

PROVINCIAL POLICY STATEMENT

SUBMISSION

BY



CONTACT INFORMATION

BEDFORD MINING ALERT
2942 Westport Road.
Godfrey, ON K0H 1T0

November, 2012

Introduction

Bedford Mining Alert (BMA) was formed in 1999 when several families in the Bedford District of South Frontenac discovered that someone had come onto their properties, cut down trees, and staked mining claims. They learned that active mining claims had been recorded on their lands without their knowledge or consent. In many cases, property owners discovered that claims had been filed without complying with the requirements of the Mining Act and that in practice there were no adverse repercussions for the prospectors for having failed to comply and no remedy for land owners.

The membership of BMA has grown to over a hundred families, and the activities of BMA have won support from many regional, provincial and national organizations, local municipalities, conservation groups, residents' associations and others. Many members own the surface rights on their property but not the mineral rights; all of our members are concerned about claim staking, the adverse impact even a remote possibility of mining in our area has on recreational and tourism investment, the subsequent adverse impact on the local economy, and the safety and environmental dangers created by property damage, trenching and other prospecting and early exploration activities. Although improving antiquated mining policy and practices are at the heart of BMA's mandate, the concerns are interwoven with issues surrounding the natural heritage of the area.

Mining has the possibility of creating a temporary economic boom in an area, although this rarely occurs due to the large number of claims that never result in a mine. Even in the remote possibility that a commercial mine is developed, the average life of a mine is only about ten years. However, the threat of a mine under the current legislative and policy regime creates a chill on investments in recreational and tourism activities. In addition, it can cause dissent in a community, especially when community positions and aboriginal rights are given second place to mining companies. BMA encourages setting the highest standards possible for mining practices and accountability, a goal that recognizes the value and long term nature of other land-uses and the need for sustainability. BMA believes that mineral resources should be extracted using methods which are both safe and sustainable and do not have an adverse on other important economic drivers in a community, such as recreation and eco-tourism in an area such as South Frontenac County. Unless there is a pressing public interest in allowing a project to proceed (for example, national security), then development of a mineral resource should be deferred until advances in mining technology and practices allow the resource to be extracted in accordance with principles of safety and sustainability. To implement these principles, Ontario must enact legislation which promotes 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.

BMA is pleased that the Ontario government has recognized the need to modernize the Mining Act and has begun to address many of the concerns raised by BMA and many other

groups. Unfortunately, the Draft Provincial Policy Statement (Under the Planning Act) September 2012 (PPS) has not recognized the need to reform the planning status of mining activities, particularly in the more developed parts of Ontario such as Southern Ontario. This submission outlines amendments which BMA recommends be made to the PPS. The amendments relate specifically to preserving the ability of local authorities, such as the Municipality of South Frontenac, to promote the main economic drivers in their community and the preservation of the environment and heritage features that drive its recreational and tourism economic base.

In some communities mining may be the principal activity. However, for most communities in Southern and Central Ontario, tourism, recreational real estate, and related suppliers and service businesses are much more important. In addition, in Frontenac County there are two overlapping UNESCO designated sites: the Frontenac Arch Biosphere Reserve and the Heritage Rideau Canal. Implicit in this submission is the need to reconsider the current priority which the PPS gives to mining and exploration activities. BMA believes that it is essential to ensure that present and future land-use for tourism and recreational purposes is not adversely affected by potential mining activities. It is important to realize that it is the potential of these activities created by a permissive prospecting system and a priority given to mining by the PPS, and not only mining actually occurring, that acts to depress recreational and tourism investment. It is critical for the PPS to permit communities to reverse this priority where they want to encourage other economic drivers which are not compatible with mining.

All of the proposed changes are confined to Part V of the PPS, which deals with policies related to various economic activities. The proposed revised version of certain sections of the PPS is set out below. Appendix A to this submission is a copy of the proposed revisions, with the deletions and additions to the existing PPS. Since it has not become a major issue in Bedford, BMA is not addressing the issue of pits and quarries. However, BMA strongly supports the position put forth by Nature Ontario and other organizations and is opposed to the PPS's proposals concerning allowing industrial extraction of aggregates in important wetlands, woodlands and wildlife habitat, as well as prime farmland. The proposed rehabilitation will not work.

