

File No. MA 008-11

L. Kamerman) Monday, the 3rd day
Mining and Lands Commissioner) of October, 2011.

THE MINING ACT

IN THE MATTER OF

Mining Claims P-4241145 and 4247001, situate in the Township of Foleyet, in the Porcupine Mining Division, staked by Clayton Lucien Larche and recorded on the 26th day of August, 2009, being recorded in the names of Clayton Lucien Larche and Larry Noel Gervais each as to a 50% interest (hereinafter referred to as the “Mining Claims”);

AND IN THE MATTER OF

A referral by the Minister of Northern Development, Mines and Forestry to the tribunal pursuant to subsection 51(4) of the **Mining Act**;

AND IN THE MATTER OF

An application for a direction from the tribunal to the Minister of Northern Development, Mines and Forestry that the surface rights over particular portions of the Mining Claims be removed from staking pursuant to section 35 of the **Mining Act**, as being required for the use of the Crown, as contemplated by subsection 51(6) of the **Mining Act**;

AND IN THE MATTER OF

An application for an order excluding particular portions of the surface rights from the Mining Claims as outlined in red on Schedule “A” attached hereto and forming part of this Order.

MINISTER OF NATURAL RESOURCES

Applicant

- and -

CLAYTON LUCIEN LANCHE AND
LARRY NOEL GERVAIS

Respondents

ORDER

WHEREAS this application was received by this tribunal on the 24th day of February, 2011;

AND WHEREAS a consent to grant this application without costs and with conditions, dated the 27th day of September, 2011, was executed and filed by Mr. Paul Bernier, District Manager, Chapleau District, Ministry of Natural Resources and Agent for the Applicant;

AND WHEREAS a consent to grant this application without costs and with conditions, dated the 28th day of September, 2011, was executed and filed by Mr. Clayton Lucien Larche, agent for the Respondents;

1. IT IS ORDERED that the application of the Minister of Natural Resources pursuant to subsections 51(4) and (6) of the **Mining Act**, and in part, pursuant to subsection 80(2), for the exclusion of such portions of Mining Claims P-4241145 and 4247001 as shown outlined in red on Schedule "A" attached hereto and forming part of this Order be and is hereby granted **AND FURTHER** that such surface rights be and are hereby surrendered to the Crown.

2. IT IS FURTHER ORDERED that the Respondents, Clayton Lucien Larche and Larry Noel Gervais and their assigns shall retain and preserve all such rights to access and work their mining rights pursuant to the **Mining Act**, **AND FURTHER** that the Applicant, the Minister of Natural Resources shall allow the aforementioned Respondents, Clayton Lucien Larche and Larry Noel Gervais and their assigns to conduct and perform all phases of assessment work, exploration and extraction permitted by the **Mining Act** and shall allow access to the aforementioned Respondents, Clayton Lucien Larche and Larry Noel Gervais and their assigns for the purposes of conducting and performing such activities as are permitted by the **Mining Act**.

3. IT IS FURTHER ORDERED that the notation "Pending Proceedings", which is recorded on the abstracts of Mining Claims P-4247001 and 4241145, to be effective from the 24th day of February, 2011, be removed from the abstracts of the Mining Claims.

4. IT IS FURTHER ORDERED that the time during which Mining Claims P-4247001 and 4241145, were under pending proceedings, being the 24th day of February, 2011, to the 3rd day of October, 2011, a total of 222 days, be excluded in computing time within which work upon the Mining Claims is to be performed and filed.

5. IT IS FURTHER ORDERED that the 4th day of April, 2012, be fixed as the date by which the next unit(s) of prescribed assessment work, as set out in Schedule "A" attached to this order, must be performed and filed on Mining Claims P-4247001 and 4241145, pursuant to subsection 64(5) of the **Mining Act** and all subsequent anniversary dates are deemed to be April 4 pursuant to subsection 64(5) of the **Mining Act**.

6. IT IS FURTHER DIRECTED that the Minister of Northern Development, Mines and Forestry Order the withdrawal of the surface rights of those portions of Mining Claims P-4241145 and 4247001 as shown outlined in red on the sketch attached to and forming part of this Order and marked Schedule "A", pursuant to clause 35(1)(a) of the **Mining Act**.

7. IT IS FURTHER ORDERED that no costs shall be payable by either party to this application.

THIS TRIBUNAL FURTHER ADVISES that pursuant to subsection 129(4) of the **Mining Act**, as amended, a copy of this Order shall be forwarded by this tribunal to the Provincial Mining Recorder **WHO IS HEREBY DIRECTED** to amend the recording in the Provincial Recording Office in accordance with the aforementioned subsection 129(4).

