

Claim



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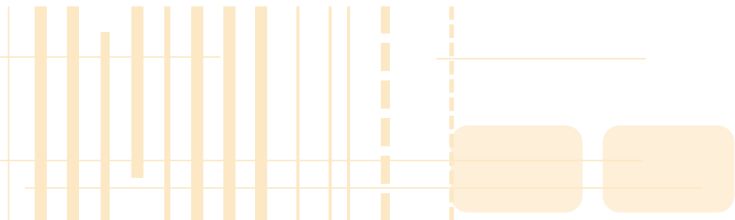
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TABLE OF CONTENTS

FOREWORD	5
BASIC PRINCIPLE OF QUÉBEC'S MINING LAW	6
CLAIM	7
Rights and obligations	7
MAP DESIGNATED CLAIM	7
Available territory	7
Prohibited designation	7
Map designation notice	7
Map designation and mining exploration licence	8
Required fees	8
STAKED CLAIM	8
Available territory	8
Prohibition	8
Prospecting licence	9
Tags	9
Prior authorization	9
Staking rules	9
Notice of staking	10
SUSPENSION, REVOCATION, EXTENSION, LINKS AND TRANSFERS	10
Suspension	10
Revocation	10
Extension	10
Links and transfers	10
TERM MODIFICATION	11
Expiry dates harmonization	11
Term reduction	11
RENEWAL	11
Renewal cost	12

REQUIRED WORK	12
Nature of work	12
Work value	13
Work related expenses	13
Work reports	13
Excess work	13
Work declaration refusal	13
CONSTRUCTION PERMIT	14
FORMS	14



FOREWORD

The *Mining Act* deals with the management of mineral resources and the granting of mineral substances prospecting rights during the exploration phase. It also stipulates the full right of use of the land pertaining to these substances during the mining phase. Finally, the act establishes the privileges and obligations of mining rights holders to ensure maximum development of Québec's mineral resources.

To simplify interactions between the industry and the Government, major amendments have been made to the *Mining Act*. A new version of this act, passed in 1998, became effective in fall 2000. The ministère des Ressources naturelles has made it its priority to publicize the content of this new legislation as well as the procedures that must be followed to comply with it.

One of the main components of this information policy involves producing four information documents dealing with:

- claim;
- mining leases and mining concessions;
- exploration and mining of surface mineral substances;
- conversion and substitution.

Each document must ensure that mining stakeholders know their rights and obligations with respect to the various topics covered.

This document deals with claims, which will become the only exploration title for all mineral substances in the public domain. It seeks to inform the customers about the conditions for granting this exploration title and the obligations to comply with for its renewal. It also deals with the requirements pertaining to the work to be carried out on the land.

IMPORTANT NOTICE

Please note that this document has no legal value and the text of the *Mining Act* prevails at all times.

The rates presented in this document will be indexed periodically.

BASIC PRINCIPLE OF QUÉBEC'S MINING LAW

The method for granting mining rights in Québec is based on the principle of “Free Mining” by virtue of which any interested party may acquire a right on the resource. This principle means that:

- the mineral resource is accessible to everyone, regardless of the applicant's financial means;
- the first applicant obtains an exclusive right to prospect for mineral substances in the public domain;
- in the event of a discovery, this person also has the assurance of obtaining the right to exploit the identified resource.

CLAIM

The claim becomes the only exploration title granted to prospect for mineral substances in the public domain. It may be acquired either by map designation, henceforth the main method for acquiring a claim, or by staking on certain territories determined for this purpose.

Rights and obligations

The claim is a mining right that gives its holder the exclusive right to prospect for, on a delineated territory, all the mineral substances that are part of the public domain with the exception of:

- petroleum, natural gas and brine;
- sand (except for silica sand used for industrial purposes), gravel, common clay used in the manufacture of clay products and any other mineral substance found in its natural state as an unconsolidated deposit, as well as inert mine tailings used for construction purposes;
- any other surface mineral substance found on the parcel of land subjected to an exploration licence for surface mineral substances or by an exclusive lease to mine surface mineral substances.