Issues

The objectives of BMA's proposed amendments to the PPS include:

- I. To ensure that local communities contribute to the discussion and decision about *prospecting, exploration* and *mining*, in particular the potential harm to other economic drivers in the local communities;
- II. To support the vision, goals, objectives and sections of the Official Plan of local communities that relate to *prospecting, exploration* and *mining*;
- III. To require that *prospecting, exploration* and *mine development* activities are subject to Official Plans and By-laws within municipalities and planning areas;
- IV. To ensure that independent agencies, such as the Conservation Authorities, are involved in monitoring the environmental impact of *prospecting, exploration* and *mining* (it must be noted that the main mandate of the Ministry of Northern Development and Mining is to promote mining so it cannot serve this function);

- V. To provide greater protection to *surface rights owners* and neighbouring property owners in the context of *prospecting, exploration* and *mining*, including remediation of *prospecting, exploration* and *mining* sites;
- VI. To ensure that concerns relating to the character of *natural heritage* and recreation areas are considered prior to proceeding with *prospecting, exploration* and *mining*;
- VII. To ensure that the entity attempting to proceed with the *prospecting, exploration* or *development* of a mineral deposit is responsible for the cost of independent monitoring and rehabilitating the affected site;
- VIII. To ensure that the entity attempting to proceed with the *exploration* or *development* of a mineral deposit pays for the cost of any review of *exploration* and *development* proposals, including third-party opinions, in the context of *mining* and *exploration*;
- IX. To provide greater protection for agricultural land, managed forests, and conservation easements;
- X. To recognize the precautionary principle according to which where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation;
- XI. To replace the current system of *notice* in the context of *exploration* and *mining* with one which requires consultation and permission;
- XII. To protect watersheds from the deleterious effects of uranium extraction and processing;
- XIII. To require a municipality's approval prior to the reopening of land by the Minister at request of the landowner; and
- XIV. To prohibit any economic activity that would be incompatible with the character of UNESCO designated sites.

Background

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.

In light of the socio-economic implications for a community created by the potential that a mine may be developed, it is imperative to reconsider the role municipalities play in the decision-making process leading to the operation of a mine. Under the current legal framework, municipal interests are subsidiary to those of the natural resources industry. However, mining should not receive automatic priority over all other economic activities, which municipalities may wish to pursue. Mining projects last relatively shortly, while the potential of a mining project may deter other economic investments in a community, particularly communities that depend upon recreational, resort and eco-tourism as major economic activities. Investors will not want to locate a resort or recreational property near a mine operation, even if the mine may only be in operation for 10 years (the typical life of a mine).

Recreation, tourism, hunting and agriculture suffer not only during the life of the mine and long after its closure, but can be materially adversely affected by the potential for a mine created by the current priority the PPS gives to mining throughout Ontario. This is particularly the case in more intensively recreationally oriented communities in the southern part of Ontario, particularly south-eastern Ontario. The Mining Act has now recognized this through its recent amendments removing SRO land in southern Ontario from staking. In the north of the province, community based land use plans are recognized as appropriate tools for governing of mining activities. BMA recommends that the PPS amendments relate specifically to preserving the ability of local authorities, such as the Municipality of South Frontenac, to promote the main economic drivers in their community. In Frontenac County, tourism, recreational real estate, and related suppliers and service businesses are more important than mining development. In addition, in Frontenac County there are two overlapping UNESCO designated sites: the Frontenac Arch Biosphere Reserve and the Heritage Rideau Canal. Critical to this submission is the need to reconsider and reverse the current priority which the PPS gives to mining and exploration activities. BMA believes that it is essential to ensure that present and future land-use for tourism and recreational purposes is not adversely affected by potential mining activities and that prospecting, exploration and mining activities only be permitted where it is established that the activity will not adversely affect other economic activities being promoted by the community or environmental and heritage features that have been identified as to be preserved.

