

Bedford Mining Alert
Fall/Winter Newsletter, 2012

Best Wishes for the holidays and for a healthy and happy 2013 from the Chair and Executive of BMA.

Content

1. **Update on Bedford mining claims**
2. **Submission to amend the *Provincial Policy Statement under the Planning Act* to protect communities from unwanted mining activities**
3. **New Regulations under the *Mining Act* November 1, 2012**
http://www.mndm.gov.on.ca/sites/mndmweb/files/new_regulations_what_you_need_to_know.pdf
4. **Report on AGM August**

1. Update on Bedford mining claims

BMA has been monitoring claim staking and the activities on active claims in Bedford for more than a decade. More than 30 claims have been maintained in turn by Graphite Mountain Inc, Cardinal Resources and recently MEGA Graphite Inc. (MGI).

Twenty seven (27) of MGI's claims were cancelled/forfeited in Bedford on October 29, 2012. As there are no orders reopening the area to staking and the claims are on privately owned land, the land should be withdrawn from staking and the making of future claims as directed in an order dated April 30, 2009. However, the Ministry is understood to believe they have discretionary power to reinstate a lapsed claim for an indefinite period of time and BMA will be monitoring the situation and be in contact with the Ministry to object to any reinstatement.

The Order provides that any alienated lands or mining rights, (with some reservations), “... **that revert to the Crown subsequent of the effective date and time of this Order, shall automatically be considered to be withdrawn by this Order.**”

The MNDM order withdrawing land in southern Ontario from prospecting, staking, sale or lease can be viewed at: <http://www.bedfordminingalert.ca/pdf/miningrtswithdrawal.pdf>

There currently remain 9 active claims in Bedford and 14 active claims in Burgess held by MGI.

In addition to the 27 claims, 3 additional claims had been staked and recorded 'in error' in 2012. (as reported below in 4. Report on AGM). **These 3 claims were cancelled/forfeited on November 7, 2012.**

2. Submission to Amend the *Provincial Policy Statement under the Planning Act*

In October 2012 representatives of BMA attended a meeting and workshop to review the *Provincial Policy Statement under the Planning Act*. This Policy Statement provides priority for mining uses over all other uses in many instances, notwithstanding what a community may wish to put in their Official Plan. In November 2012, BMA made a submission to the Ontario Ministry of Municipal Affairs and Housing (MAH) for amendments to the Policy Statement as part of the Five Year Review of the Provincial Policy Statement*.

“BMA encourages setting the highest standards possible for mining practices and accountability, a goal that recognizes both the value of other land-uses and the need for sustainability. BMA believes Ontario's legislation must promote mining practices that respect property owners, native treaty rights and land claims, the environment, and regional land-use decisions made by local bodies such as municipalities and conservation authorities. The current submission outlines amendments to the Provincial Policy Statement 2005 (PPS) recommended by the BMA. A link to the complete submission can be viewed on our website home page www.befordminingalert.ca near the bottom of the page. Part of the submission is attached for your convenience.”

"In summary, it cannot be assumed that mining is the best economic activity unless rebutted and municipalities should have the ability to choose economic directions within their boundaries. If a mining project commences in Southern Ontario, at the very least, it should be because the municipality has planned, consulted with constituents and decided to permit it. The PPS using less ambiguous and more precise language will ensure that municipalities are consulted and mining proponents are acquainted with their responsibilities. An overall trend towards integration of the public in the decision-making process leading to mining operations is commendable, for it reflects the values and the societal understanding of justice and civil participation, and it should continue."

*The *Provincial Policy Statement under the Planning Act* is the statement of the Province's policies concerning land use planning and development. It provides policy direction on matters of provincial interest such as building strong communities, the wise use and management of resources, and protecting public health and safety. The *Planning Act* requires that decisions on land use planning matters "shall be consistent with" the PPS.

3. New Regulations under the *Mining Act* November 1, 2012

Changes and new regulations reflecting changes made in the *Mining Act* of Ontario came into effect on November 1, 2012. Since 2009, BMA has participated in workshops and made submissions and comments on the development of regulations that would reflect our goals and objectives. Staff from MNDM outlined these changes at the BMA AGM in August.

An overview of sections on new regulations related to Exploration Plans, Exploration Permits, Sites of Aboriginal Cultural Significance and Mining Act Awareness Program and changes to Voluntary Rehabilitation, Claim Staking, Assessment Work Credits, Bulk Samples and Closure Plans
Can be viewed at

http://www.mndm.gov.on.ca/sites/mndmweb/files/new_regulations_what_you_need_to_know.pdf

BMA considers that gains have been made in new regulations related to:

