice.

**2.4 Summary of Administrative Related Recommendations to the Deputy Minister:**

In addition to the follow up by the department on several administrative matters there are some outstanding issues for which additional work is recommended with input from other bodies. These include:

- The Department in conjunction with the YGS Technical Advisory Committee examine the financial requirements and the work needed to create a “TRIM” map scale for Yukon. This idea will be raised with the Technical Advisory Committee (TAC) to the Yukon Geological Survey in order to receive advice from the TAC on the desirability of this project and an evaluation of its priority in regards to other priorities over the next few years.
- EMR and YCM to discuss better on-line information to attract added mineral investment such as use of orthophotos.

**3. LEGISLATION BASED ADMINISTRATIVE CHANGES**

During discussions on administrative changes that would be beneficial, there were a number of references to administrative changes that could only be achieved by amendments to legislation. The sections of the Mining Acts dealing with mineral title are very old and have not changed substantially for nearly 100 years. The *Quartz Mining Act* and the *Placer Mining Act* are somewhat unusual in that they include in legislation many aspects that are detailed and administrative in nature. Normally, such detail would be contained in regulations, which are easier to amend. Because of the difficulty in making amendments to the Acts, the administrative details of the mineral rights component of the mining legislation have remained largely unchanged since the early 1900's.

This has created a situation where Mining Recorders are constantly confronted with new situations and challenges in interpreting and administering this legislation in the light of evolving technology and changing public laws.

The Yukon Chamber of Mines (YCM) representative submitted a list of several proposed changes to the legislation as examples of changes which would be beneficial to industry. These proposed changes have not been broadly solicited by the YCM, but are being offered by the representative as examples of the kinds of changes the YCM has in mind.

Table 2 (page 20) provides a list of these proposed changes. These are categorized in several ways. Some are merely “housekeeping” in nature while others are more substantive.

Housekeeping amendments are defined as amendments which are a simple change, with obvious implications that are strictly administrative in nature and which have no serious effect on other sections of the legislation. They are usually non-controversial in nature and would contribute to streamlining and

simplification of current practices, modernization of historic, cumbersome requirements and move the Yukon toward a more competitive position with other mining jurisdictions in Canada. Some of these housekeeping changes may have significant implications to government administration.

Substantive amendments are defined as amendments which are more profound and touch on the principles behind the legislation and would require changes in other aspects of the legislation. They could well have broader implications for a range of interests including other governments as well as non-mining clients. The more substantive suggestions would need to be evaluated in detail to determine what the impacts of the changes would be on the overall mineral rights regime.

### **3.1 Examples of Suggested Administrative changes that are Housekeeping in nature:**

These include the following suggestions:

1. Eliminate the need for a second trip to place tags on posts after claims are granted
2. Allow tags to be affixed to one common post at a junction of 4 claims.
3. Increase the maximum 16 claim limit for quartz claim grouping to a higher limit i.e. 100.
4. Allow new claims to be added to a placer grouping (Mining Recorders suggestion)
5. Allow grouping of claims that cross mining district borders
  - o Currently, claims cannot be grouped across district boundaries.
6. Allow claims staked in any district to be recorded in any other district or statement of work to be submitted.
7. Allow posts to be located within existing mineral claim
8. Use of metric rather than imperial units.

Eliminate requirement to endorse three copies of quartz lease (mining recorders suggestion)

- o (note: Administratively, the amount of time required to do endorse three copies of each quartz lease time could be better spent on other things)

