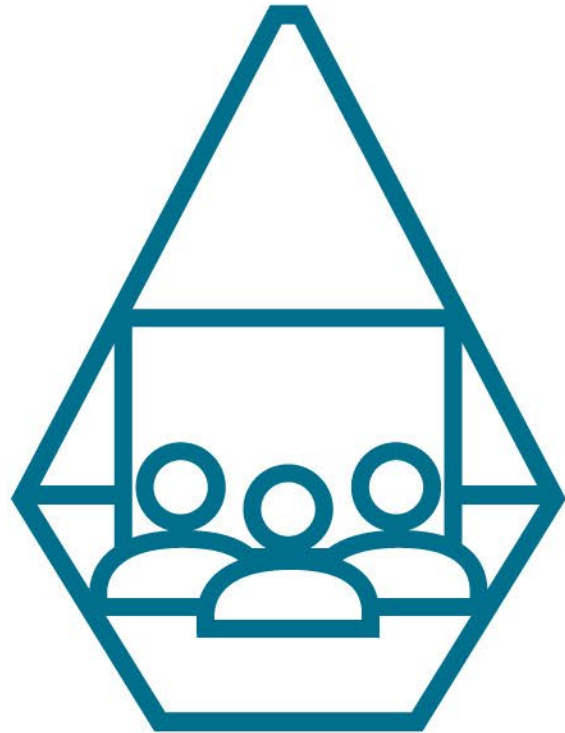




**2026 MINING AND LAND
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Canada Update

Recent Mining Law Developments

Charles Kazaz

Blake, Cassels & Graydon LLP

Toronto, Ontario and Montréal, Québec

April 16, 2026



2024 Actual

\$2.8B

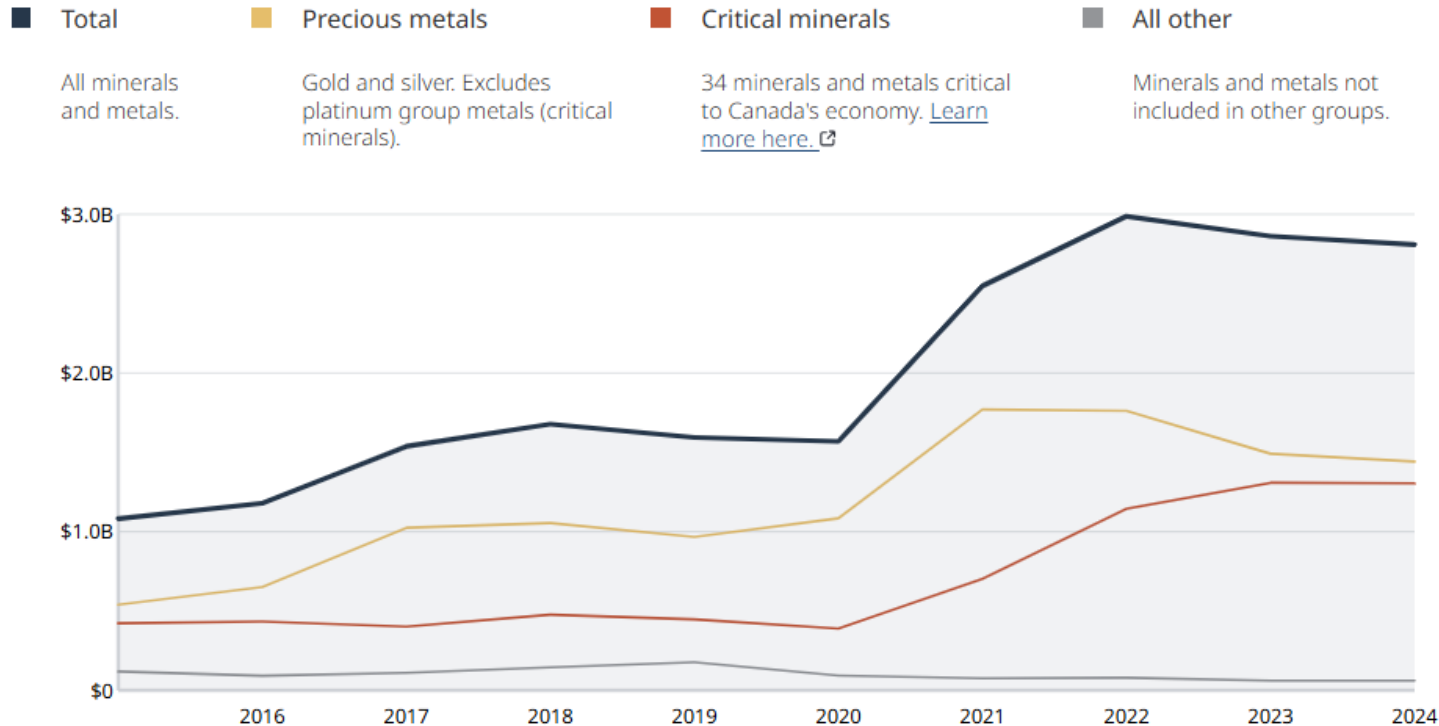
Spent on exploration phase projects in Canada in 2024 (final values).

2025 Intentions

\$3.0B

Expected to be spent on exploration phase projects in Canada in 2025 (projected values).

