

# Modernizing Ontario's Mining Act



Ministry of Northern Development, Mines and Forestry  
Overview  
August 2011

# Ontario's Mining Industry

**\$800 million:** 2010 **investment** in mineral exploration  
(\$940 million forecast for 2011)

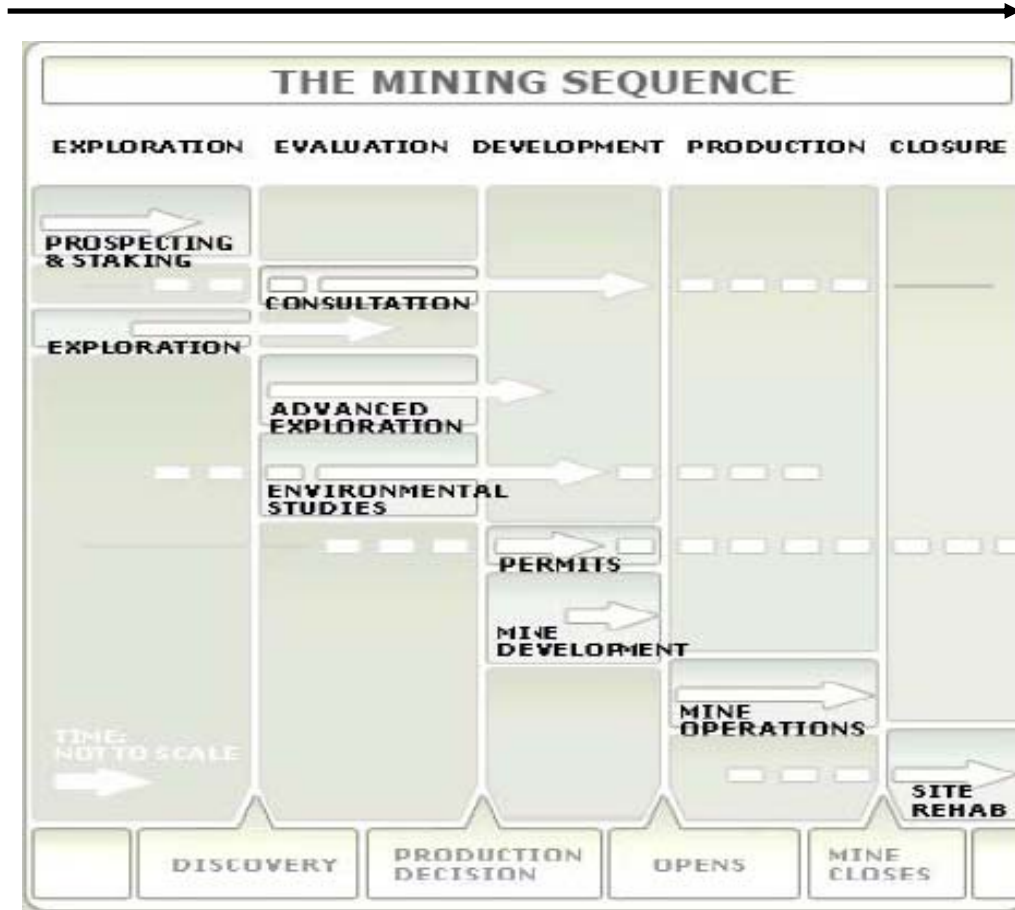
**\$2 billion:** 2010 **industry investment** in mining  
operations and development

**\$7.7 billion:** 2010 **value** of mineral production of  
metals and non-metals

# The Mining Sequence

310,000  
mining claims

40  
operating  
mines



# Ontario's Modernized Mining Act

- Overview
- Current Status
  - timelines
  - regulations implemented to date
  - exploration plans and permits
  - dispute resolution
  - sites of Aboriginal cultural significance
  - streamlining regulations, policies and procedures
- Moving Forward

# Overview

## Modernizing Ontario's Mining Act

- Reflects a balanced approach to the exploration and development of the province's mineral resources.
- Modernizes the way proponents stake and explore their claims to ensure more respect for First Nation and Métis communities, private land owners and the environment.