### **3.2 Examples of Suggested Administrative changes that are more substantive in nature:**

1. Allow witnessing of all posts if necessary
  - o Currently there is no ability to witness the #1 post and so obtaining mineral rights under bodies of water is not possible. As well, safety issues associated with planting #1 post is an issue, i.e. steep slope.
2. Change to perimeter staking
  - o Consider changing claim staking system from 2-post staking to perimeter, or 4-post staking. This would operate similar to the claim staking system in British Columbia or NWT/Nunavut. The benefit of perimeter staking is that the outer boundaries of a mineral claim are marked, unlike 2-post staking where the marked claim staking line runs only along one boundary of a mineral claim. The systems in BC and NWT/Nunavut are slightly different and each has its benefits. In BC the maximum claim size is 20 units, with each unit being 500x500 metres (although BC is going to Map Selection (staking) in January of 2005). In NWT/Nunavut the maximum claim size is 50 units, but units are 1500x1500 feet (457.2x457.2 m). In both areas witness posts are allowed for all posts if required.
3. Eliminate grouping all together
4. Consideration of map staking for recording of claims.

### **3.3 Recommendations to the Deputy Minister:**

The above examples were either provided by the YCM or Mining Recorders as examples of suggested administrative changes that can only be modified by amendments to mineral legislation.

The Task Force agrees that it would be prudent for Government of Yukon to consider opening the mineral legislation to make administrative changes that are in the first instance non-controversial in nature. This should be discussed in more detail with the mining industry prior to proceeding. It is noted that it is important that the first round of proposed changes be kept to housekeeping amendments and be focused and limited to non controversial administrative items that will be beneficial to many in the mineral industry.

Specifically the Task Force recommends that:

- Deputy Minister, EMR and Minister, EMR consider willingness to open the *Quartz Mining Act* and *Placer Mining Act* for non-controversial administrative changes.
- Subject to Ministerial or YG approval in principle EMR consult with the YCM , the Klondike Placer Miners Association (KPMA), the Yukon Prospectors Association and YMAB regarding administrative changes that could be made to the legislation and the rationale for such changes.
- EMR prepare a schedule of proposed amendments, rationale and process for such amendments.
- Once the proposed changes and the process to move forward have been identified as supported by the YCM, KPMA, the Yukon Prospectors Association and YMAB they could then be taken to broader consultation with the industry and public.
- The consultation process with Yukon First Nations should be factored into the proposed timeline and the nature of the consultation should be consistent with any Devolution Transfer Agreement or Land Claim Obligations, as appropriate.
- EMR should identify the potential amendments and conduct consultations; it is suggested this be carried out during 2005 in time with changes to legislation introduced to the Legislative Assembly as soon as practicable.

Lastly, in light of the move of several jurisdictions towards map staking, the Task Force further recommends the department consider the possibility of opening and modernizing the acts more broadly. In the long term, this is viewed to be essential to maintaining cost and technological competitiveness associated with the management of mineral rights.

## **4. ACKNOWLEDGING PROGRESS**

The Task Force would like to acknowledge some of the progress that has been made in the delivery of mineral rights services over the past two years. Many of these changes have been made in the absence of targeted funding and during a time of change with devolution of the federal Northern Affairs Program, DIAND to Government of Yukon.

### **4.1 Administration and Policy**

The Mining Acts are very old and contain a great deal of detailed administrative procedures. As a result, the Department is constantly encountering new situations where administrative processes and operating policies need to be reconsidered and previous ways of doing things reevaluated. There have been steady changes in operational policy and in administrative processes.

The Mining Recorders offices have moved towards ensuring consistent operational policy and procedures across the Yukon through regular meetings of District Mining Recorders and recording of operational policy that is implemented consistently across the Yukon.

Appendix B lists some of the administrative and policy changes that have been made over the past two years since devolution

#### **4.2 Geomatics and Data Management**

It is worth noting that the management of data and the capabilities to produce GIS based map products has undergone a complete change over the past few years. Five years ago, the production of claim maps was done using mylar sheets and hand drafting. Maps were significantly out of date, difficult to read and often unavailable in District offices and included only a minimum of information. Appendix C lists some of the new initiatives and services developed in geomatics and data management over the past several years.