How much is spent on exploration phase projects seeking minerals and metals in Canada?



All minerals and metals.

Gold and silver. Excludes platinum group metals (critical minerals).

34 minerals and metals critical to Canada's economy. [Learn more here.](#)

Minerals and metals not included in other groups.

Last update: November 28, 2025. Values are nominal.

Source: Natural Resources Canada, from the Federal-Provincial-Territorial Survey of Mineral Exploration, Deposit Appraisal and Mine Complex Development Expenditures. Quebec data is compiled by l'Institut de la Statistique du Quebec (ISQ).



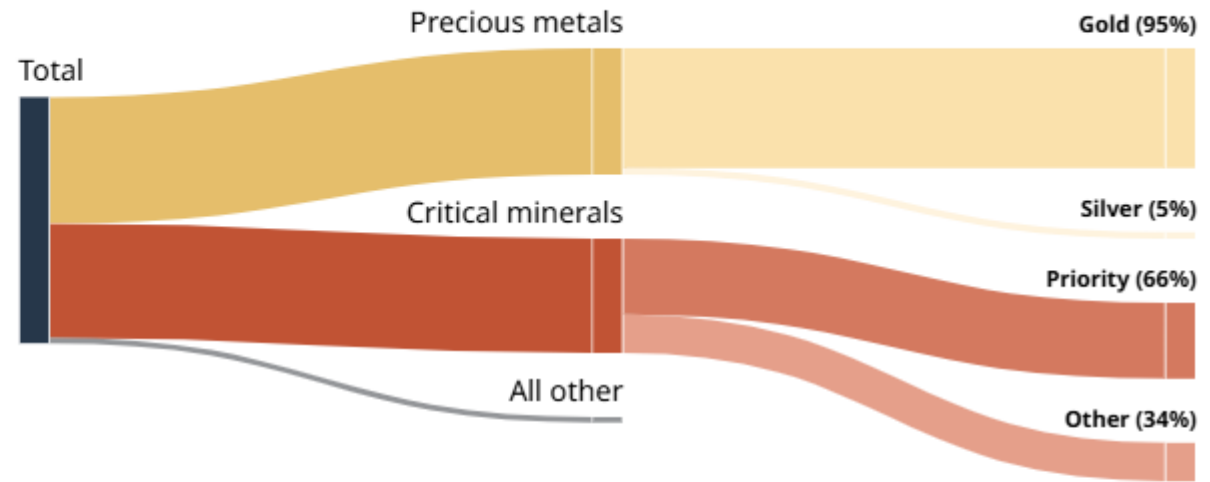
Exploration

What are the most sought-after commodities? Precious metals and critical minerals account for most mining investment in Canada. Investment in precious metals is primarily driven by gold while for critical minerals, it is typically driven by the federal government's six priority minerals. This chart shows expenditure proportions for major mineral and metal groups in 2024. Explore more about commodities on the [commodity profiles page](#).

Glossary

Priority: Priority critical minerals
Six minerals prioritized in Canada's federal strategy

Other: Other critical minerals
All other minerals critical to Canada's future



Last update: November 28, 2025. Values are nominal. Data shown is for 2024.

Source: Natural Resources Canada, from the Federal-Provincial-Territorial Survey of Mineral Exploration, Deposit Appraisal and Mine Complex Development Expenditures. Quebec data is compiled by l'Institut de la Statistique du Quebec (ISQ).

