



Yukon Surface Rights Board

MAILED
Double registered

November 17, 1999

Lucas Knol
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Vancouver, British Columbia
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City Ville Province Postal Code Code postal

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CUSTOMER RECEIPT REÇU DU CLIENT

33-086-584 (98-10)

RE: APPLICATION TO YUKON SURFACE RIGHTS BOARD (99-3001)

This letter is in response to your application to the Yukon Surface Rights Board (the 'Board'), dated September 14, 1999. The application concerned a dispute between yourself and Emil Levesque in relation to a placer mining claim in the Dawson area of the Yukon Territory.

The Board has reviewed your application to determine whether the Board has the jurisdiction to hear the matter you raised. Your application refers to s.18.1 of the *Yukon Placer Mining Act* as the source of the Board's authority on the dispute.

Section 18.1 of the *Yukon Placer Mining Act* states:

18.1 Persons locating, prospecting, entering on for mining purposes or mining on lands owned or lawfully occupied by another person shall make full compensation to the owner or occupant of the lands for any loss or damage so caused, which compensation, in the case of a dispute, shall be determined by the Yukon Surface Rights Board in accordance with the *Yukon Surface Rights Board Act*.

It is the Board's view that section 18.1 enables the Board to hear a matter respecting compensation when there is a dispute between a person lawfully engaged in mining activity and a person who lawfully owns or is occupying the land that cannot be resolved by these two people. In the opinion of the Board, the information supplied in your application does not demonstrate that you are the owner or lawful occupant of the land nor does it indicate that Levesque is a person lawfully locating, prospecting or entering on for mining purposes or mining on lands of another person. Consequently, the Board has rejected your application at this time.

If you have any questions on the above, please contact our offices.

Yours truly,

Stephen J. Mills,
Chair,
Yukon Surface Rights Board

Application to the Yukon Surface Rights Board

(Type or print legibly, complete all pages, attach pages as required)

Applicant's Name Lucas Knol Company _____

Co-applicant(s) (if any) _____

Street Address/ Post Box Number 4-1211 Birch rd City/Town Whitehorse

Telephone _____ Facsimile _____ Email _____

^(winter)
Designated Contact Person Lucas Knol Company _____

Street Address/ Post Box Number Apt 102-1620 Barclay City/Town Vancouver

Telephone 604 730 1085 Facsimile _____ Email _____

Other Party(s) Involved Emile Levesque

Street Address/ Post Box Number P.O. Box 607 City/Town Dawson City

Telephone _____ Facsimile _____ Email _____

Dispute is on: Settlement Land Category "A" ___ Category "B" ___ Non-settlement Land X

Briefly explain the issue(s) in this dispute:

under the Yukon Placer Mining Act section 18.1
Mister Levesque mined out my claims without my consent and knowledge

Describe your preferred solution to the dispute (What do you want in the Board order?):

To be compensated in full for the gold he took out of my claims, and

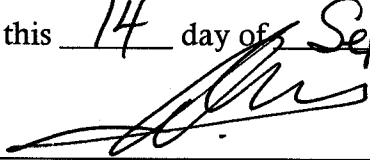
other damages and cost of exploration, purchase of the claims, assessment work and administrative cost, and cost of pursuing the application to the board and all legal cost.

Documentation of cost will be provided after this application is accepted.

Required Attachments

1. A copy of the written notice and proof of service of this application to the "Other Party(s)" listed on page one of this application.
2. Any other information or material which may assist with this application, such as: maps, sketches, photos, letters of correspondence, copies of mining claims, proof of land tenure, etc.

Signed this 14 day of September 1999 at Whitehorse.


Signature of applicant

Lucas Knol
print applicant's name

This application must be filed at the head office of the Board by personal delivery, by registered mail, by facsimile, or as otherwise directed by the Board.

Address to: Yukon Surface Rights Board
Box 31201
Whitehorse, Yukon Y1A 5P7

Deliver to: Yukon Surface Rights Board
206-100 Main Street
Whitehorse, Yukon

Fax (867) 668-5892 **Tel:** (867) 667-7695 **Email:** surfacerightsboard@hypertech.yk.ca

NOTE: The Yukon Surface Rights Board will not file incomplete applications nor will they consider accepting any application without significant documented negotiation attempts. Orders of the Board are based on the best available information. It is the applicant's responsibility to supply the supporting documentation for their application, hence it is in the applicant's best interest to supply the most relevant information possible.

This application is based on the Yukon Surface Rights Board Act and the Rules of Practice and Procedure for the Board. Any information not supplied with your application kit is available from the Board office at the above address.

Appendix A

The Process in Brief

(Please refer to the attached Yukon Surface Rights Board Rules of Practice and Procedure for additional information)

1. An application will only be accepted after the Chair has been satisfied that the application is complete including significant negotiation attempts with the other party.
2. Upon acceptance, the Board will offer mediation services to both parties.
3. If both parties accept the offer of mediation, the Board will appoint a mediator acceptable to both parties.
4. If mediation is successful, the parties may request that the Board make the mediated agreement an order of the Board.
5. The Board may proceed to a hearing if:
 - a) Any party notifies the Board of their intent to proceed to hearing;
 - b) All parties do not respond to confirm their attendance no later than 7 days before the date fixed for mediation;
 - c) If the parties fail to reach a mediated settlement.
6. The Board will provide a notice of the hearing to the parties no less than 21 days before the date fixed for the hearing.
7. A hearing with respect to settlement land will be held in the traditional territory of the affected Yukon First Nation, or in the case of non-settlement land, in the community nearest the land in question, or in both cases, where the other parties mutually agree.
8. Everyone, including the applicant, must file a Notice of Response to appear at a hearing. The Notice of Response explains a party's position on the dispute and must be received by the Board no less than 7 days before the hearing date.
9. The Board will provide reasons for any decisions and/or orders in writing as soon as practical after reaching a decision.

NOTE: If you have any questions or require assistance completing this application, call the Board office, we will be happy to assist you.

Attached Documents

1. Yukon Surface Rights Board Rules of Practice and Procedure.
2. Yukon Surface Rights Board Act.
3. Yukon Surface Rights Board Hearing Procedures- Information to Participants.

Record of Negotiation Attempts page ____

(Meeting minutes, summaries of conversations, copies of letters may be submitted)

Date 2/07/88 Time 16:00 Contact Initiated By L. Knol Duration of meeting 1600-1900
2100 2200
Method of Contact (check one): In Person Location Paradise Hill Phone ___ Fax ___ Mail ___
Persons present at meeting/telephone call Lucas Knol, Emite Levesgue
Brief summary of discussion see attached letter to Dave Wiebe

=> no agreement. -> Follow up letter
sent to Mr. Levesgue on July 22 confirming
Date ___ Time ___ Contact Initiated By ___ Duration of meeting ___

Method of Contact (check one): In Person ___ Location ___ Phone ___ Fax ___ Mail ___
Persons present at meeting/telephone call ___

Brief summary of discussion -> receipt of registered
letter attached => no response denying
or agreeing by specified date inferring
agreement

Date ___ Time ___ Contact Initiated By ___ Duration of meeting ___

Method of Contact (check one): In Person ___ Location ___ Phone ___ Fax ___ Mail ___

Persons present at meeting/telephone call ___

Brief summary of discussion _____

Please include any other information related to the efforts of the parties to negotiate a settlement to the outstanding matters.