

1957-0038

CANADA

**DEPARTMENT OF NORTHERN AFFAIRS AND
NATIONAL RESOURCES**

**TERRITORIAL QUARRYING
REGULATIONS**

Northwest Territories and Yukon Territory

**Issued under the authority of
The Minister of Northern Affairs and National Resources
OTTAWA
1957**

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SOR/57-114

TERRITORIAL LANDS ACT

Territorial Quarrying Regulations

P.C. 1957-424

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 28th day of MARCH, 1957.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Northern Affairs and National Resources, pursuant to the Territorial Lands Act, is pleased hereby to revoke the Territorial Quarrying Regulations, made by Order in Council P.C. 1954-435 of 25th March, 1954⁽¹⁾, and to make the annexed Territorial Quarrying Regulations in substitution therefor.

⁽¹⁾ SOR/84-97, CANADA GAZETTE PART II, Vol. 88, No. 7, April 14, 1954, p. 231 and Statutory Orders and Regulations Consolidation 1955, Vol. 3, p. 2731

REGULATIONS RESPECTING THE DISPOSAL OF LIMESTONE, GRANITE,
SLATE, MARBLE, GYPSUM, LOAM, MARL, GRAVEL, SAND,
CLAY, VOLCANIC ASH, OR STONE IN TERRITORIAL
LANDS IN THE NORTHWEST TERRITORIES AND
YUKON TERRITORY

Short Title

1. These Regulations may be cited as the *Territorial Quarrying Regulations*.

Interpretation

2. In these Regulations,

- (a) "Crown" means Her Majesty in right of Canada;
- (b) "Department" means the Department of Northern Affairs and National Resources;
- (c) "Director" means the Director of the Northern Administration and Lands Branch of the Department;
- (d) "dues" means all ground rents, royalties, duties, fees, rates, charges or other moneys payable by any person to the Crown pursuant to a lease or permit;
- (e) "Minister" means the Minister of Northern Affairs and National Resources;
- (f) "permit" means a valid and subsisting permit issued under these Regulations;
- (g) "permittee" means the holder of a permit;
- (h) "territorial land agent" means a person designated by the Minister to perform the duties of territorial land agent under these Regulations and the Territorial Land Regulations for a land district established under the Territorial Lands Act; and
- (i) "territorial lands" means lands in the Northwest Territories or in the Yukon Territory that are vested in the Crown or of which the Government of Canada has power to dispose.

Application

3. These Regulations apply only to territorial lands under the control, management and administration of the Minister.

Staking

4. (1) A person who desires to obtain a lease of territorial lands for the purpose of taking limestone, granite, slate, marble, gypsum, marl, gravel, loam, sand, clay, volcanic ash or stone therefrom, shall stake such lands in the manner prescribed in this section.

(2) In the case of loam the area shall not exceed twenty acres, and in the case of any other material mentioned in subsection (1) the area shall not exceed one hundred and sixty acres; and the length of any area shall not exceed twice the breadth.

(3) The area staked shall be rectangular in form except where a boundary of a previously staked tract is adopted as common to both areas.

(4) The land shall be marked by the applicant with posts firmly fixed in the ground, one at each corner; in areas where there is no timber, rock cairns may be used in lieu of posts.

(5) Each post shall be at least four inches square and when firmly planted shall be not less than four feet above the ground.

(6) Each post shall bear markings showing the number of the post, the name of the applicant, the date of staking and the kind of material which it is desired to remove.

(7) When rock cairns are used they shall be well constructed and shall be not less than two feet high and two feet in diameter at the base and a metal container shall be built into the cairn, and a notice bearing the number of the cairn, the name of the applicant, the date of staking and the kind of material which it is desired to remove shall be placed therein.

(8) In a timbered area the lines between the posts shall be clearly marked; and in treeless areas mounds of earth or rock not less than two feet high and two feet in diameter at the base may be used to mark the lines between the cairns.

(9) The applicant shall post a written or printed notice on a post or in a cairn setting out his intention to apply for a lease within the time prescribed by these Regulations.

(10) If two or more persons apply for the same area, the person who first staked the area in accordance with these Regulations shall be entitled to priority in respect of the issuance of a lease.

