

**Fall Consultation Feedback**

**Area of Discussion:** Mineral Tenure

Dates and Locations that topic was presented / discussed:

Multi-Party Workshops: Thunder Bay, October 18, 2010  
 Timmins, October 26, 2010  
 Toronto, November 3, 2010

<b><i>Q: Are there other key factors that the Minister should consider when making an order under the section?</i></b>	
<b>Feedback</b>	<b>Multi-Stakeholder Sessions</b>
<ul style="list-style-type: none"> <li>• Identify species at risk</li> <li>• Mineral potential</li> <li>• Implications to surface/groundwater quality</li> <li>• Provincially significant wetlands</li> </ul>	Thunder Bay
<ul style="list-style-type: none"> <li>• I should be able to comment on the withdrawal of claims from staking similar to how people can comment on my mineral exploration permit? ( i.e. Environmental Registry for Permits)</li> <li>• Cultural significance could be a factor</li> </ul>	Timmins
<ul style="list-style-type: none"> <li>• Regulation should outline what's expected, not policy</li> </ul>	Toronto

<b><i>Q: Are there other "criteria" that the Minister should consider when considering to withdraw the mining rights to lands where there is a surface rights owner in Northern Ontario?</i></b>	
<b>Feedback</b>	<b>Multi-Stakeholder Sessions</b>
<ul style="list-style-type: none"> <li>• Compatibility of land use</li> <li>• Should there be a restriction on size of surface rights (No)</li> <li>• Consideration of land tenure in immediate surrounding area</li> <li>• Consider rehabilitation requirements prior to removing 'surface rights'</li> <li>• Resolution of 'surface rights', land claims traditional use</li> <li>• Areas of scientific interests 'wet lands'</li> </ul>	Thunder Bay
<ul style="list-style-type: none"> <li>• Sites of Aboriginal Cultural Significance may include energy vortices.</li> <li>• Need to define "ecological sensitivity"</li> <li>• Need to clarify lack of mineral potential, why mineral</li> </ul>	Timmins

potential at all?	
<ul style="list-style-type: none"> <li>• Ecologically sensitive as identified under Environment Canada ecological gifts program</li> <li>• If property was purchased with tax dollars for the purposes of environmental sensitivity</li> <li>• Where crops are grown for community or private purposes</li> <li>• Farm building</li> <li>• Industrial and commercial buildings</li> <li>• Managed woodlots where trees not reserved to Crown</li> <li>• Needs to be transition for lands in Southern Ontario protected under S.32</li> <li>• Request of the surface rights owner</li> <li>• Mineral potential</li> <li>• Lands that have already gone through the eco-gift program agreement because of a use of provision</li> <li>• These items should be included in the regulations</li> </ul>	Toronto

<b><i>Q: Are there other circumstances where the Minister should impose restrictions on the use of the surface rights, where an unpatented mining claim exists?</i></b>	
<b>Feedback</b>	<b>Multi-Stakeholder Sessions</b>
<ul style="list-style-type: none"> <li>• Consideration of buffer zone near 'identified' area</li> <li>• Restrictions based on seasonal use of land</li> <li>• Result of dialogue between Surface Rights Owners (Aboriginal) and project owner be considered prior to restriction</li> <li>• Outstanding land claims</li> </ul>	Thunder Bay
<ul style="list-style-type: none"> <li>• What about the withdrawal of surface vs. claim staking? Are there any situations whereby the land under an area removed from staking could be mined?</li> <li>• The size shouldn't matter as long as the concern for the value is valid (2ha or 2000ha).</li> <li>• Will trap-lines be considered for exemptions?</li> <li>• Are there considerations for non-Aboriginal values</li> </ul>	Timmins
<ul style="list-style-type: none"> <li>• Seen as the "poor cousin" of withdrawal of mining rights</li> </ul>	Toronto

**Q: Are there other factors the Ministry should consider when determining a fee for filing a map staked claim in Southern Ontario. Are there other factors that can help level the playing field?**

Feedback	Multi-Stakeholder Sessions
<ul style="list-style-type: none"> <li>• Base fee is refundable bond once assessment work is completed (per-unit).</li> <li>• How will it work with payment in lieu               <ul style="list-style-type: none"> <li>○ Newfoundland - \$10/ unit</li> </ul> </li> <li>• Price tied to # of claims /application               <ul style="list-style-type: none"> <li>○ Bond \$50/unit</li> </ul> </li> <li>• Bond may reduce amount of re-staking to avoid assessment work</li> <li>• What happens in Southern Ontario will be the precedent for the province</li> <li>• Shortening the time frame for 1<sup>st</sup> unit of assessment credit               <ul style="list-style-type: none"> <li>○ Industry: 2 years is appropriate amount to develop and implement 1 unit of work</li> </ul> </li> <li>• Concern: On-line map staking in advance of Land Use Planning; potential for disentanglement issues</li> <li>• Share 'baseline' case study with participants</li> </ul>	Toronto

