

Modernizing Ontario's Mining Act



Ministry of Northern Development, Mines and Forestry

Ontario Geoscience and Exploration Symposium
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Today's Presentation

- Current Status
- Developing the Regulations
- Process
 - timelines;
 - workbook;

Current Status

Some changes are now in effect with royal assent (Oct. 28th), but most will be proclaimed once the regulations are developed.

New provisions that are now in effect include:

- Automatic withdrawal of Crown mineral rights under privately held surface rights in Southern Ontario;
- A clause in all leases and lease renewals highlighting Section 35 of the Constitution Act regarding Aboriginal treaty rights;
- The ability to replace a lost or stolen prospectors licence without requiring an affidavit; a significant benefit in areas such as First Nations and remote communities where no Commissioner is available; and,
- Provisions for the streamlining of some administrative processes.

Developing the Regulations

- Different sections of the amended act will be proclaimed in force as relevant details are developed.
- Phased over next three to five years depending on implementation and transitional requirements:

Phase 1: (within 1 year) minimal business process requirements;

Phase 2: (2-3 years) significant business process requirements;

Phase 3: (3-5 years) I&IT delivery model & solutions

Developing the Regulations

Phase 1: (within 1 year)

- Introduction of paper staking in S. Ontario;
- Criteria for application to withdraw Crown mineral rights under privately held surface rights in Northern Ontario

Phase 2: (2-3 years)

- Exploration plans and permits;
- Awareness program;

Phase 3: (3-5 years)

- Online map staking.

Process

Next 6 months:

- Initial broad based outreach including aboriginal organizations, industry organizations, general public, including use of Ontario's Environmental Registry (next 6 months).

Over next 36 months:

- Ongoing work with key stakeholder committees to refine approaches and implementation strategies (Minister's Mining Act Advisory Committee, Political Confederacy of Ontario).

Timelines

- Release of Workbook (**December**)
- Public input through EBR posting (**Dec.-April**).
- Stakeholder, industry and Aboriginal community workshops (**Jan.-June**).
- More focussed input based on initial workbook feedback + ongoing discussions (**June onward**).

Workbook

Key issues and options for discussion:

1. Awareness Program for Prospectors
2. Online Map Staking
3. Exploration Plans and Permits
4. Assessment Work
5. Aboriginal Consultation
6. Dispute Resolution
7. Protection for Sites of Aboriginal Cultural Significance
8. Private Surface Rights

Workbook

1. Awareness Program for Prospectors:

- The Ministry is introducing this educational tool for all prospectors license holders to make them aware of the new provisions in the Act such as Aboriginal consultation requirements and minimizing the impact on the environment.
- We will be seeking input on the content of the program and on an appropriate delivery model.

Workbook

2. Online Map Staking

- The modernized Mining Act includes the introduction of online map staking, anticipated over the next three to five years. As Ontario moves towards introducing online staking, a “made in Ontario” approach will be guided by lessons learned in other Canadian jurisdictions to ensure that the claim staking “playing field” remains level.
- We will be seeking input on how to maintain a competitive process for acquiring claims.

Workbook

3. Exploration Plans and Permits

- Ontario's new Mining Act requires an exploration plan or an exploration permit prior to carrying out prescribed exploration activities. This graduated regulatory system for exploration activities will be designed to take into account impacts on Aboriginal and treaty rights, environmental concerns and the interests of private surface right owners.
- We will be seeking input on classifying exploration activities, establishing provisions and conditions for plans and permits and on possible processes for reviewing and processing applications.

Workbook

4. Assessment Work

- The Ministry will revise its assessment work requirements to allow Aboriginal consultation costs to qualify as assessment credit and introduce a ‘payment-in-lieu’ option for assessment work.
- We will be seeking input on how Aboriginal consultation could be assessed for work credits and how “payments-in-lieu” could be used selectively to avoid any unintentional loss of mineral tenure.

Workbook

5. Aboriginal Consultation

- The changes to the Mining Act include recognition of Aboriginal and treaty rights. Aboriginal consultation requirements will appear at various places throughout the legislation -- and in regulations.
- We will be seeking input on how consultation will be implemented throughout the mining sequence and what the roles stakeholders, government and Aboriginal communities should play.

Workbook

6. Dispute Resolution

- Ontario's Mining Act will be Canada's first mining legislation to introduce a dispute resolution process for Aboriginal-related consultation issues.
- We will be seeking input on an effective model for the dispute resolution process that will be clear, effective and efficient.

Workbook

7. Protection for Sites of Aboriginal Cultural Significance

- The Mining Act provides for the withdrawal of sites of Aboriginal cultural significance from claim staking on Crown lands to protect them from mineral activities. The Act also provides for restricting surface access on parts of existing claims where sites of Aboriginal cultural significance have been identified.
- We will be seeking input on how to identify well-defined sites of Aboriginal cultural significance.

Workbook

8. Private Surface Rights

- The new Mining Act withdraws Crown-held mining rights in southern Ontario where surface rights are privately held, while respecting existing claims and leases. In northern Ontario, private land owners may apply to have Crown mineral rights withdrawn from staking.
- We will be seeking input on considerations for withdrawing mineral rights from private lands in northern Ontario and on the process for reopening private lands for staking.

We would like to hear from you

- Please visit our booth for more information.

or,

- Visit our website for updates on the new Ontario Mining Act, including dates and locations of upcoming workshops at:

<http://www.mndm.gov.on.ca/miningact>