The claim also allows the holder to prospect for these same mineral substances in tailings located in the public domain.

Every claim holder has access to the parcel of land subjected to his claim and may perform any exploration work thereon. However on lands granted alienated or leased by the State for purposes other than mining purposes or on land under an exclusive lease to mine surface mineral substances, the claim holder may exercise such rights unless he obtains the lessee's consent or pays compensation to him in accordance with section 235 of the Mining Act.

Moreover, at the time of issuing of claims located within the boundaries of a town and on certain territories identified as reserves, the Minister may impose certain conditions and obligations concerning the work required on the claim. He also reserves the right to modify some of these requirements in the public's interest.

DESIGNATED CLAIM

Map designation is the main mean of acquiring a claim. The title is granted according to a pre-division of the territory, on a first come, first served basis.

When the map designation notice is accepted, the registrar makes an entry in his register and issues a registration certificate attesting the claim.

Available territory

Map designation applies to territories determined by the Minister. The surface area and boundaries of the land are reproduced on maps kept at the registrar's office. Generally, on surveyed territory, the dimensions of the claim coincide with those of the lots.

However, the territory boundaries obtained by map designation will be modified as staked claims are converted into map designated claims. The territories will also be modified when titles expire, whether it involves the nonrenewal, abandonment or revocation of claims obtained by staking.

A modification notice and a map showing the new boundaries will be accessible at the registrar's office or at a Mine Sector regional office of the ministère des Ressources naturelles.

Prohibited designation

The registrar shall refuse a notice of map designation if:

- the area is located within the boundaries of a territory on which claims can be obtained by staking;
- the area is subjected to a mining exploration licence, a mining concession, a mining lease, a mining lease application for a mining lease or an application for the conversion of mining rights;
- the area is withdrawn by ministerial order from staking, from map designation, from prospecting or from mining;
- the area is claimed before 7:00 AM on the 31st day following abandonment, revocation, nonrenewal or expiry of a mining right. However, the holder of the abandoned, revoked, unrenovated or expired claim must wait an additional 30-day period before staking or designating again.

Map designation notice

To acquire a claim by map designation, the applicant must file a map designation notice. This notice can be submitted to the registrar's office in Québec City or forwarded in person at a regional office of the ministère des Ressources naturelles or via Internet. No prospecting licence is required before submitting a map designation application.

The map designation notice form supplied by the Minister must be accompanied with the required fees, and contain the following information:

- the name, address, telephone number and date of birth of the applicant as well as the name, address and telephone number of the person to whom correspondence shall be addressed;
- the registration number attributed to the applicant under the *Act respecting the legal publicity of sole proprietorships, partnerships and legal persons*;
- an applicant statement certifying the accuracy of the information provided;
- the number of the areas referred to in the map designation notice entered on the maps kept at the registrar's office.

Map designation notices are presumed submitted from the day of their receipt at the registrar's office or, if they are submitted in person, at a regional office of the Ministry.

However, where it is impossible to establish the order in which map designation claims for the same land were received, the Minister may proceed to a drawing of lots. The \$105 fee paid to cover the costs of participating in the drawing of lots is non-refundable.

Map designation and mining exploration licence

The mining exploration licence holder may obtain claims on all or a portion of the territory subjected to the licence.

A reduction in the territory surface area subjected to the licence does not reduce the work that the licence holder is required to perform for the current term of his licence.

Any amount disbursed to perform work in excess of the prescribed requirements may be applied to subsequent years of the term of a claim or a licence and distributed proportionally to the surface areas or on the basis of the location of the work carried out.

Required fees

The registration fees may vary according to the number of designated claims submitted by the same applicant on the same day and according to the location of these claims.

South of the 52nd parallel

Surface area of claim	Number of designated claims	
	1 to 40	More than 40
Less than 25 ha	\$23	\$115
25 to 100 ha	\$46	\$230
More than 100 ha	\$69	\$345

North of the 52nd parallel

Surface area of claim	Number of designated claims	
	1 to 150	More than 150
Less than 25 ha	\$23	\$115
25 to 45 ha	\$84	\$420
45 to 50 ha	\$94	\$470
More than 50 ha	\$105	\$525

STAKED CLAIM

Staking consists of delineating a land using posts in view of obtaining a claim.