**Q: Are there other factors that can help level the playing field:**  
 - **Limiting the number of claims that can be recorded at one time**  
 - **Size limits to a mining claim**

Feedback	Multi-Stakeholder Sessions
<ul style="list-style-type: none"> <li>• Size of unit roughly 500x500</li> <li>• Cost to contract stake a claim should be a factor (\$100)</li> <li>• \$50 is reasonable</li> <li>• Escalating fees</li> <li>• Limit the number of units 100 units</li> <li>• How do we define a claim or is just a unit?</li> </ul>	Thunder Bay

**Q: Are there other prescribed criteria that should be considered by the Minister when deciding whether to grant an exemption from Mining Land Tax which should be outlined in regulations?**

Feedback	Multi-Stakeholder Sessions
<ul style="list-style-type: none"> <li>• Exemptions</li> <li>• contrary to S.66 – opening lands</li> <li>• should limit the criteria</li> <li>• How do you define ‘significant’?</li> <li>• Does it make sense to exempt because the current owner doesn’t intend to use that land?</li> <li>• Basic problem is letting people off the hook. Just because they don’t want to pay mining taxes</li> <li>• Criteria should be very narrow so it doesn’t happen just because</li> <li>• Limitation on size</li> <li>• Heavy weight on mineral potential</li> <li>• Brownfields sites can be burdens to surface and mining rights holders – liability, hazards. – would permit other industrial activity – but should be used rarely – mineral potential and encouraging exploration should be fundamental</li> <li>• Attempts by MNDMF to recoup back taxes for many decades back, should be reason for exemption/waiver</li> <li>• Would Ontario entertain tax exempt for company’s who have agreements with First Nations &amp; Métis?</li> </ul>	Thunder Bay
<ul style="list-style-type: none"> <li>• Some consideration of who applies for the exemption (mining company v. private resident)</li> <li>• First Nations &amp; Métis should be automatically exempt</li> </ul>	Timmins

**Q: If lands have been exempted, how long before the lands are to be used for mining purposes, should the owner notify the Ministry, prior to exercising his/her intention?**

Feedback	Multi-Stakeholder Sessions
<ul style="list-style-type: none"> <li>• How do you un-exempt the lands?</li> </ul>	Thunder Bay
<ul style="list-style-type: none"> <li>• When MNDMF hold claims for people, they should have to pay back-taxes for the reinstatement of their respective claims</li> <li>• When people have property including the mineral rights, they should have a way to be exempted from their taxes.</li> <li>• Exemption date – go back into list of available lands for staking if land reverts to mining use</li> <li>• Release mineral rights back to Crown</li> </ul>	Timmins

<b>Q: In what circumstances should the Minister consider reducing or waiving Mining Lands Tax?</b>	
<b>Feedback</b>	<b>Multi-Stakeholder Sessions</b>
<ul style="list-style-type: none"> <li>Existing conservation lands owned by organizations who's mandate is to protect ecological integrity (conservation authorities, land trusts, etc.)</li> </ul>	Toronto

<b>General Comments</b>	
<b>Feedback</b>	<b>Multi-Stakeholder Sessions</b>
Re: Revenue Sharing? <ul style="list-style-type: none"> <li>Ministry of Aboriginal Affairs authority – need statement as to where it stands</li> <li>Rama issues include sharing issue</li> <li>Rama good model if money is distributed fairly</li> <li>British Columbia model is only fair to directly impacted communities. Does not work for surrounding communities.</li> <li>Provincially Significant Mineral Potential – update?</li> </ul>	Thunder Bay
Re: Map Staking - Why is the Minister being influenced by Southern Ontario? What we have there already is sufficient.	Timmins
Re: General Withdrawal of Mineral Rights - How public safety is a consideration for withdrawal of claim staking?	Timmins
Re: Map staking - Is there going to be a desire to have paperstaking in all of Ontario?	Timmins
Re: General Withdrawal of Mineral Rights- Is there going to be an application fee for plans or permits? The fee is paid for by the person requesting that the mineral rights be withdrawn correct?	Toronto
Re: General Withdrawal of Mineral Rights - Concerned that the new act and regulations don't meet the expectations of the 2007 Environmental Registry posting.	Toronto
Re: Mining Land Tax Exemption - If the landowner owns the mining rights and pays taxes, could it be considered if they were allow for the conservation easement? Will there be a tax consideration for the loss of the mineral rights if they give them up?	Toronto
Re: Mining Land Tax Exemption - If you don't want to pay tax then give up the mineral rights.	Toronto
Re: Mining Land Tax Exemption - There needs to be incentive for the lands to be directed for certain purposes.	Toronto