

**Re: EBR Registry number 010-6559**

The following has been successfully received in the EBR system. The comment ID number is 122810.

Bedford Mining Alert (BMA) is a group of concerned citizens in Bedford District, South Frontenac Township, who have been working for 10 years to bring about constructive changes to the Ontario Mining Act. Many of our members are Surface Rights Only (SRO) landowners. However our reach goes far beyond our individual members and Bedford District. South Frontenac Township, local Lake Associations and Conservation Authorities have confirmed their support for our goals and objectives in reforming the Mining Act.

BMA is supportive of Bill 173, but in the context that it is an important first step and further improvement to the Bill is required in order to bring the Mining Act into harmony with today's society while maintaining a framework that supports the mineral industry's contribution to Ontario's economy. In this respect, recommendations for improvement to Bill 173 are included in this submission.

**BMA's objectives focus on three key issues:**

- A.** Issues faced by property owners who own the surface rights but not the mineral rights,
- B.** Issues around the environmental impact of prospecting, mine development and mineral extraction,
- C.** Issues around regional land-use decision making and the need for communities and municipalities to be able to determine the type of economic development they want to encourage.

Our recommendations address these issues.

**Purpose of Mining Act**

**Recommendation:**

The purpose of the Mining Act should be broadened to include assurance that prospecting, staking and exploration are undertaken;  
in a sustainable social, environmental and economical manner,  
in a manner that is consistent with the legal obligations of the Crown to Aboriginal peoples,  
only in areas where mining compliments other local economic activities.

### **Southern Ontario Withdrawal Order**

BMA agrees with the withdrawal of mining rights from prospecting, staking, sale and lease where there is a surface rights owner and the mining rights are held by the Crown. However, we see this as an initial step.

#### **Recommendation:**

The next step should be passing legislation rejoining mining and surface rights on land that is privately owned.

This will reduce conflict between private landowners and the mining industry and increase security of investment for both parties.

### **Crown Lands in Southern Ontario**

#### **Recommendation:**

Where lands are not identified as having ‘Provincially Significant Mineral Potential’ and where criteria in Official Municipal Plans warrants action, the Minister should withdraw any lands, mining rights or surface rights that are the property of the Crown from prospecting, staking, sale or lease.

This will reduce conflicts between the mining industry and municipalities and increase security of investment for both parties.

### **Crown Lands in Ontario**

Local heritage, economies and sensitive land areas should be protected.

#### **Recommendation:**

Withdraw from staking, prospecting and exploration:

UNESCO Frontenac Arch Biosphere Reserve,

UNESCO World Heritage Site, Rideau Canal/Heritage corridor,

Areas identified by Official Plans as environmentally sensitive and protected and a natural heritage,

Conservation Areas and other Environmentally Sensitive or Significant Areas.

### **Pre-existing rights and tenure**

Both the interests of the claimholder and landowner should be respected.

#### **Recommendation:**

Where there are active mining claims in southern Ontario, the Mining Act should define the terms of notification and consent for exploration plans, environmental impact studies, restoration plans and compensation to the landowner.

The contents of “Notice of Exploration”, Exploration Plans” and “Permits” included in this submission should apply to Pre-existing rights and tenure.

Landowner's should be advised of the status of the claim by the claimholder and be given one year to dispute the existing claim.

### **Notice of transfer of claim**

#### **Recommendation:**

The claim holder should deliver Notice of Transfer to SRO (Surface Rights Only) owner within 30 days of claim being transferred.

### **Application by SRO owner to open mining rights for the lands for prospecting, staking, sale and lease.**

#### **Recommendation:**

A minimum area should be established; for example, 100 hectares of land that the SRO owner requests to be opened.

In deciding whether to issue an order, the Minister should consider the mineral potential of the lands, the reasons for the request (for example, arrangements with a prospector that may or may not contravene the Mining Act by giving priority to a specific prospector) and any other criteria that may be prescribed including criteria contained in the Municipal Official Plans.

### **Notice of Exploration**

#### **Recommendation:**

Current legislation requiring "notice of intent" to perform ground exploration work should be replaced with a "proposal to explore." Agreement between the claimholder and SRO landowner should be reached prior to entry and exploration. The proposal to explore document should be delivered to the SRO land owner's address not less than 60 days in advance of the planned commencement of the proposed exploration work. People who have little knowledge of the Mining Act will require sufficient time to research the subject matter and obtain legal advice on any actions they might consider. Agreement between the claim holder and SRO landowner should be reached prior to entry and exploration.

### **Exploration Plans**

#### **Recommendation:**

The exploration plan should be broadened to include environmental impact studies and the restoration of the exploration site. The plan should be agreed to by the SRO landowner. MNM should inform the landowner of their rights and responsibilities under the Mining Act.

Plans should be reviewed by the Ministry of the Environment, Conservation Authorities and Municipalities and it must meet the requirements of these bodies.

The final plan should be approved by MNDM.

Before implementation of the plan the exploration company should be required to provide MNDM with a deposit sufficient to cover the full cost of restoration

Any material changes to the plan during implementation must be approved by the landowner, MNDM and the Ministry of Environment and be reviewed by the Municipality.

### **Permits**

#### **Recommendation:**

In deciding whether to issue an exploration permit and what terms and conditions should apply to the permit the Director of Exploration should consider the conditions described under “Exploration Plans.”

### **Dispute and Appeal Process**

The current process favours the mining industry. It should be a balanced process treating each party fairly.

#### **Recommendation:**

The Dispute and Appeal mechanism between SRO landowners and claimholders should be changed to include an independent arbitrator. The dispute and appeal process should be an arms-length process that does not involve MNDM or MNR (as is the case with the appointment of the Mining and Lands Commissioner.) Appeals should be heard by a neutral body. A dispute resolution process similar to the proposed process related to Aboriginal consultation should be developed.

### **Impact Assessment**

The purpose of the Mining Act includes “and to minimize the impact of these activities on health and safety and the environment.....” Although the Mining Act does not regulate environmental standards it should not be exempted from meeting the standards that must be met by other members of industry.

#### **Recommendation:**

The Mining Act stipulates that that the mining industry is subject to the Environmental Assessment Act.

### **Rules for Uranium**

#### **Recommendation:**

No person should prospect or explore for uranium in Eastern Ontario. Alternatively, to protect drinking water in a precautionary fashion, no person should prospect or explore for uranium in areas identified as a source of drinking water through the Clean Water Act. Another alternative, until a process is established to assess risk, no person shall prospect or explore for uranium until environmental assessment requirements are in place.