# Ontario Mining Act

*“The purpose of this Act is to encourage prospecting, staking and exploration for the development of mineral resources, in a manner consistent with the recognition and affirmation of existing Aboriginal and treaty rights in section 35 of the Constitution Act, 1982, including the duty to consult, and to minimize the impact of these activities on public health and safety and the environment.”* Ontario Mining Act 2009, c. 21, s. 2.

# Timelines

- ✓ **August 2008**
  - Launch of modernizing Ontario's Mining Act
- ✓ **October 2009**
  - Royal Assent of Bill 173, An Act to Amend the Mining Act
- ✓ **December 2009**
  - Release of Consultation Workbook on regulations
- January – July 2010**
  - Stakeholder and Aboriginal community workshops
  - Public input through Ontario's Environmental Registry (EBR) posting
- ✓ **August – November 2010**
  - Focussed input based on workbook feedback and further discussions.
- ✓ **January - April 2011**
  - Implementation of Phase I regulations
- April 2011 – December 2011**
  - Development of Phase II regulations including EBR posting
- April 2012**
  - Proposed start of phase II implementation
- April 2012 - 2013 and beyond**
  - Development/ implementation of Phase II Regulations (business and I & IT requirements)



# Timelines

- Different sections of the amended Act will be proclaimed in force as relevant details are developed.
- Phased in during next 2 to 4 years depending on implementation and transitional requirements:

<p style="text-align: center;"><b>Phase I</b> (by July 1, 2011) <b>Minimal business process requirements</b></p>	<p style="text-align: center;"><b>Phase II</b> (1-2 years) <b>Significant business process requirements</b></p>	<p style="text-align: center;"><b>Phase III</b> (2-4 years) <b>I&amp;T delivery model and solutions</b></p>
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- Paper staking in Southern Ontario
- Notification of staking on private lands
- Criteria to withdraw Crown mineral rights under privately held surface rights in Northern Ontario;
- Relief from mining land tax for certain surface rights landowners

- Criteria for protection of sites of Aboriginal cultural significance\*
- Exploration plans and permits;
- Prospector's awareness;
- Assessment work for mining claims;
- FN & M capacity and stewardship;
- Dispute resolution – Aboriginal issues
- ground proofing claims

- Online map staking;
- Mining Act administration.
- Business Transformation

\* Originally Phase Initiative  
Mining Act August 2011

# Regulations Implemented to Date

Effective January 1, 2011:

- Provisions for the **withdrawal and re-opening of Crown mining rights** on private lands situated in Northern Ontario.
  - Surface rights owners in Northern Ontario can apply to have Crown mining rights on their properties withdrawn from staking if there are no existing claims and leases. The Minister will consider the mineral potential, size of the land and the existing and proposed uses of the land when making a decision.
- Provisions for the **exemption from mining land tax** in certain cases, and waiving of tax arrears.

# Regulations Implemented to Date

Effective April 4, 2011

- A new claim staking and recording regulation that implements **paper-based map staking in southern Ontario** and consolidates all staking regulations.
- **Notification to surface rights owners** when mining claim has been staked on their property.
  - Licensees must provide confirmation of staking to the surface rights owner and provide proof of that confirmation to MNDMF within 60 days of making an application to record the claim.
- **Updated forms and modernized administrative processes** for government and their clients.

# Exploration Plans & Permits (P&P)

- The regulations will prescribe rules for conducting early exploration activities on mining claims, leases and licences of occupation
- Engaging Aboriginal communities early and throughout the exploration process is essential
- Industry will need to plan its early exploration projects in alignment with the timelines associated with plans and permits.
- MNDMF will identify the appropriate Aboriginal communities to be notified.
- MNDMF staff will be available to assist both clients and Aboriginal communities throughout the process.

# Exploration Plans & Permits (P&P)

- Proposed graduated scheme is activity based;
  - **Plans** (notification) and **Permits** (terms & conditions and approval)
- Regulation will contain general conditions applying to all early exploration activities and some that specifically apply to P&P activities
- P&P consultation process will be largely paper based.