2023 Canada total \$4.2B

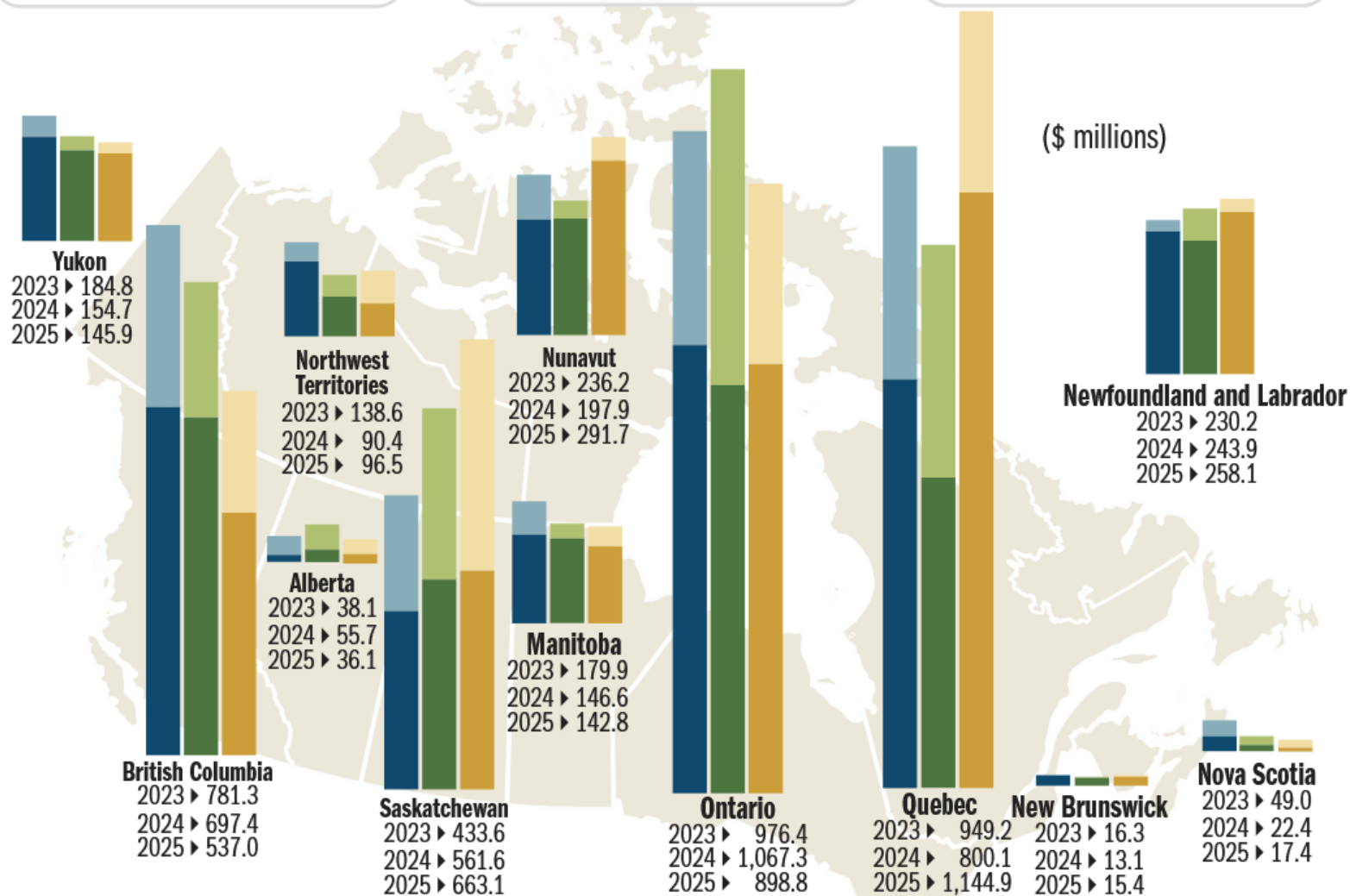
■ Exploration **\$2.9B**
■ Deposit appraisal **\$1.4B**

2024 (p) Canada total \$4.1B

■ Exploration **\$2.6B**
■ Deposit appraisal **\$1.5B**

2025 (si) Canada total \$4.2B

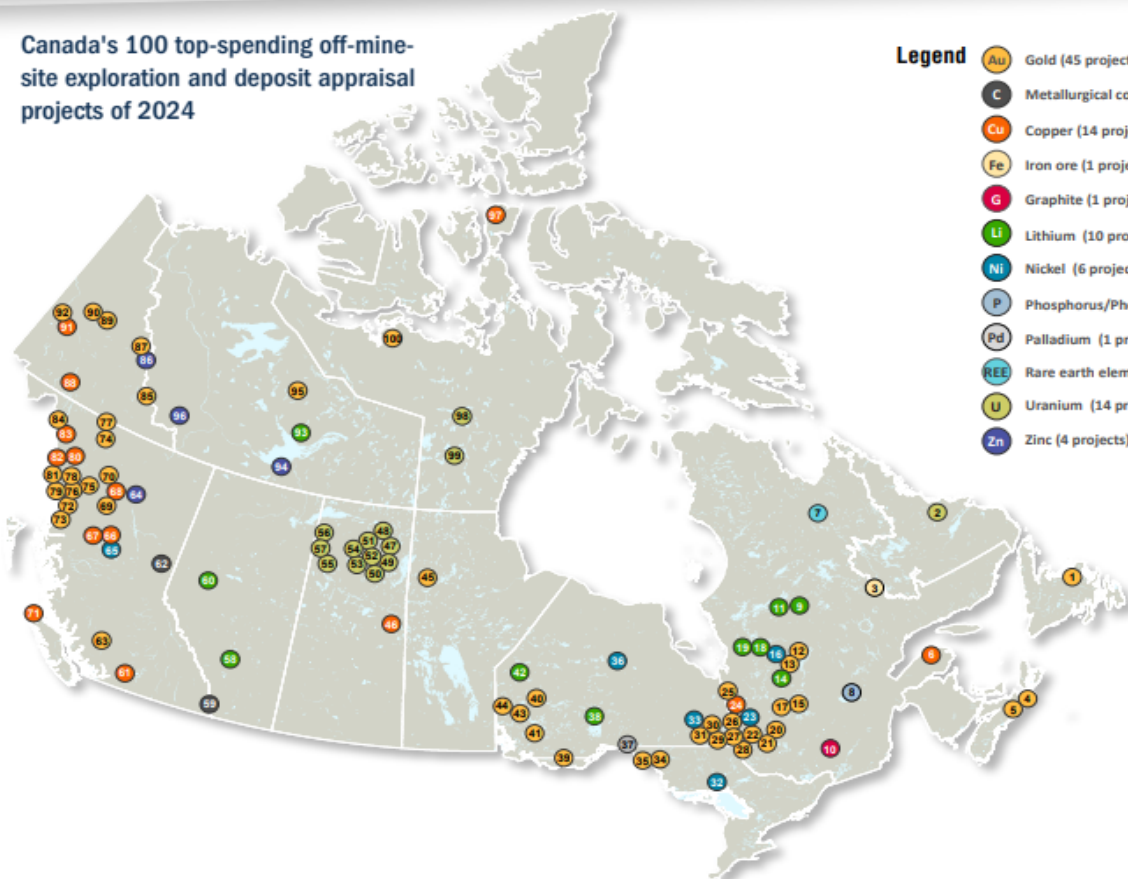
■ Exploration **\$3.0B**
■ Deposit appraisal **\$1.2B**