Leases

5. Territorial lands containing limestone, granite, slate, marble, gypsum, loam, marl, gravel, sand, clay, volcanic ash, or stone, may be leased by the Minister for the sole purpose of quarrying out or removing therefrom any such substances or materials.

6. (1) An application for a lease shall be filed with the territorial land agent of the land district in which the land is situated within thirty days from the date upon which it was staked.

(2) Every application shall be accompanied by the fee for the lease and the rental for the first year at the rate set out in the Schedule hereto.

(3) Every application for a lease shall be in duplicate and shall contain:

- (a) a description by metes and bounds of the land applied for;
- (b) the name of the materials that the applicant desires to remove from the area;
- (c) a sketch showing clearly the position of the parcel in relation to a survey monument, prominent topographical feature or other known point and showing in its margin, copies of the markings on the posts or cairns; and

- (d) an affidavit by the applicant setting forth
- (i) that he has complied with all the provisions of these Regulations, and
 - (ii) that the land contains material of the kind applied for in merchantable quantities.

7. The term of a lease shall not exceed ten years.

8. A lessee shall, within such time from the date of the lease as the Minister may fix, commence the removal of the material or materials in merchantable quantities from the area under lease and shall continue the removal of materials to an extent and in a manner satisfactory to the Minister.

Renewal of Lease.

9. Where in the opinion of the Minister the lessee has complied with the terms of his lease and the Regulations, the Minister may renew the lease for a further term not exceeding ten years.

Sand, Gravel and Stone for Residents

10. Any person resident in Yukon Territory or Northwest Territories may take, without a permit or payment of any fees or dues, not more than fifteen cubic yards of sand, gravel or stone from territorial lands in any calendar year for his own use but not for barter or sale, but no sand, gravel or stone shall be taken from any territorial lands if any interest in the surface rights of such lands has been licensed, leased or otherwise disposed of by the Crown.

Loam for Use of Residents

11. (1) A territorial land agent may issue to any person resident in the Yukon Territory or the Northwest Territories, without the payment of any fee or royalty, a permit authorizing him to take not more than fifteen cubic yards of loam from territorial lands in any calendar year for his own use, but not for barter or sale.

(2) No person shall take loam from any territorial lands unless he is the holder of a permit.

Permits

12. (1) A territorial land agent, upon payment of the permit fee and royalties at the rate set out in the Schedule hereto, may issue a permit to any person authorizing him to take such quantity of the materials named in the permit from the lands described in that permit.

(2) A territorial land agent may issue a permit, without the payment of any fees or dues, to take such quantities of the materials named in the permit from the land described in the permit, to any of the following:

- (a) a department of the Government of Canada;
- (b) the Commissioner of the Northwest Territories;
- (c) the Commissioner of Yukon Territory;
- (d) any municipality in Yukon Territory or Municipal District in the Northwest Territories; and

(e) any educational, religious or charitable institution or hospital in the Northwest Territories or Yukon Territory.

(3) Permits shall expire when the quantity of material or substance, mentioned in the permit, has been quarried or removed, or on the expiry of one year from the date of issue of the permit, whichever is the sooner.

(4) A permit shall not be assigned.

(5) If a permittee has not complied with these Regulations or the conditions of his permit, the Minister may cancel the permit.

Reservations

13. (1) Where the area under a lease or permit issued pursuant to these Regulations is subject to an oil and gas permit or lease, or a recorded mineral claim, the lease or permit shall not authorize entry upon such area without first obtaining the permission of the Minister.

(2) The Minister may grant such permission subject to such conditions for the protection of the holder of the terminable grant as may be considered necessary.

Fees and Royalties

14. Except as provided in these Regulations, the material or materials obtained by each lessee or permittee shall be subject to the payment of royalties at the rate set out in the Schedule hereto.

SCHEDULE

Lease fee	\$5.00
Fee for assignment of lease	5.00
Annual rental under lease per acre	1.00
Permit fee	2.00
Royalty on sand, gravel, loam per cubic yard	10 cents
Royalty on other building materials per cubic yard ...	5 cents

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1957.