# Exploration Plans & Permits (P&P)

## Proposed Timelines:

**Plan:** may proceed 30 calendar days after filing a plan with MNDMF.

**Permit:** decision will be within 60 calendar days after application.

- Additional time may be required if there is a dispute related to Aboriginal consultation.

# Exploration Plans & Permits (P&P)

Proposed approach:

- **Plans** will be up to two years in duration and provide general information of **who** will be conducting **what** Plan activities, **where** and **when**.
- **Permits** will be up to four years in duration and be more specific but will still provide some flexibility (ranges and general areas of activities) in recognition of the fluid nature of exploration

# Exploration Plans & Permits (P&P)

Proposed approach:

Early exploration activities to be carried out on a site covered by a closure plan and will be subject to a modified plan process.

- Proponent submits exploration plan to MNDMF;
- MNDMF staff will screen the plan to determine if Aboriginal consultation is required;
- If consultation is required, the plan will be sent to appropriate Aboriginal communities and will follow the general process for exploration plans.

MNDMF is considering granting assessment credit for costs related to consultation with Aboriginal communities.

# Dispute Resolution on Aboriginal Consultation

- Proposal for a roster of individuals to assist resolution of issues related to Aboriginal consultation.
- Opportunities for dispute resolution arise:
  - At permit decisions;
  - During consultation on closure plans for advanced exploration or mine production.
- Outcome:  
Roster individual prepares a report outlining recommendations to the Minister, who makes a final determination.
- Timelines are to be determined.

# Sites of Aboriginal Cultural Significance

## **Withdrawals: (s. 35)**

- For lands meeting the criteria for sites of Aboriginal cultural significance, communities may request a withdrawal from claim staking to protect these sites from mineral exploration.

## **Surface Restrictions: (s. 51)**

- Where a mining claim already exists, the Minister may impose a restriction on the claim holder's right to use the surface of the claim for mineral exploration.

# Sites of Aboriginal Cultural Significance

Criteria under consideration:

- Sites having a strong association with an Aboriginal community:
  - For social, cultural, sacred or ceremonial reasons; or
  - Because of its traditional use by the community according to Aboriginal traditions, observances customs or beliefs.
- The sites must have a well-defined size and shape and fixed location that can be placed on a map.

# Streamlining Regulations, Policies and Procedures

- Open for Business (OfB) is a government-wide program designed to create faster, smarter and more streamlined government-to-business services and to establish a modern system of government, while protecting the public interest.
- One of the key goals of OfB is to reduce regulation and regulatory requirements.
- We are reviewing Ontario's Mining Act with the OfB lens.