- a) The Mining Act Awareness Program which "provides basic information on the mining sequence, staking claims, early exploration and Aboriginal consultation requirements at the various stages of the process, with an emphasis on the changes that have been made to the regulations. The program, which will be delivered on-line, will also raise awareness of the importance of considering other users of public land. Effective November 1, 2012, anyone wishing to apply or renew a prospector's licence must complete the program. By November 1, 2014, every current holder of a prospector's licence will be required to have completed the program."
- b) Exploration Plans: "In order to undertake certain early exploration activities, an exploration plan must be submitted, and any surface rights owners must be notified. Aboriginal communities potentially affected by the exploration plan activities will be notified by the Ministry of Northern Development and Mines (MNDM) and have an opportunity to provide feedback before the proposed activities can be carried out. Submission of an exploration plan is voluntary beginning November 1, 2012. Exploration plans will be mandatory as of April 1, 2013."
- c) Exploration Permits: Some early exploration activities will require an exploration permit. Those activities will only be allowed to take place once the permit has been approved by MNDM. Surface rights owners must be notified when applying for a permit. Aboriginal communities potentially affected by the exploration permit activities will be consulted and have an opportunity to provide comments and feedback before a decision is made on the permit. Submission of an application for an exploration permit is voluntary beginning November 1, 2012. Exploration permits will be mandatory as of April 1, 2013.

4. Report on AGM August

Chair Sandy Cameron welcomed an enthusiast crowd at Bedford Community Hall at Glendower. He made introductions to politicians in attendance: Councilor Greg Hallam from Tay Valley, South Frontenac

Mayor Gary Davison, Mark Tinlin, Councillor for Bedford. MP Scott Reid and MPP Randy Hillier did not accept the invitation to attend.

Guest speakers were: Paul Gorman President of MEGA Graphite Inc., Roy Denomme Senior Manager of Mining Lands Division of Ministry of Northern Development and Mines (MNDM), Jamie Fairchild, Exploration Plans and Permits Division (MNDM) and Pam Sangster, Resident Geologist (MNDM).

Mayor Gary Davidson inquired why mining claims had been staked and recorded on private land in 2012 when the lands had been withdrawn and were not open to staking. As reported in the Frontenac News, "I see on your map that my property on Canoe Lake, which consists of three lots my family purchased in 1997, has been staked," Davison said to Roy Denomme, a senior manager – Mining Lands Division, with MNDM.

"That was a mistake; there is not much more that I can say. It will be corrected. There are 4.5 million parcels of land in Southern Ontario, and sometimes claims are registered in error, but that will be corrected," Denomme replied.

"What about the property next to it?" Davison continued, "That one is owned by South Frontenac Township."

"Also an error" said Denomme, "it will also be corrected."

(As noted above, the claims were cancelled in November, 2012.)

Justin Connidis provided an update on the ongoing work that BMA has been undertaking with the Queen's University Pro Bono Law Program.

Guest speaker Paul Gorman of MEGA Graphite Inc. spoke about plans for exploration on mining claims in Bedford.

"We acquired the Bedford-Burgess properties in order to meet an agreement covenant to our customers to demonstrate that we had the supply of graphite to fulfill any contracts we may enter into," he said.

In order to prove the potential for graphite mining over the next two years, Mega-Graphite plans to send small teams of geologists, likely Queen's students, to take rock samples of 5 kg or less from surface deposits on the Bedford and Burgess deposits. Those samples will be milled and studied to see what the commercial value of the graphite is. The entire program, including testing and milling, is going to cost the company about \$500,000.

Mr. Gorman said the company would be contacting the property owners that will be affected before anyone enters their property to take samples.

MNDM presentations: Roy Denomme provided an update on the *Mining Act* Modernization Process. He said that in the fall and winter of 2012-2013, Phase 2 of *Mining Act* Modernization will be happening, including:

- Mandatory requirement of anyone applying for or renewing a prospector's licence or supervising and exploration program to have completed the "*Mining Act* Awareness Program"
- Exploration plans and permits in effect
- Dispute resolution process in effect for issues related to First Nations consultation
- New ground staked mining claims must include GPS data
- Implementation of voluntary rehabilitation of Crown Lands
- Changing process for Bulk Sample Permission, set thresholds for what is a bulk sample and exploration plans and permits will apply to extraction activity.

More can be found at www.ontario.ca/miningact

Jamie Fairchild detailed the new regulations including those related to exploration plans and permitting.

An overview can be found at

http://www.mndm.gov.on.ca/sites/mndmweb/files/new_regulations_what_you_need_to_know.pdf

Pam Sangster provide background material and resources on Ontario Geological Survey Activities.

Articles concerning the AGM appeared in the following newspapers:

Frontenac News:

http://www.frontenacnews.ca/2012/12-34_aug_30/bedford_mining_12-34.html

EMC:

<http://www.emcfrontenac.ca/20120830/news/Mining+Act+Modernization+proceeding+into+Phase+2%2C+BMA+hears>

Review Mirror: (subscription required).

Please renew your membership today if you have not already done so. There continues to be a need for constant vigilance and communication to ensure our community and its economy are protected from inappropriate mining exploration activities. Should you have any comments you would like to add, please let us know.

Send you \$10 membership renewal, or any comments, to Mary Loucks. Please provide us with your full address and e-mail address. [INSERT ADDRESS etc.]