No person may stake any land unless he is the holder of a valid prospecting licence and shall carry the licence on his person while staking a parcel of land. A person may stake an unlimited number of lands in view of obtaining a claim.

When the notice of staking is accepted, the registrar shall issue a registration certificate attesting the claim from the time of staking and makes an entry thereof in the public register of real and immovable rights.

The Minister may however revoke a claim obtained by staking, provided that the claim has not been converted into a map designated claim:

- where the land concerned has not been staked as required by this Act;
- where the staking rules have not been complied with, and the claim revoked before the end of the first year following the date of registration of the claim;
- where the dimensions of the claim required have not been complied with, unless the right has been registered for less than a year in the name of a subsequent purchaser in good faith.

Available territory

The claim can be acquired by staking on the territories stipulated for this purpose (staking areas) reproduced on maps kept at the registrar's office.

However, the territory boundaries obtained by staking will be modified as they are converted into map designated claims. These territories will also be modified at the time of the non-renewal, abandonment or revocation of the claims obtained by staking.

A modification notice and a map reproducing the new boundaries will be available at the registrar's office.

Prohibition

A registrar shall refuse a notice of staking:

- where a land located within the boundaries of a territory on which claims may be obtained by map designation;
- where a land is subjected to a mining exploration licence or a mining concession, a mining lease, a mining lease application or a mining rights conversion application;
- where a land is withdrawn by ministerial order from staking, map designation, prospecting or mining;
- where a land on which the registration has been refused, abandoned, revoked, unrenewed or expired before 7:00 AM on the 31st following the abandonment, revocation, nonrenewal or expiry of a mining right. However, the holder of the abandoned, revoked, unrenewed or expired claim must wait an additional 30-day period before staking or designating again.

Prospecting licence

A person must hold a prospecting licence to prospect on or stake a land on their own behalf or on behalf of a third party. The prospecting licence grants its holder access to any land containing mineral substances, in view of staking or prospecting.

To obtain or renew a prospecting licence, simply submit an application in writing to the ministère des Ressources naturelles, register your name, address and date of birth, and pay the required fees of \$27.50. An issued or renewed licence is valid for five years.

The licence holder must carry it with him when he is prospecting or staking a land. He must produce his licence upon request to any Ministry officer.

It is prohibited to prospect on an area subjected to a claim, a mining exploration licence, a mining concession or a mining lease.

Tags

Staking is identified by means of metal tags obtained from the offices of the ministère des Ressources naturelles. These tags are placed on posts, while the staking is taking place. They are used to identify the claim, the staker, his licence number and the time of staking. Any interested person can purchase them. The staker has ten years from the date of purchase to stake.

Prior authorization

No person may, without the prior authorization of the Minister, stake any land:

- located within the boundaries of urban territories;
- where only gold and silver form part of the domain of the State. In this case, the authorization may be accompanied by performance conditions;
- located in an area for non-exclusive purposes of recreation, tourism or plant-life or wildlife conservation by ministerial order;
- reserved to the Crown by ministerial order;
- part of an Indian reserve;
- designated as a migratory bird sanctuary under the *Migratory Birds Convention Act*.

The authorization is granted to the person who stakes. The addition of another staker requires a new authorization application. When the situation so requires, the registrar may refuse any staking done by a staker who did not have a prior authorization.

Staking rules

The general rule is that the staked claim must have a surface area of 16 hectares, as nearly as practicable, and its sides shall be 400 metres in length with boundary lines running as nearly as possible north-south and east-west. To locate the claim properly, the lines between the 4 posts must be marked on the land so that the outlines of the claim are clearly visible from one post to the other.