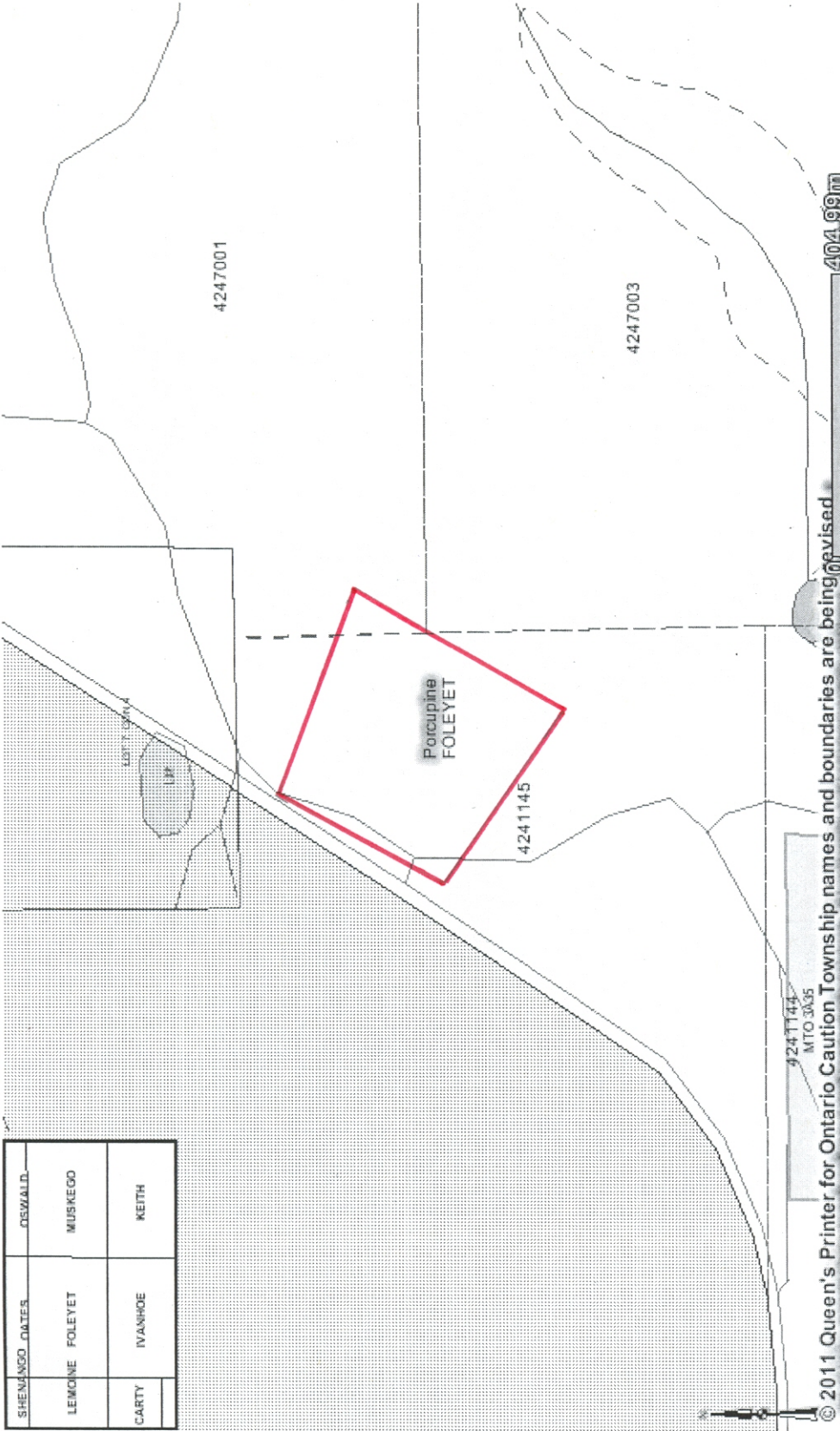
DATED this 3rd day of October, 2011.

Original signed by L. Kamerman

L. Kamerman
MINING AND LANDS COMMISSIONER

SCHEDULE "A"

SHEWENGO DATES	OSWALD
LEMOINE FOLEYET	MUSKEGO
CARTY	IVANHOE
	KEITH



4241145
MTO 3035

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