Today, maps are produced electronically through the integration of data sets that are deposited in a Spatial Data Repository (SDR) and managed and updated by responsible agencies. For example, Lands Branch is responsible for updating the Lands disposition data set and DIAND is responsible for the settlement lands dataset. A complete listing of the datasets and the responsible agencies is shown in Appendix C. Maps are available on line, contain much more information, are up to date, and there are a variety of “derivative” products. Much of this development and change was carried out within normal operating budgets, without any targeted development funding.

In addition to these GIS datasets, other databases have been upgraded. The Northern Mineral Records System (NMRS), which contains mineral claim records for Yukon, has been constantly upgraded and is now available for client use in the District Offices.

Despite these advances and ongoing efforts to improve accuracy, timeliness and usability of all GIS products, claim maps cannot be considered entirely accurate for several reasons. The primary reason is that the location of claims relies on sketch maps provided by claim holders, which are approximations of claim locations. There are also some delays in adopting land status changes on maps, although these time delays have shrunk considerably over time. As well, Mining Lands does not “own” all the data shown on all EMR claim maps and is not responsible for its maintenance. Because of the potential for error, a disclaimer is shown on all claim maps on on-line sites. The need for such a disclaimer is to ensure the user is aware that he/she is responsible for acquiring correct information. A disclaimer is common practice on all claim maps produced by all governments in Canada.

### **5. CONCLUSIONS AND RECOMMENDATIONS**

Through the work of the Mineral Rights Task Force it was noted that a number of administrative changes were desirable and could be implemented with little difficulty. Actions have been taken to make the changes or timelines given for work in progress to be completed. Lastly, it was noted that many administrative constraints can only be addressed through amendment to mineral legislation.

The Task Force recommends that the following actions occur preferably sooner, in order to ensure that the legislation and policy are working as effectively as possible:

- EMR should continue to be proactive in working with industry to resolve issues and concerns related to the administration of the Mining Acts in a timely and responsive manner. This can be achieved through regular progress reports and dialogue in bilateral meetings (semi-annual) with YCM and the Yukon Prospectors Association through dialogue with YMAB and through the semi-annual Mining Recorders meetings and industry discussions.
- Minor administrative or ‘housekeeping’ changes to the Mining Acts be considered within the short-term subsequent to appropriate consultation with the industry and others. A decision by EMR on whether it is willing to proceed in principle is sought by year end. If it concurs, appropriate consultation with the industry and others is recommended early in 2005.
- The department should discuss with industry the possibility of more substantial opening up of the mining acts including a move towards map staking to determine if there is support for this and how best to proceed.
- Additional resources should be targeted at continued improvement of information management and GIS delivery capability, for map production, querying of data sets, filing of on-line applications, and development of on-line claim status information.

Upon acceptance of the report the work undertaken by the Task Force should be communicated to the mining community. Mechanisms such as reporting to YMAB, Industry Government Overview Committee (IGOC) and the Yukon Technical Liaison Committee and reporting outcomes to the YMAB Annual Report and Chamber of Mines newsletter are suggested. Preparation and adoption of a communications strategy is recommended. A low key sector specific communication strategy would be suitable.

Lastly, The Mineral Rights Task Force recommends that it be dissolved at such time as a decision regarding the work of the Task Force has been made, preferably by the end of 2004. Follow-up on this report and reporting should be done, semi-annually.

## **6. MOVING TO IMPLEMENTATION**

A few key steps are recommended:

1. Signed off final Task Force report to DM by November 19th.
2. Deputy Minister response by the end of 2004 including decision to terminate or retain Task Force.
3. Prepare Communications Strategy by the end of 2004.
4. Develop implementation of Communication Strategy by Director of Mineral Resources and President of Yukon Chamber of Mines in early 2005.

This concludes our report, deliberations and advice. It is noted that this review was not a comprehensive review of all administrative requirements and processes. It is suggested that prior to any opening of the mineral legislation consideration be given to the scope of such an exercise. In addressing administrative change which would have wide spread applicability we recommend that the consultation phase be properly framed (i.e. soliciting further input that is within a set of criteria and is time limited.)