The staker must comply with the following method:

1. he shall plant or erect a post at each of the 4 corners of the land beginning with post number 1 and ending with post number 4;
2. he shall ensure that the post at the north-east corner be marked tag number 1, that at the south-east corner tag number 2, that at the south-west corner tag number 3 and that at the north-west corner tag number 4;
3. he shall indicate the date of staking in a legible and durable manner his name, his prospecting licence number and the time of the staking on the tag of post number 1;
4. where it is impossible to erect a post at one of the corners of the land, the staker shall erect a witness post at the nearest practicable point. The tag of the witness post shall indicate the distance and direction of the true corner site from the witness point;
5. he shall ensure that the posts stand above the ground by 1 to 1.5 metres. Their diameter must be approximately 10 centimetres, or 2 centimetres if the posts are made of metal. They shall be squared on 4 sides for, at least 30 centimetres. A standing stump of the same dimensions may be used as a post;
6. where the post cannot be erected or planted in a durable manner, it must be held in place by a heap of stones or earth at least 75 centimetres in diameter and 50 centimetres in height;
7. no post used for the staking of a claim may be used to stake another claim. However a staker staking contiguous claims may use a single post at adjacent corners;
8. the staker must complete the staking of a land prior to undertaking the staking of another claim;
9. no person shall move or replace a post, nor alter the inscriptions on the post or on the tag attached thereto, unless he is authorized to do so by the Ministry.

A vacant land measuring at least sixteen hectares can be staked:

- by the holder of an adjacent mining right;
- by the holders of adjacent mining rights in the proportions determined by the minister;
- by a third party previously authorized by the Minister.

Notice of staking

The claim obtained by staking is valid from the time of its registration. The notice of staking must be submitted within **twenty days** following the date of staking, either at the registrar's office in Québec City or at the regional offices of the Ministry. **Failure to meet this legal deadline will result in the refusal to register the claim.**

Notices of staking are presumed filed on the day of their receipt at the registrar's office or at a regional office. They are processed according to the date and time of staking.

The claim may be registered to the staker's name, to a third party or to a business firm. Staking on behalf of another person is permitted. Every company, partnership or undertaking **must be registered** in the register of enterprises to hold a claim.

The notice of staking must be filed using the form supplied by the Minister and contain the following information:

1. the name, address, telephone number and date of birth of the applicant as well as the name, address and telephone number of the person to whom the correspondence shall be addressed;
2. the registration number attributed to the applicant under the *Act respecting the legal publicity of sole proprietorships, partnerships and legal persons*;
3. an applicant statement stating that he has read sections 32 and 33 of the *Mining Act* and has obtained, in the cases stipulated in these sections, the required authorizations as well as a statement certifying the accuracy of the information provided;
4. the name of the staker as well as his prospecting licence number;
5. for each of the staked lands:
 - its location;
 - the date and time of staking;
 - the distance in metres between each of the posts delineating the staked land as well as the surface area of this land in hectares;
 - the tag numbers used at the time of the staking.

The notice of staking must include:

- the required fees;
- a map showing the staked perimeter at a scale of 1:50,000;
- a sketch of the staked land, signed by the staker, locating the claim(s) boundaries and the nearest landmarks such as a road, a river or, a power transmission line and, where that is the case, the boundaries of the public improvements;
- a statement dated and signed by the applicant, in which he certifies the information accuracy and that he is aware of the urban boundaries delineated on the map.

SUSPENSION, REVOCATION, EXTENSION, LINKS AND TRANSFERS

Suspension

The Minister may suspend the term of a claim when:

- its validity is challenged;
- the holder cannot carry out the required work;
- the land is subjected to a mining lease application.

Revocation

The Minister may revoke at all times:

- a claim obtained or renewed by mistake;
- a claim obtained or renewed by fraudulent means or misrepresentation unless the right has been registered for not less than a year in the name of a subsequent purchaser in good faith;
- a prospecting licence obtained or renewed by fraudulent means or misrepresentation.

Finally, within the three months following its renewal, the Minister may revoke a claim, when he refuses the work required for its renewal.

Extension

In the event of the death of a claim holder, the Minister may exceptionally extend the term of the claim for one year, upon request by the holder's estate.

Links and transfers

The registrar makes an entry in the public register of any mining rights transfer and any other instrument pertaining to these rights, including any change made to the holder's business name (name change, merger etc.).

The registration is made following the filing of documents and the payment of required fees.