# Moving Forward

## Policies with regulatory impact:

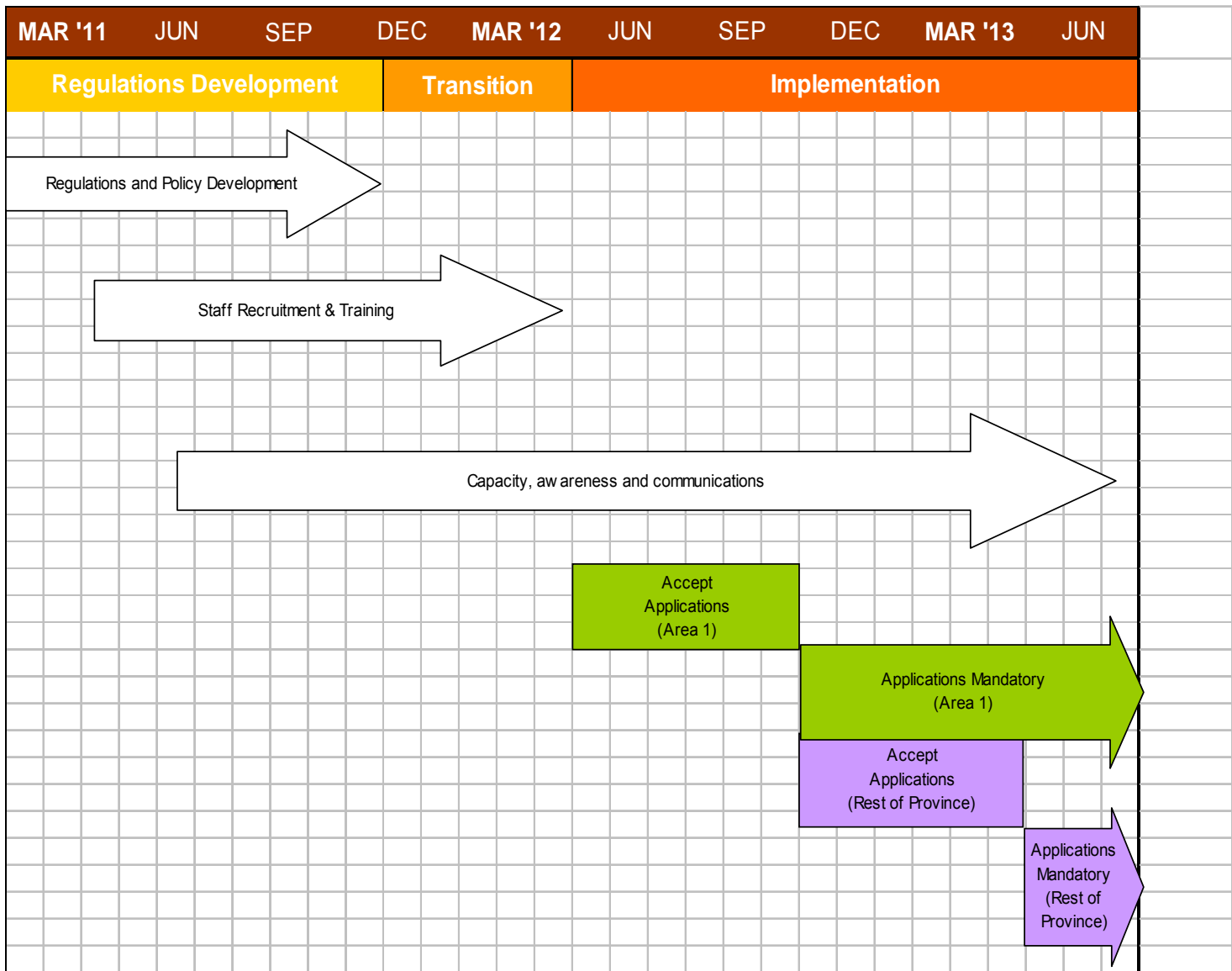
- Exploration plans & permits
- Aboriginal consultation on plans & permits and closure plans
- Sites of Aboriginal cultural significance
- Dispute resolution
- Compliance and enforcement
- Mineral Tenure – remainder of assessment work including assessment credits, ground proofing, Mining Act awareness;

Note: Pending government direction, policy development and regulations drafting will proceed with target readiness by end of December 2011.

# Moving Forward

In addition to policy and regulatory development:

- First Nations Notification Tool
- Mining Act Awareness Program
- Capacity
  - Protocols, Technical support, values mapping, education
- Communications
- Business Transformation
- I&IT solutions



\* Implementation begins April 1, 2012

\* Plans and Permits fully implemented March 31, 2013

Regulations Development phase will include EBR posting

Mining Act August 2011

# Modernizing Ontario's Mining Act

- Offers a balanced approach to mineral development that considers a range of interests while supporting a competitive economic climate for the minerals sector.
- Takes bold steps that support significant strides in Aboriginal consultation throughout the mining sequence.
- Strengthens the Ontario mining industry by providing certainty and clarity of process in making investment decisions.
- Modernizes the way mining companies stake and explore their claims to be more respectful of private landowners and Aboriginal communities.

# Modernizing Ontario's Mining Act

- Recognizes the need to build capacity within First Nation communities.
- Enhances inspection, enforcement and protection for the environment.
- Streamlines administrative policies and processes.

For further information please visit our website at:

[http://www.mndmf.gov.on.ca/mines/mining\\_act\\_e.asp](http://www.mndmf.gov.on.ca/mines/mining_act_e.asp)