**ADMINISTRATIVE CHANGES & EFFICIENCIES**

**TABLE 1**

SUBJECT	SUGGESTED AMENDMENTS	NEXT STEP
<b>2.1 Procedural</b> a) Boundaries changing around R-blocks	Post notices to inform the public of any changes to boundaries.	Pursue implementing a short window for notification to industry of changed boundaries, by March, 2005.
b) Adding GPS coordinates to sketch sheets	Request claim stakers to add this information to their sketches or applications to assist in locating position of claims.	EMR to prepare GPS guidelines in terms of recording GPS coordinates on claim maps or sketches.
c) Map Availability	Sell topographic maps in the mining recorder's offices.	EMR to raise free on-line maps with NRCAN.
d) Mining Inspections	Ensure mining inspectors are available in each district to respond to MLU and client concerns and if away from the office, assign another mining inspector to handle their files.	Cooperation with CS&I to establish office protocol.
<b>2.2 Geomatics</b> a) Errors occurring on claim sheets regarding claim locations	Many errors occurred during the transition stage to the new digital base map.	<ul style="list-style-type: none"> <li>- Correcting errors as they are found.</li> <li>- Proactive review of all claims.</li> </ul>
b) First Nation settlement lands not correctly recorded on maps	Securing a process between Yukon & Canada ensuring timely transmittal of information between governments.	Timely proofing of all maps.
c) Color of valid claim on map shows black when photocopied	Doesn't appear to be a broad concern.	No further action.

**ADMINISTRATIVE CHANGES & EFFICIENCIES**

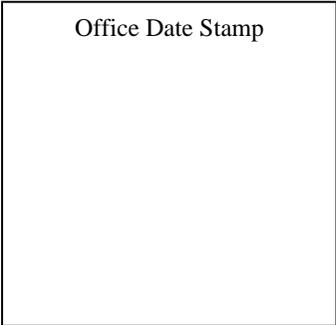
**TABLE 1**

<b>SUBJECT</b>	<b>SUGGESTED AMENDMENTS</b>	<b>NEXT STEP</b>
d) Map Scale: acceptability of plotting	Investigating possibility of using a different format, e.g. BC uses TRIM 1:20,000.	EMR will seek advice from Technical Advisory Committee to the Yukon Geological Survey this winter on the merits and priority of this idea.
e) Better promotion of the Yukon as a better place to invest and explore	Through ease of access to geoscience’s mineral rights information: a) making more data available on-line b) create other data-sets in searchable format c) continual upgrading and monitoring	EMR will review the idea of ortho-rectified air photos as a layer on claim maps over this winter. All public data sets will be available on line next year.
f) Alignment of base maps	Need to improve NRCan’s topographic coverage of Yukon.	EMR will work with NRCan to encourage greater consistency and uniformity by March 31/05
g) Staffing	Increase staffing to provide greater coverage and service.	Staffing in progress. With extra person, EMR will develop greater “outreach” with industry, FN and public.
h) Information/Accuracy	Improve maps by reflecting all the dispositions and land features that affect mining, i.e. settlement land, OICs, roads, etc.	EMR will work to provide interactive web maps for public use in 2005-06 that allow any maintained data layer to be selected.
i) NMRS access/Claim Information	Make mineral claim information available on the web as a searchable, read only file.	EMR has commenced work to put NMRS on the web in 2005-06, as well as a geological publications listing.
<b>2.3 Policy</b> a) Use of corporate seals affecting claims transfer	Change requirement for corporate seal to some other mechanism that provides for more convenience and greater due diligence.	Investigate alternatives to using corporate seal. DONE – policy changed so that sworn affidavits, letters on file, or seals are acceptable.