TERM MODIFICATION

Expiry dates harmonization

To facilitate the management of his titles, a claim holder may apply for an expiry dates harmonization in respect of the claims specified by him. This mechanism is only possible for titles belonging to the same holder. However, no claim may be subjected to more than one application during the same term.

The new expiry date is determined by calculating the average expiry date of all of the claims concerned. However, the holder may request a date prior to the average expiry date. This harmonization application does not affect the rights and obligations of the holder.

The harmonization application must be accompanied by the required \$10 fee per claim and be filed using the form supplied by the Minister. The following information must be provided:

- the name, address and telephone number of the claim holder;
- the number of the claims concerned by the application;
- the new claim expiry date, when it is prior to the one automatically determined.

Term reduction

The holder may, at any time, request a term reduction of his claim and determine a new expiry date. However, this reduction does not affect the rights and obligations of the claim holder.

The reduction term application must be accompanied by the required \$10 fee per claim and be filed using the form supplied by the Minister. The following information must be provided:

- the name, address and telephone number of the holder;
- the number of the claims, concerned by the term reduction application;
- the new claim expiry date.

RENEWAL

The claim holder may renew his title for a two-year period.

To do so, he must:

- submit a renewal application prior to the claim expiry date or, at the latest, during the 15-day period following the claim expiry date;
- pay the required fees, which may vary according to the area, the claim location, and the application receipt. If it is received within 60 days of the claim expiry date, the fees are doubled and if the application is received within 15 days after the claim expiry date, the fee shall be five times the regular required fee;
- submit his report on required work;
- comply with other renewal conditions.

Any amount disbursed in excess of the prescribed requirements may be applied towards the renewal of another claim provided that the two claims are included within a 3.2 kilometre square.

The claim holder may apply the excess amount spent for performed work on a territory covered by a mining lease or a mining concession to the renewal of another one of his claim. The amount applied cannot exceed one quarter of the amount required for its renewal, provided that the work was performed during the term of the claim and the two titles are included within a 3.2 kilometre square.

However, where the work required is insufficient for the renewal of the claim, the claim holder may pay a sum equivalent to the minimum cost of work that should have been performed.

The renewal application must contain the following information:

- the name, address and telephone number of the holder;
- the claims number concerned by the application;
- for each of the claims, its renewal method, its expiry date and, where applicable, the claim number, the mining lease number or the mining concession number from which the applicant wishes to withdraw the excess work and its value.

The renewal application must be signed and dated by the claim holder or the corporation representative holding the claim.

Renewal cost

The renewal cost depends on the date on which the application is received, the title location and surface area.

South of the 52nd parallel

Period when the renewal is requested	Surface area of claim		
	Less than 25 ha	25 to 100 ha	More than 100 ha
Before the 60 th day preceding expiry	\$23	\$46	\$69
From the 60 th day preceding expiry up to expiry	\$46	\$92	\$138
After expiry	\$115	\$230	\$345

North of the 52nd parallel

Period when the renewal is requested	Surface area of claim			
	Less than 25 ha	25 to 45 ha	45 to 50 ha	More than 50 ha
Before the 60 th day preceding expiry	\$23	\$84	\$94	\$105
From the 60 th day preceding expiry up to expiry	\$46	\$168	\$188	\$210
After expiry	\$115	\$420	\$470	\$525

REQUIRED WORK

The holder is required, prior to the 60th day preceding the expiry date of the claim, to carry out work, the nature and value of which are determined by regulation.

Nature of work

- technical evaluation studies under the supervision of a qualified professional;
- research and examination work on rock outcrops and boulders;
- geological, geophysical or geochemical surveys under the supervision of a qualified professional, including line cutting work required for these surveys;
- stripping and excavation;
- sampling and analysis. The analysis report must be signed by the individual in charge of the laboratory;
- sampling and work to open a working face;
- boreholes drilled as well as the measurement and recording of data along drilled holes. The boreholes must be described by a qualified professional;
- research and assays in the field or on samples;
- technico-economical pre-feasibility or feasibility studies supervised by a qualified professional;
- land perimeter surveying work and location work on lands converted into map designated claims or subjected to a claim substitution;
- rehabilitation and restoration work.