Map of the Top 100 Mineral Exploration Projects of 2024

Canada's 100 top-spending off-mine-site exploration and deposit appraisal projects of 2024



- Legend**
- Au Gold (45 projects)
 - C Metallurgical coal (2 projects)
 - Cu Copper (14 projects)
 - Fe Iron ore (1 project)
 - G Graphite (1 project)
 - Li Lithium (10 projects)
 - Ni Nickel (6 projects)
 - P Phosphorus/Phosphate (1 project)
 - Pd Palladium (1 project)
 - REE Rare earth elements (1 project)
 - U Uranium (14 projects)
 - Zn Zinc (4 projects)

Newfoundland and Labrador

1. Queensway - Au
2. Michelin - U
3. Kamistatusset (Kami) - Fe

Nova Scotia

4. Goldboro - Au
5. 15-Mile - Au

Quebec

6. Gaspé - Cu
7. Ashram - REE
8. Bégin-Lamarche - P
9. Adina - Li
10. Matawinie - G
11. Corvette - Li
12. Troilus - Au
13. Frotet - Au
14. Moblan - Li
15. Urban Barry - Au
16. NISK - Ni
17. Windfall - Au
18. Rose - Li
19. James Bay - Li
20. Val-d'Or East - Au
21. Marban - Au
22. O'Brien - Au
23. Dumont - Ni
24. B26 - Cu
25. Martinière - Au
26. Perron - Au

Ontario

27. Kerr-Addison - Au
28. Larder Lake - Au
29. Tower gold - Au
30. Fenn-Gib - Au
31. Bradshaw - Au
32. Crean Hill - Ni
33. Crawford - Ni
34. Wawa - Au
35. Golden Sky - Au
36. Eagle's Nest - Ni
37. Marathon - Pd
38. Seymour - Li
39. Moss Lake - Au
40. Springpole - Au
41. Goliath - Au
42. Pakeagama Lake - Li
43. Great Bear - Au
44. Madsen - Au

Manitoba

45. Lynn Lake - Au

Saskatchewan

46. McIlvenna Bay - Cu
47. Roughrider - U
48. Larocque East - U
49. Gemini - U
50. Hook - U
51. West McArthur - U
52. Denison Mines Corp. - U
53. Moon Lake South - U
54. Ursa - U
55. Rook 1 - U
56. Patterson Lake North - U
57. Patterson Lake South - U

Alberta

58. Clearwater - Li
59. Grassy Mountain - C
60. Boardwalk - Li

British Columbia

61. MPD - Cu
62. Murray River - C
63. Bralorne - Au
64. Cirque - Zn
65. Baptiste - Ni
66. Duke - Cu
67. NAK - Cu
68. Joy - Cu
69. Kemess - Au
70. Lawyers-Ranch - Au
71. North Island - Cu
72. Kitsault Valley - Au
73. Golddigger - Au
74. Cassiar - Au
75. Treaty Creek - Au
76. KSM - Au
77. Silvertip - Au
78. Eskay - Au
79. KSP - Au
80. Schaft Creek - Cu
81. Iskut - Au
82. Galore Creek - Cu
83. Thorn - Cu
84. New Polaris - Au

Yukon

85. 3 Aces - Au
86. MacMillan Pass - Zn
87. Rogue - Au
88. Whitehorse - Cu
89. AurMac - Au
90. RC - Au
91. Casino - Cu
92. Coffee - Au

Northwest Territories

93. Yellowknife - Li
94. Pine Point - Zn
95. Colomac - Au
96. Prairie Creek - Zn

Nunavut

97. Storm - Cu
98. Aberdeen - U
99. Angilak - U
100. Madrid - Au

Notes

- Spending: Includes field work; associated overhead costs; engineering, feasibility and economic studies; environment and land access costs.
- Off-Mine-Site: Excludes activities by mine operators on or surrounding their mine sites and activities at mines committed to production; however, it may include activities on sites of previously closed mines.
- Exploration and Deposit Appraisal: Includes all activities carried out to search for, discover, characterize and define a mineral deposit up to and including the pre-feasibility and final feasibility studies.
- Project: May represent a single property or a group of properties or claims.
- Mineral product: The primary mineral product is identified, but other minerals and metals may be present.

Source: Natural Resources Canada and Institut de la statistique du Québec, from the Survey of Mineral Exploration, Deposit Appraisal and Mine Complex Development Expenditures; company reports and websites.

Consult our interactive map and find more information on the Canadian mining industry by visiting the Minerals and Metals Facts website at nrcan.gc.ca/minerals-metals-facts.