ISSUE	COMMENTS
<p><b>Housekeeping Amendments</b>  <b>1.</b> Eliminating the need for a second trip to place tags on posts after claims are granted</p>	<p>The claim staker should be able to acquire post tags prior to staking. This is currently done in BC, Nunavut and other jurisdictions. The staker should not have to go out in the field a second time to affix tags issued after staking.</p>
<p><b>2.</b> Allow tags to be affixed to one common post at a junction of 4 claims</p>	<p>-Currently, when a post placed at the junction of 4 claims, there must be a post for each of the 4 claims. We should allow 1 post and allow 4 tags to be affixed to each side of the one post, as is done in NWT, Nunavut and BC.                      -Allow 2x2 inch posts with claim tags that fit on 2x2 wide posts.                      -This would allow posts to be 2x2 inches wide at the top. When staking in alpine areas it is difficult to find larger trees. If tags were issued that were 2 inches wide (like Nunavut and NWT) they could be easily affixed to these smaller trees.</p>
<p><b>3.</b> Increase the maximum 16 claim limit for quartz claim grouping</p>	<p>Currently, grouping of claims is limited to 16 claims.</p>
<p><b>4.</b> Allow claims staked in any district to be recorded in any other district or statement of work to be submitted</p>	<p>The Acts now require that claims be recorded in the District in which they are located. A range of options should be considered. Suggestions include receipt of claims and payment in other districts.</p>
<p><b>5.</b> Use metric rather than imperial units</p>	<p>Change size of quartz claim to 500x500 meters.</p>
<p><b>Administrative Changes that are Substantive in nature</b>   <b>1.</b> Change to perimeter staking</p>	<p>Consider changing claim staking system from 2-post staking to perimeter, or 4-post staking. This would operate similar to the claim staking system in British Columbia or NWT/Nunavut. The benefit of perimeter staking is that the outer boundaries of a mineral claim are marked, unlike 2-post staking where the marked claim staking line runs only along one boundary of a mineral claim. The systems in BC and NWT/Nunavut are slightly different and each has there benefits. In BC the maximum claim size is 20 units, with each unit being 500x500 metres (although BC is going to Map Selection (staking) in January of 2005). In NWT/Nunavut the maximum claim size is 50 units, but units are 1500x1500 feet (457.2x457.2 m). In both areas witness posts are allowed for all posts if required.</p>
<p><b>2.</b> Eliminate grouping all together</p>	<p>This would allow claimholder to attach work done on any claim to any other claims.</p>
<p><b>3.</b> Consideration of map staking for recording of claims</p>	<p>Need further discussion with mining industry. It is noted that several other jurisdictions have or are implementing this.</p>

Appendix A - Application to Record a Mineral Claim

Quartz Mining Act Form Section 41
APPLICATION FOR A FULL CLAIM



\_\_\_\_\_ Mining District
I \_\_\_\_\_,
Full Name
\_\_\_\_\_
Occupation
of \_\_\_\_\_,
Postal Address
\_\_\_\_\_
Phone Number

Make oath and say that:

1. At the hour of \* \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_
\*Should be shown when possible

I located the \_\_\_\_\_ Mineral Claim, situated on claim sheet No. \_\_\_\_\_

If GPS co-ordinates were taken please complete the information below (NAD 83 UTM only):

Make and Model of GPS: \_\_\_\_\_ UTM Zone: \_\_\_\_\_
Post No 1: \_\_\_\_\_ North \_\_\_\_\_ East
Post No 2 (or witness): \_\_\_\_\_ North \_\_\_\_\_ East

Describe Area \_\_\_\_\_
\_\_\_\_\_

(Sketch of group required in duplicate showing position of claim as nearly as possible, direction of location line and name or names of any claim or claims it may adjoin)

2. I have placed post No. 1 and No. 2 of the legal dimensions on the said claim with the inscription on each post prescribed by the Quartz Mining Act.

