

Gold Prospecting in New Brunswick: Legislative and Regulatory Requirements

Introduction

- Gold is considered a mineral under the *Mining Act*. There are many gold occurrences in New Brunswick, a few of which occur in alluvial form, that is, in sand and gravel, where panning or sluicing could be a method of recovery.
- The Department of Environment and Local Government and the Department of Energy and Mines have legislation and regulations that apply to gold prospecting as described below. The requirements vary depending on the type of equipment used.
- The gold prospecting activities listed below are restricted to June 1 to September 30.

Gold prospecting – Hand-held pan only

- A Prospecting Licence is mandatory to pan for gold in New Brunswick and can be purchased for a one-time fee of \$100 from the NB e-CLAIMS website <http://nbeclaims.gnb.ca/nbeclaims/>
- A *Watercourse and Wetland Alteration Permit* from the Department of Environment and Local Government is not required to pan for gold provided:
 - The person holds a valid Prospecting Licence;
 - Panning is undertaken with a hand-held pan only and no machinery or other equipment (motorized or non motorized) is involved (i.e. no sluice box, suction dredge or any equipment that is not a hand-held gold pan); and
 - When panning occurs in-channel, the material is deposited back into the watercourse
- Panning for gold using a hand-held pan is not permitted in the following locations:
 - On existing mineral claims or mining leases, unless you are the right holder or have permission of the right holder. Information on existing mineral claims can be found at <http://nbeclaims.gnb.ca/nbeclaims/> ;
 - A protected area as specified in the *Watershed Protected Area Designation Order* or the *Wellfield Protected Area Designation Order* under Section 14(1) of the *Clean Water Act*;
 - Within 30 metres of a Provincially Significant Wetland;
 - Within a designated Protected Natural Area under the *Protected Natural Areas Act* and Regulations;
 - Provincial Parks; and
 - Federal lands including national parks, Reserve land, CFB Gagetown, and other federal lands.

- Panning should not be carried out excessively in the same location for more than 24 hours.
- Panning is an activity undertaken for exploration or recreational purposes only and not for the purpose of mining.
- Any gold found while panning for recreational purposes cannot, by law, be sold, traded or kept for personal gain unless approval is obtained from the Department of Energy and Mines under the *Mining Act*. This includes acquiring a mineral claim and a mining lease. Information on registering a mineral claim can be found on the NB e-CLAIMS website <http://nbeclaims.gnb.ca/nbeclaims/>. Information on the requirements for a mining lease can be found at http://www.gnb.ca/0078/minerals/Mineral_Rights_Mine_Development-e.aspx#Mining_Lease.

Gold Prospecting –Hand fed/filled sluice

- A Prospecting Licence is mandatory to prospect for gold in New Brunswick and can be purchased for a one-time fee of \$100 from the NB e-CLAIMS website <http://nbeclaims.gnb.ca/nbeclaims/>
- Prospecting for gold using a sluice that is fed/filled by hand-held means (shovel) requires the following:
 - If the activity occurs in a watercourse or within 30 metres of a watercourse, a *Watercourse and Wetland Alteration Permit* under the *Watercourse and Wetland Alteration Regulation, Clean Water Act* is required from the Department of Environment and Local Government. Information on a *Watercourse and Wetland Alteration Permit* can be found at http://www2.gnb.ca/content/gnb/en/services/services_renderer.2935.html
 - Approval under the *Mining Act* from the Department of Energy and Mines including:
 - A mineral claim must be registered on the NB e-CLAIMS website <http://nbeclaims.gnb.ca/nbeclaims/>. There are fees and work requirements for mineral claims as described on the website.
 - A mining lease is required to produce and sell gold. The requirements for a mining lease are extensive as set out in the *Mining Act* and include the payment of fees, and the submission of a feasibility study and security deposit for reclamation. Information on the requirements for a mining lease is available at http://www.gnb.ca/0078/minerals/Mineral_Rights_Mine_Development-e.aspx#Mining_Lease.

- Prospecting for gold using a sluice is not permitted in the following locations:
 - On existing mineral claims or mining leases, unless you are the right holder or have permission of the right holder. Information on existing mineral claims can be found at <http://nbeclaims.gnb.ca/nbeclaims/> ;
 - A protected area as specified in the *Watershed Protected Area Designation Order* or the *Wellfield Protected Area Designation Order* under Section 14(1) of the *Clean Water Act*;
 - Within 30 metres of a Provincially Significant Wetland;
 - Within a designated Protected Natural Area under the *Protected Natural Areas Act* and Regulations;
 - Provincial Parks; and
 - Federal lands including national parks, Reserve land, CFB Gagetown, and other federal lands.

Gold Prospecting –Machinery or equipment (motorized or non-motorized)

- A Prospecting Licence is mandatory to prospect for gold in New Brunswick and can be purchased for a one-time fee of \$100 from the NB e-CLAIMS website <http://nbeclaims.gnb.ca/nbeclaims/>
- The use of machinery or equipment (motorized or non motorized) not cited above to prospect for gold requires the following:
 - If the activity occurs in a watercourse or within 30 metres of a watercourse, a *Watercourse and Wetland Alteration Permit* under the *Watercourse and Wetland Alteration Regulation, Clean Water Act* is required from the Department of Environment and Local Government. Information on the *Watercourse and Wetland Regulation* is available at http://www2.gnb.ca/content/gnb/en/services/services_renderer.2935.html;
 - Registration under the *Environmental Impact Assessment Regulation (EIA), Clean Environment Act*. Information on the *EIA Regulation* is available at http://www2.gnb.ca/content/gnb/en/departments/elg/environment/content/environmental_impactassessment.html; and
 - Approval under the *Mining Act* from the Department of Energy and Mines including:
 - A mineral claim must be registered on the NB e-CLAIMS website <http://nbeclaims.gnb.ca/nbeclaims/>. There are fees and work requirements for mineral claims as described on the website.
 - A mining lease is required to produce and sell gold. The requirements for a mining lease are extensive as set out in the *Mining Act* and include the payment of fees, and the

submission of a feasibility study and security deposit for reclamation. Information on the requirements for a mining lease is available at

http://www.gnb.ca/0078/minerals/Mineral_Rights_Mine_Development-e.aspx#Mining_Lease.

- Prospecting for gold using machinery (motorized or non-motorized) is not permitted in the following locations:
 - On existing mineral claims or mining leases, unless you are the right holder or have permission of the right holder. Information on existing mineral claims can be found at <http://nbeclaims.gnb.ca/nbeclaims/> ;
 - A protected area as specified in the *Watershed Protected Area Designation Order* or the *Wellfield Protected Area Designation Order* under Section 14(1) of the *Clean Water Act*;
 - Within 30 metres of a Provincially Significant Wetland;
 - Within a designated Protected Natural Area under the *Protected Natural Areas Act* and Regulations;
 - Provincial Parks; and
 - Federal lands including national parks, Reserve land, CFB Gagetown, and other federal lands.