Overview

- Streamlining / Acceleration of Project timelines
Building Canada Act and Provincial equivalents
- Indigenous rights
 - Consultation on claim registration
 - Impact of UNDRIP
 - Aboriginal title and private property rights
- Recent Case Law
- Other Developments of Interest: Carbon Storage in Québec

Streamlining / Acceleration of Project *Building Canada Act* and Provincial Equivalents

- Response to US tariffs – need to focus on diversification of foreign markets (72.5% of trade is with the US) and investing in Canadian infrastructure;
- Adoption of legislation seeking to fast-track approval process in Canada, Québec, Ontario and BC.
- To address issues related to regulatory delays / duplication for project approval
- Processes are designed to enhance **regulatory certainty** and **strengthen investor confidence**.

Streamlining / Acceleration of Projects

Building Canada Act

- Bill C-5 introduced in June 2025
- Federal law designed to accelerate major infrastructure projects deemed in the “**national interest**” by moving toward a **centralized permitting model** to streamline regulatory approval for strategic assets.
- Creates the **Major Project Office** responsible for identifying **National Interest Projects** based on criteria such as:
 - Economic benefits
 - National security
 - Support for Indigenous interests
- Federal government effectively predetermines that the benefit outweighs its impact, refocusing the regulatory process on establishing technical conditions and mitigation measures

Streamlining / Acceleration of Projects

Mining-focused National Interest Projects

Projects referred to date

15 projects	6 transformative strategies
Will support over 60,000 jobs	Represents \$126 billion in new investment
Will help catalyze \$500 billion in future private sector investment	

- Northcliff Resource's Sisson mine (New Brunswick)
Critical tungsten and molybdenum production
- Nouveau Monde Graphite's Matawinie mine (Québec)
High-purity graphite for the battery supply chain
- Canada Nickel's Crawford Nickel mine (Ontario)
Scale-intensive, low-carbon nickel development
- McIlvenna Bay Foran's Copper mine (Saskatchewan)
Copper and zinc
- Red Chris mine expansion (British Columbia)
Major copper-gold lifecycle extension

Streamlining / Acceleration of Projects

Bill C-5: Strategic Relevance for Proponents

- “*One project, one process*” model that aims to cut federal approval timelines **from 5+ years to a target of 24 months**;
- Seeks to provide schedule certainty required to secure large-scale capital investment in a competitive global market.
- *Unknowns*: While Bill C-5 streamlines federal hurdles, proponents must still:
 - navigate provincial requirements
 - carry out Indigenous consultation when required.

Streamlining / Acceleration of Projects Quebec

- *An Act to accelerate the granting of the authorizations required to carry out priority national-scale projects*
- Bill 5 aims to speed up the approval process for major projects by reducing delays in obtaining required authorizations;
- Proponents must apply to the Québec government to have their projects designated as a “**priority national-scale project**”;

Streamlining / Acceleration of Projects Quebec

- A single authorization model aims to facilitate the granting of approvals including environmental and mining approvals
- However,
 - environmental assessment processes must still be completed
 - rights of Indigenous communities must be considered
 - Does not apply in Northern Quebec (JBNQA territory)
 - Project need to be start within 2 years of approval otherwise approval lapses

Streamlining / Acceleration of projects

Protect Ontario by Unleashing Our Economy Act

- In June 2025, Ontario enacted the *Protect Ontario by Unleashing Our Economy Act* (Bill 5) to establish a regulatory framework **for infrastructure, mining, and resource development**;
- Bill 5 introduced the "**One Project, One Process**" (1P1P) a framework, designed to consolidate multi-ministry requirements into a single, coordinated permitting stream;
- By establishing dedicated Mine Authorization and Permitting Delivery (MAPD) teams for designated projects, the province aims **to reduce standard review timelines by up to 50%**;
- Starting October 31, 2025, applications can be made to have advanced exploration and mine development projects designated under the 1P1P framework.

Streamlining / Acceleration of projects

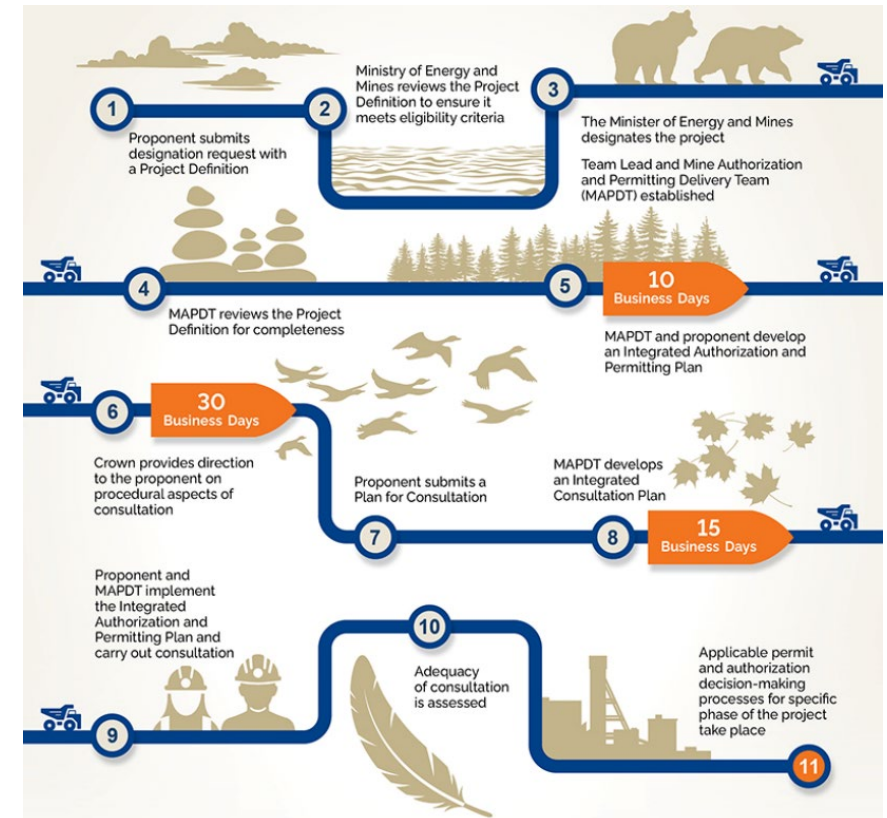
Protect Ontario by Unleashing Our Economy Act