3. I have inscribed on location Post No. 1 the following words: \_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

4. I have inscribed on location post No. 2 the following words: \_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

(If a witness post has been used the particulars as to such post should be fully set out)

5. I have marked the line between post No. 1 and post No. 2 as required by Section 31 of this Act.

6. To the best of my knowledge and belief the ground comprised within the boundaries of the said claim is unoccupied and unrecorded by any other person as a mineral claim; it is not occupied by any building or any land falling within the cartilage of any dwelling house or any land under cultivation, or any land reserved from entry under The Quartz Mining Act

7. The said claim has not heretofore been staked out by any one in my interest.

8. I attach hereto a plan of the location, as required by Section 34 of the Quartz Mining Act.

Sworn before me at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Applicant

## Appendix B - Recent Mineral Rights Efficiencies

### Administrative Efficiencies

- **Accepting Faxed Applications**
  - District offices now accept faxed applications instead of applications in person or mailed. This assists with helping the client meet the travel time requirements of the legislation.
- **Accepting Credit and Debit Cards**
  - Credit and Debit cards are now accepted for all payments. Card numbers can either be phoned in or cards can be accepted at the counter.
- **Requirement for only one copy of the applications**
  - In the past, two duplicate copies of applications were required along with original signatures. This was inconvenient and costly as each had to be notarized. Now, only one original is required.
- **Applications and guidelines are now available on line**
  - All application forms are now available on the mining recorders website. They can be downloaded and printed off. EMR does not yet have the ability to accept applications on-line.
  - Also available on line are staking guidelines, schedule of representation, the legislation, and other information.
- **Claim maps are available on line**
  - Claim sheets are available on the mining recorders website [www.yukonminingrecorder.ca/](http://www.yukonminingrecorder.ca/)
  - This includes the same information as on the hard copy maps
  - Reviewers can zoom into maps, and print off whole maps or portions of maps
  - Format is PDF. Maps are updated regularly.
- **Map plotters are available in all District offices**
  - The capability of printing out claim maps now exists in all District offices. This is an improvement for both clients and staff. These plotters are also heavily used by Community Services to assist in fire management.
- **Map prices have been kept very low**
  - The cost of a claim sheet, which has most of the information on a 1:50,000 topographic map, is only \$4. This compares to \$12 for a topographic map for sale in Whitehorse.
- **Whitehorse only requires one copy of an assessment report**
  - Assessment reports are required along with filing of work. In the District offices, other than Whitehorse, two reports are required to be filed, as one report is kept in the District office and one is forwarded to the Whitehorse library. In Whitehorse, only one report is required, and it is filed in the library.
- **Library Services Improved**
  - Complete collection of aerial photos and indexing is in progress. Complete collection of Yukon topographic maps is available in the library;
  - Assessment Reports are managed by the EM&R library. This allows better cataloging of the collection, better tracking of confidentiality periods, and provides for the borrowing of material from the library.
  - Assessment Reports have been converted over time to PDF format in order to improve storage, retrieval, and transmittal of information. These will be posted on the internet
- **Relief for Fire related matters**
  - The mining recorders were delegated the authority to issue relief for reasons related to the fire emergency this summer, and subject to criteria established by the Department. This delegation from the Minister has made the decision-making faster.

- **Schedule of Representation changes**
  - Some of the changes to the Schedule of Representation, for both placer and quartz include:
    - Prior approval is no longer required for reclamation, roads, road maintenance, mobilization and demobilization;
    - Mining Recorders will accept an electronic copy of the assessment report;
    - The value accepted for road maintenance is increased from 25% to 50%
- **Invite YCM to mining recorder meetings**
  - The Mining Recorders meet twice a year to discuss policy and administrative issues that have been faced. The intent is to ensure that policy and administration is consistent across the Yukon and is documented in policy manual where appropriate. The Chamber of Mines has been invited to participate for a portion of these meetings in order to better gauge industry concerns and to provide an opportunity to clarify operating policy.
- **Renewals of claims done more quickly**
  - Mining recorders now accept work for assessment credit based on the statement of expenditures and the work done, without waiting for Geology's review of the assessment report. Renewals are therefore done much more quickly. In the past, these renewals could be delayed if Geology was unable to assess the information in the report.
- **Decentralization of Mining Land Use to District Offices**
  - The mining land use function has been decentralized from Whitehorse to District Mining Recorders offices. This provides for better client service, better awareness by Mining Recorders of land use activities occurring in their Districts, and better use of resources. Whitehorse retains the position of Chief of Land Use and other functions that coordinate reviews with agencies located in Whitehorse, such as the Water Board and Highways and Public Works.

