

### **What is the free entry system?**

Mineral tenure in Yukon is granted under a system often referred to as the *free entry system*. It is called free entry because a prospector is *free* to enter onto public lands to explore for minerals and acquire rights to these minerals. This nomenclature has been used for over a century across Canada and the United States.

### **How is the free entry system regulated in Yukon?**

This system is administered under the two Yukon mining acts: the [Quartz Mining Act](#) (for hardrock mining) and the [Placer Mining Act](#) (for placer mining). In Yukon, this system allows anyone 18 years of age or older to enter onto available land to explore for minerals and to stake claims. A properly staked claim grants to the claim holder the exclusive rights to exploration and mining activities on the claim. Claims are recorded by a government mining recorder so that a record is available for managing the obligations that come with the mineral rights.

### **Is all land in Yukon open for free entry staking?**

Not all Yukon lands are open for staking and mineral exploration. Some lands are expressly prohibited for entry under Yukon mining legislation unless there is permission of the owner (in the cases of lands near a dwelling, lands valuable for water power or lands under cultivation). Other lands are expressly withdrawn under a government “Withdrawal and Prohibition Order,” such as: interim protected lands and lands set aside for land claim negotiations or as [Category A First Nations’ settlement land](#)).

### **What needs to be done to maintain a claim?**

The free entry system allows mineral rights to be acquired in a manner that is self-initiated; however, mining exploration or development expenditures must be made to keep claims in good standing and any minerals extracted are subject to a royalty or export tax to be paid to government. If sufficient work has been done on claims they may be taken to a mineral lease.

After claims are staked under the free entry system, most exploration and all mining work can only be done when regulatory permits have been obtained from the Yukon government.

### **How did the Yukon government adopt the free entry system?**

The free entry system for mining is the prevalent system in most of the English-speaking world. It was brought to North America from Europe by the early settlers who were interested in prospecting for minerals. In North America, it was the system in place during the California Gold Rush in 1849, the Fraser Valley Gold Rush in 1858, the Cariboo rush in 1862, the Cassiar rush in 1871, and found its way to Yukon in the 1880s. Yukon’s first Mining Recorder was Jack McQuesten, who was elected by a committee of miners in 1883.

### **Are there other ways mineral rights are granted?**

In other parts of the world, a concession system is often used for mineral disposition. The concession system provides for government to seek the highest purchase or bid

price for the rights to explore a tract of land. This system is used in some Canadian jurisdictions for issuing oil and gas and forestry rights.

### **Why is free entry the most common way to issue mineral rights?**

There are a number of reasons why the free entry system has lasted so long in Canada for mineral rights disposition.

One reason is that minerals are almost always hidden underground and the precise location of most mineral resources is not known. Government does not know for sure which minerals may be found in an area, what their value is, what extraction techniques would be used, and what the economics would be. The free entry system leaves this exploratory work subject to market forces and entrepreneurial ideas. Some of the greatest discoveries in Canada have been made by prospectors working in areas where government or industry experts did not expect to find any economic minerals.

Another reason for using the free entry system is that it allows small scale prospectors and smaller companies to be involved in exploration. In countries where concession systems are used, relatively few, larger and well financed companies are the only ones who can acquire mineral rights. In Canada, there are a large number of small junior companies active in exploration and the number of mining projects attests to the success of free entry.

### **What are the rights of other land uses?**

Concerns do exist that the free entry system pre-empt other uses of the land or that it assumes mining to be the first and best use of the land. However, the rights conveyed under Yukon mining legislation only apply to subsurface mineral interests, and these rights can only be exercised under a system of regulatory approval. Mining activity is regulated to respect other land interests and to accommodate other users of the land.

In many jurisdictions in Canada, the physical staking of claims is no longer the method to acquire mineral rights. In these provinces, mineral rights are acquired by selecting blocks of claims using an on-line mapping system. This system is sometimes called “map selection” or “map staking”. This newer approach is still “free entry” in that it has all of the elements of self initiation, recording of claims, and work requirements.

More info can be found on the [Surface and Subsurface Rights](#) information bulletin.

### **How does the Yukon government ensure protection of the environment and other land uses in relation to free entry?**

Before entering onto Crown land to stake a mineral claim, it is highly recommended that the prospector confirm through the Yukon government’s [Mining Recorder](#) office whether the ground is available for staking. If any staking occurs on land where it is unavailable, those claims will not be granted by the Mining Recorder.

After the claims have been staked, any significant exploration work requires a mining land use permit from the Yukon government and possibly a Water Use License from the [Yukon Water Board](#). Obtaining these permits requires first having an environmental assessment conducted by the [Yukon Environmental and Socio-Economic Assessment Board](#). Following that assessment, if it is determined that the project can proceed, regulatory permits may be issued. Mining inspectors conduct regular site visits to ensure the conditions in any permits are met.

### **What happens to a claim when no work is done on it?**

A prospector must do a specified amount of work outlined in Yukon mining legislation or pay \$100 per year for a claim to remain in good standing. If the claimholder does not complete sufficient work on their claim or pay \$100 each year, the claim will lapse. After a claim has lapsed, the land may once again be available for staking.

### **Can mineral claims be staked in municipal areas?**

Under the [Quartz Mining Act](#), an individual who meets the requirements of the act and does not stake in an area prohibited by the act, can stake a quartz claim within any municipal boundary in Yukon.

Under the [Placer Mining Act](#), no individual can stake a placer claim on lands within a municipal boundary. There are existing claims that were staked prior to either the creation of the municipality or that existed before an expansion of municipal boundaries. This prohibition in claim staking under the *Placer Mining Act* does not apply to unincorporated communities (i.e. Carcross or Ross River).

Regarding the rights issued under the mining acts and precedence over the planning and zoning of a municipal government; the *Quartz Mining Act*, *Placer Mining Act* and the *Municipal Act* are all Yukon law. Any obligations and rights issued through any of these pieces of legislation must respect the jurisdiction of other Yukon legislation.

For more information, see the interpretive bulletin on [Surface and Subsurface Rights](#).