- Ontario promises a clearer and more coordinated approach to consultation with Indigenous communities
- \$3.1B in loans, grants, and scholarships is being directed via the Indigenous Opportunities Financing Program and related measures to support Indigenous equity, ownership, and partnerships in the critical minerals supply chain.
- Ontario Junior Exploration Program (OJEP) has enhanced funding for Indigenous participation in exploration programs

Streamlining / Acceleration of Projects

Projects Approved under the 1P1P Framework

- Frontier Lithium PAK
Ontario's largest lithium project
- Canada Nickel's Crawford Nickel Project
World's second largest nickel reserves
- Kinross Gold's Great Bear Project
Open-pit and underground gold mine



Streamlining / Acceleration of Projects

BC's New Fixed Permitting Timelines

- In January 2026, BC announced new funding to support permitting efficiencies and improve mineral exploration after a record-breaking \$751M in exploration spending in 2025;
- Beginning April 1, 2026, exploration permits are expected to be processed **within 40 to 140 days**;
- A **new permit-escalation process** will be introduced -- if timelines are not met, the application will be escalated to the chief permitting officer for a decision **within 14 days**.

Indigenous Consultation at Claim Registration

- Cases in BC, Ontario and Quebec.
- Free entry system
- Indigenous groups claim that they must be consulted, and if required, accommodated with respect to government decisions to grant or issue a mineral claim.

Indigenous Consultation

- Legal background:
- The Indigenous peoples of Canada have constitutionally protected aboriginal and treaty rights [Section 35(1), Constitution Act, 1982]
- *“The purpose of s. 35 (1) is to reconcile the prior presence of Aboriginal peoples in North America with the assertion of Crown sovereignty”* [Delgamuukw v. B.C., 1997]
- Duty to consult:
 - When Aboriginal groups assert Aboriginal rights, Aboriginal title or treaty rights to an area, the Crown may owe a duty to consult [DTC] with them or seek a workable accommodation in relation to decisions that may infringe on those rights
 - The process of consultation and accommodation recognizes constitutionally protected rights and reconciles them with interests of others
 - The legal duty is imposed on the Crown

Indigenous Consultation at Claim Registration – British Columbia

- *Gitxaala v. British Columbia (Chief Gold Commissioner)*, 2023 BCSC 1680, Supreme Court of BC, September 26, 2023; British Columbia Court of Appeal issued decision on December 5, 2025
- The following key points arose from the lower court decision:
 - The provincial Crown has a DTC Indigenous peoples when granting mineral claims.
 - Although the physical disturbance authorized by the granting of mineral claims under the *Mineral Tenure Act* is limited, it has the potential to cause adverse impacts upon areas of cultural and spiritual importance and the rights of Indigenous nations to receive financial benefits from the minerals in their asserted territories.
 - This potential impact is sufficient to trigger the DTC