### Policy Changes

- **Allowing work to be filed along with penalty if no excess credits for up to 6 months**
  - The policy under the Placer Act has been changed so that we now allow up to six months to renew a claim with payment of a penalty if there are no excess credits. In the past, this six month period was allowed only if there were excess credits, otherwise the renewal period was limited to 14 days.
- **Eliminating the requirement for a corporate seal and using statutory declaration**
  - This change has been adapted effective immediately, as noted earlier in this report.
- **One year moratorium on assessment requirements under the Quartz Act**
  - Upon devolution, as of April 1/03, the Department provided a blanket one year moratorium on any assessment requirements under the Quartz Mining Act.

## Appendix C - Mapping Current Initiatives

### Geomatics and Database

- **Mineral Claim Map Production Progress Over The Last Two Years**

- As noted in the report, the production of maps has undergone a complete change, from hand-drawn mylar plotting to on-line GIS technology. The following are a few of the key improvements:
  - The quality of maps has steadily improved. The maps now contain more information, such as land dispositions and applications, NRCAN legal surveys, First Nation lands, roads, lots, leases, topography, claims, rivers, etc.
  - The information is updated frequently
  - Topographic surveys at the 1:50,000 scale are now used, whereas 1:250,000 survey information was used in the past. This make the maps much more accurate
  - Maps are available on line, and can be printed off and enlarged
  - **Map plotting on demand** – Watson Lake, Dawson and Whitehorse can now plot maps on demand. Mayo will have this capability by September. This gives clients immediate access to the latest maps. Prior to this, rolls of maps were shipped from Whitehorse.
  - **Centralized geographic data management** – maps are now produced from a “spatial data repository (SDR)”, which is a common data set that ensures timely and reliable information. The majority of significant data is already in the SDR. This data set gives map producers certainty that they are using the most up to date data. Each data layer is owned and updated by a specific branch and made available to all of the other branches in EMR. This data set “feeds” the web mapping that is available on line. The following table summarizes the current data layers available and who maintains them.

Owner	Data	Maintained by
NRCan	topography/base data, legal survey	Informatics, EMR (Original data from NRCAN)
Lands	Land Dispositions, Applications Agricultural Dispositions, Applications	Lands, EMR
CIG	First Nations Lands – Interim Protected, Settlement Lands (Unsurveyed)	CIG, Executive Council Office
Forestry	Forest Inventory, etc.	Forestry, EMR
Geology	Geology units, MINFile	Geology, EMR
Mining	Mining Claims, District boundaries, etc	Mining, EMR
Oil and Gas	Seismic lines, Well points	Oil and Gas, EMR

- **Maps distributed on the Web** – as claim sheets are updated they are posted on the web in a standard format and they can be viewed or downloaded.
- **Map data distributed on the Web** – Snapshots of the data in the SDR are placed on the Web for public viewing. Having this data set properly maintained is the underpinnings of the web mapping. For those who need GIS data, the data sets can be downloaded from the Web.
- **Interactive Web maps** – claims can be viewed as part of the Geology interactive web site. A redesigned site with a mineral claim focus is being developed and will be made available in the near future.

**NMRS data on the Web** – placing the NMRS data on the Web for query purposes is presently being investigated. This fiscal year, the planning and technical design issues will be looked at – the outcome of that will guide the timetable to complete the project.....