The reports must be accompanied by a work statement and location maps.

The amounts spent on property examination work and technical evaluation studies will be accepted only if they are performed during the 48 months following the claim registration date.

Geological, geophysical or geochemical surveys as well as prospecting work performed on the claim during the 24 months preceding the staking date or the date of the application for map designation notice can be applied to the first term of the claim.

Prospecting work includes the exploration and examination of rock outcrops and boulders, overburden rock stripping and excavating and rock sampling.

Technical evaluation studies consist of compiling and summarizing geological and exploration work with the objective of evaluating the mineral potential.

The property examination work consists of exploring and examining rock outcrops and boulders in order to come upon indicators that may lead to the discovery of a mineral deposit.

Work carried out on a claim during the 24 months preceding its current term is acceptable.

Work value

The amount of work to be carried out during each term of a claim may vary according, to the surface area and the claim.

South of the 52nd parallel

Term	Surface area of claim		
	Less than 25 ha	25 to 100 ha	More than 100 ha
1 to 3	\$500	\$1,200	\$1,800
4 to 6	\$750	\$1,800	\$2,700
7 or more	\$1,000	\$2,500	\$3,600

North of the 52nd parallel

Term	Surface area of claim		
	Less than 25 ha	25 to 45 ha	More than 45 ha
1	\$48	\$120	\$135
2	\$160	\$400	\$450
3	\$320	\$800	\$900
4	\$480	\$1,200	\$1,350
5	\$640	\$1,600	\$1,800
6	\$750	\$1,800	\$1,800
7 or more	\$1,000	\$2,500	\$2,500

Work related expenses

The eligible expenses related to the work include:

- the cost of contractors and consultants;
- labour costs and those related to field supervision;
- supply costs and equipment rental;
- material cost and personnel transportation;
- food and accommodation costs;
- assays costs and chemical analyses;
- reports production costs;
- equipment depreciation costs up to 10% of all of the expenses related to the reported work.

Supporting documents must be submitted to the Minister only upon request.

Work reports

The claim holder must report the work carried out on his title before the 60th day preceding the claim expiry date. However, upon payment of an additional \$105 fee per statement set by regulation, the holder may submit his report after that date, provided that it is submitted before the claim expiry date. The report must be prepared in accordance with the regulation and must be submitted with the required documents.

A simplified exploration work report can be submitted when the following work takes place:

- exploration and examination of rock outcrops boulders;
- stripping, excavation and sampling when the amount does not exceed \$5,000 per mining right;
- opening of a working face when the amount does not exceed \$10,000 per mining right.

The maps and plans accompanying the work report must be drawn up to a sufficient scale in order to visualize the work clearly.

Excess work

When the value of work carried out exceeds the minimum cost required, the excess can be used to renew claims within an area of 3.2 Km² or for future renewals.

Work declaration refusal

The Minister shall refuse all or part of the work if the documents submitted:

- are incomplete or do not comply with the regulation;
- fail to justify the amounts incurred or the real cost of the work;
- fail to show that the amounts incurred were paid out solely for the performance of work;
- contain false information;
- report work that has been previously submitted in another report.

CONSTRUCTION PERMIT

From now on, the claim holder may not erect a construction on lands of the public domain without first having obtained an authorization from the Minister for this purpose, unless it involves a construction permitted by ministerial order. For example, the setting up of a temporary camp could not be permitted without authorization.

FORMS

Here is the list of forms pertaining to the claim:

- **Notice of map designation**
- **Notice of staking**
- **Claim renewal application**
- **Harmonization or term reduction application**
- **Intervening party change application**
- **Mining work report**
- **Simplified exploration work report**
- **Mining rights transfer.**

These forms are available at the registrar's office, at the regional offices of the ministère des Ressources naturelles or on the Ministry's web site at the following address:

www.mrn.gouv.qc.ca

Regional offices

Bas-Saint-Laurent–Gaspésie–Les Îles

16, 1^{re} Avenue Ouest
C.P. 697
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