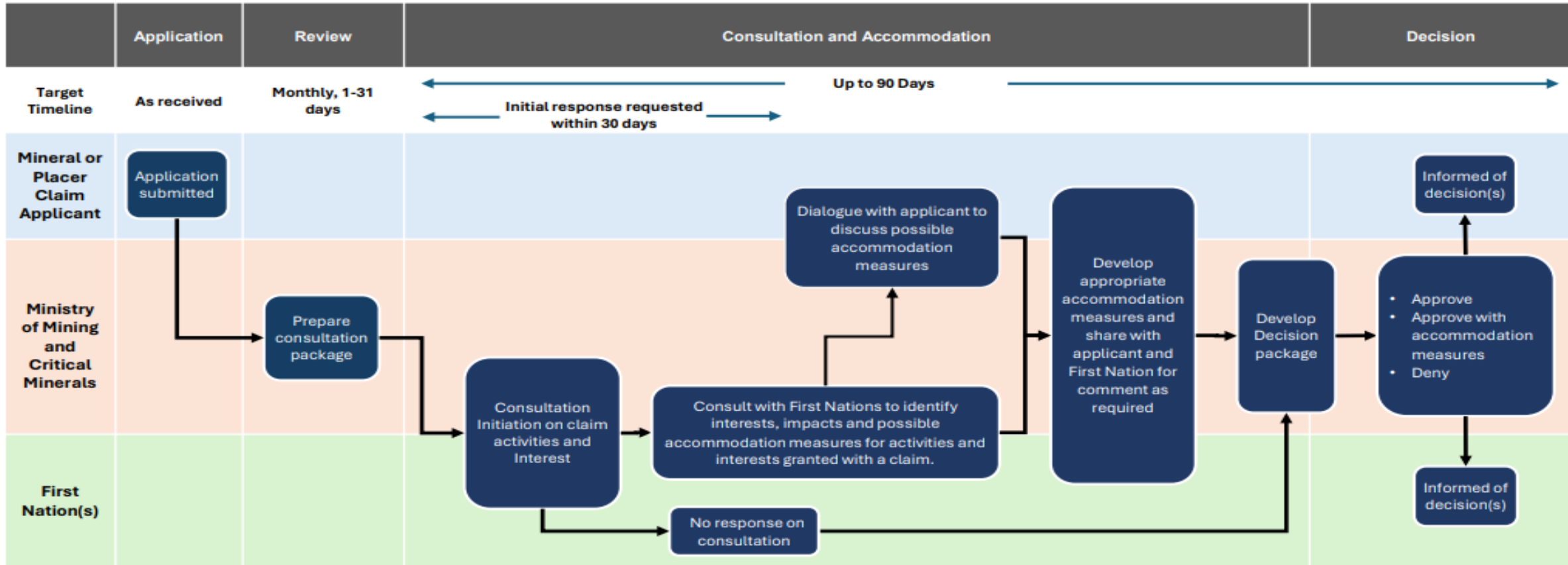
Indigenous Consultation at Claim Registration – British Columbia

- The Court suspended its declaration for 18 months to allow the province to consult with Indigenous nations and design a system for allocating mineral claims that facilitates appropriate consultation.
- The decision did not affect the rights of recorded holders of existing mineral claims or other mining authorizations.
- Decision was appealed

BC framework for consultation on mining claims

- In response, BC developed a Mineral Claims Consultation Framework (MCCF) that provides for consultation with First Nations before mineral or placer claims are registered (see framework detailed [application & review process](#) and [flowchart](#)) that took effect March 26, 2025.
- [The framework](#) replaces automatic claim registration with an application-based system that includes consultation with First Nations

Mineral Claims Consultation Framework



British Columbia framework for consultation on mining claims

- Area is reserved until a decision is made and cannot be claimed by other
- Process from application to decision is targeted to 90-120 days.
- Applicants are not required to consult with FNs --- Province is responsible for consultation.
- Consultation focused on determining the impacts of a claim decision on Aboriginal rights and title.
- Applicants are not required to engage early or enter into agreements with First Nations.
- If necessary, the Ministry will work with applicants and FNs to develop accommodation measures

BC framework for consultation on mining claims

AME published 12-Month Review of the Mineral Claims Consultation Framework – April 10, 2026

- MCCF experienced long processing times that continue to increase.
- Of 5,983 applications tracked only 1,427 approved
- The median time to reach a decision is approximately 149 days, exceeding target of 90–120 days. Less than 15% of applications are processed within the target timeframe.
- Unclear processes all make it harder for explorers to plan projects

Gitxaala appeal

- Upheld: The establishment of an online system allowing for automatic registration of mineral claims without requiring prior consultation and cooperation is inconsistent with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) which was incorporated into B.C. law by way of the *Declaration on the Rights of Indigenous Peoples Act*.
- The decision does not have any immediate impact on existing mineral rights, nor does it displace the Mineral Claims Consultation Framework
- The decision will open the door to future court challenges on the basis of UNDRIP and the Declaration Act, unless B.C. changes the Declaration Act

Recent Announcement

BC's suspension of UNDRIP legislation

On April 2, 2026, BC's Premier David Eby proposed suspending sections of DRIPA for up to 3 years (pending direction from the Supreme Court of Canada):

- “When the Act was introduced, it was to set out a framework by which the government could work with First Nations partners on addressing key concerns on issues including treaties, language preservation, care for Indigenous children and youth and unequal health outcomes and poverty.”
- “Recently, we had a decision from the Court of Appeal (*Gitxaala*) that, instead of the step-by-step incremental approach of the action plan, that the UN declaration was incorporated into British Columbia law overnight, and as I described it to Indigenous leadership today, instead of taking, eating the elephant one bite at a time, the court has invited us to do it all at once, and that is just not possible,” Eby said.

Indigenous Consultation at Claim Registration – Ontario

On July 12, 2024, Grassy Narrows FN filed a claim seeking a declaration that the Ontario Mining Act is unconstitutional in that it does not require prospectors to consult with First Nations before staking claims on their traditional lands.

On August 9, 2024, six Northern Ontario First Nations within Treaty 9 filed a similar claim.

Grassy Narrows seeks declarations that [not all listed]:

- (i) the provisions of the Act related to claim registration and assessment, and existing mining claims, are unconstitutional
- (ii) Ontario's entire mining claims regime is unconstitutional and contrary to the UNDRIP and of no force and effect;
- (iii) Ontario has a duty to consult, accommodate and obtain the consent of the Grassy Narrows prior to granting mining claims and allowing assessment work
- (iv) Ontario must rescind existing mining claims and mining interests in the Area or, alternatively, “establish a timely enforceable mechanism with Grassy Narrows to consult, accommodation and obtain Consent from Grassy Narrows to resolve such claims and interests

Indigenous Consultation at Claim Registration – Quebec

Mitchikanibikok Inik First Nation (Algonquins of Barriere Lake) v. PGQ, 2024 QCCS 4007 [appealed]

- October 18, 2024 decision relied on *Gitxaala* there is a duty to consult and accommodate before any new claim is designated and before exploration work is undertaken.
- The obligation to consult does not apply to renewals and transfers.
- For now, the decision only has effects on the MIFN territory.
- The decision may have broader implications as its reasons for judgment can be relied upon as a basis for making a similar challenge/obtaining a similar declaration on unceded land outside the MIFN territory.
- The decision has been appealed by Quebec.

Aboriginal title and Private land rights

Two recent court decisions have addressed whether Aboriginal title can apply to privately owned (or “fee simple”) land.

Cowichan Tribes v. Canada (Attorney General) (Cowichan Tribes) (appealed)

- The Supreme Court of BC declared Aboriginal title over an area in Richmond BC. (7.5 km²)
- **Specific fee simple titles** held by the federal government, the Vancouver Port Authority and the City were **declared invalid**, because they were derived from unlawful crown grants that infringed on Aboriginal title.
- Aboriginal title and fee simple **interests can coexist** but requires negotiation to reconcile the rights.
- The Court **suspended** its declaration for 18 months to allow for a transition and negotiation.
- The Court did not address the implications of its declaration on **private third-party landowners**, including how competing exclusive interests in land may co-exist in practical terms.

Aboriginal title and Private land rights

J.D. Irving, Limited et al. v. Wolastoqey Nation (Wolastoqey Nation)

- The New Brunswick Court of Appeal refused to declare Aboriginal title over land held by private fee-simple landowner owned by a corporation (forestry lands).
- To do so, would confer rights that **cannot coexist** with private land ownership.
- Recognizing Aboriginal title over privately owned lands would “**sound the death knell of reconciliation** with the interests of non-Aboriginal Canadians.”
- Wolastoqey can still seek compensation from the Crown.

The guidance of the SCC will ultimately be required to resolve this issue

Key Indigenous Cases

Kebaowek First Nation v. Canada Nuclear Laboratories, 2025 FC 319
[appealed]

- Challenge to approval of a nuclear waste facility in Ontario based on Federal UNDRIP legislation, in particular free, prior, informed consent (FPIC)
- Courts and other decision makers must consider UNDRIP when assessing whether Crown has met its duty to consult.
- UNDRIP must inform the DTC (Section 35 rights) and requires **deep consultation with the aim of consent**.

Takeaway While the Court found that FPIC is not a right to veto proposed projects, it **affirms the right to a robust process** of consultation geared toward a mutually accepted arrangement.

Key Indigenous Cases

R. v. Montour, 2023 QCCS 4154

[**appealed**]

In November 2023, the Québec Superior Court considered whether provisions of the *Excise Act, 2001*, criminalizing the importation of tobacco without payment of duties, violated the Aboriginal and treaty rights of two Mohawk individuals from Kahnawà:ke;

- The Court held that the legislation unjustifiably infringed rights protected by s. 35 of the *Constitution Act* and recognized a “generic right to economic self-determination”.
- This suggests that Indigenous nations have a **modern right to participate in the economic fruits** of their territory.

The decision has been appealed by the Crown before the Québec Court of Appeal.

Key Indigenous Cases

Lummi Nation v. Canada (Attorney General), 2025 FC 1986

In *Lummi*, the Federal Court considered whether the Crown had a duty to consult towards an Indigenous group **located outside Canada**.

- The Lummi Nation, based in Washington State, argued that the Crown failed to fulfill its duty to consult in relation to the approval of a major infrastructure project, the Roberts Bank Terminal 2 in BC;
- The Court held that **the duty to consult can be extended to Indigenous groups outside Canada**, provided they assert a credible claim to Aboriginal rights or title within Canada;
- A credible (but unproven) claim is sufficient to trigger the DTC.

Director and Officer liability

R. v. Mossman, 2026 BCCA 75

- Case involving environmental violations at Banks Island Gold Yellow Giant mine in BC
- Finding liability of D&O does not require knowledge of circumstances surrounding offences committed by corporation.
- Liability flows from the voluntary assumption of responsibility by the D&O which carries with it the power to control or prevent harm from occurring
- Requiring subjective knowledge would encourage “willful blindness”.
- Due diligence defence

Key Takeaway Reinforces the need for robust environmental compliance systems.

Other Developments of Interests

Carbon Storage in Québec

In February 2026, Québec introduced *An Act mainly to Amend the Act respecting natural gas storage and natural gas and oil pipeline* (Bill 17).

- Bill 17 introduces a new legal regime for subsurface reservoirs and naturally occurring fluids, including hydrogen. These are resource rights that are reserved to the Crown
- Need to reconcile rights granted to fluids with mineral rights
- The holder of a license and the holder of a mining right whose rights cover the same territory **are required to enter into an agreement respecting the exercise of their activities.**
- The Bill provides for a dispute settlement mechanism, whereby if they cannot agree, **an external decision-maker** can set the conditions allowing the holder of the mining right to carry out activities covered by the Act without having to enter into such an agreement.

Questions

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