Amendments to the Mining Act in 2009 reflect that other interests in addition to mining should be considered. A primary example of amendments respecting other interests is the withdrawal from staking, sale or lease of all privately owned land in southern Ontario. Other Crown lands in southern Ontario that are not privately owned and open to staking would be subject to legislation under Public Lands Act prior to a change in the land use and would not affect the PPS and its direction to municipalities. Furthermore, in the *Mining Act*, once in force, s 30(g) will prohibit staking a mining claim on land in the Far North if the community has a land use plan inconsistent with mining. Similarly, the PPS should be amended so that in Southern Ontario, if mining exploration is inconsistent with the land use plan of a municipality, it shall be prohibited. The “land use plan” approach would reconcile potential conflicts between the involved stakeholders and would promote the establishment of an ambience within the mining context where parties share equivalent bargaining power with the municipality. The PPS needs to parallel the legislative trend of accommodating concerns of the communities affected by mining projects.

In order not to be misunderstood and misapplied, the PPS should be coherent, unambiguous and precise. The BMA submits that the PPS should employ a stronger language in giving the municipality the right to choose its economic activities. In s.1.2.1 of the PPS as it is formulated, discretion is granted with respect to the consultation and approval of municipalities with planning matters. We propose that in order for s. 1.2.1 to serve its purpose, *shall* replaces *should*. The change would ensure that municipalities will be consulted and approval will be sought in planning matters within their boundaries. Furthermore, the current s. 2.4.2.2 of the PPS does not specifically indicate who has the onus to show that either a) the resource use is not feasible, b) that the non-mining activity serves a greater long term public interest, or c) issues of public health, public safety and environmental impact are addressed. Since, the PPS needs to clearly stipulate the responsibilities of the stakeholders, BMA proposes that s 2.4.2.2 be amended to reflect the fact that the mining company, as the party that seeks to exploit the resource base, should demonstrate that mining is feasible and is in public interest or that mining is within the local authority’s determination of permitted

activities and that issues of impact on health, safety and the environment have been addressed to the satisfaction of the municipality and other independent authorities.

BMA's position on the PPS review process is to maintain the five year review timeline. This reflects the trend towards integration of the affected parties in the decision-making process and an opportunity of the stakeholders to provide their input to the provincial government. In that regard, the extension of the current five-year review period would be a step backwards. The policy review process constitutes the chief occasion for the various stakeholders to be consulted. Extending the review period will decelerate the legislation's momentum in integrating the public into the consultation process. Extending the period between consultations deprives the provincial government from the opportunity to react rapidly to any challenges or issues arising from the interaction between local communities and mining proponents. Consultations will not be as meaningful if the review period is extended. The reality is that a five year review period means the PPS itself is only amended every eight years or so, due to the needed consultation. Any longer would be too long for something as dynamic as the PPS. Review should, therefore, continue to occur every five years.

In summary, it cannot be assumed that mining is the ultimate economic activity 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 a less ambiguous and more precise language will ensure that municipalities are consulted and mining proponents are acquainted with their responsibilities. The current five-year review period should remain in place in order to provide timely consultations. 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.

Proposed Amendments

1.2 Coordination

1.2.1 A coordinated, integrated and comprehensive approach, which includes consulting with and obtaining the approval of the local bodies such as municipalities and conservation authorities, shall be used when dealing with planning matters within municipalities, or which cross lower, single and/or upper-tier municipal boundaries, including:

- a. managing and/or promoting growth and *development*;
- b. economic development strategies;
- c. the sustainable management of natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources;
- d. infrastructure, multi-modal transportation system, public service facilities and waste management systems;
- e. ecosystem, shoreline, watershed, and Great Lakes related issues;
- f. natural and human-made hazards;
- g. population, housing and employment projections, based on *regional market areas*.
- h. addressing housing needs in accordance with the provincial policy statement such as the Ontario Housing Policy Statement

1.2.2 Planning authorities shall coordinate planning matters with Aboriginal communities.

1.2.3 Planning authorities shall coordinate emergency management and other economic, environmental, and social planning considerations to support efficient and resilient communities.

1.2.6 Land Use Compatibility

1.2.6.1 Major facilities and sensitive land uses shall be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities.

1.3 Employment

1.3.1 Planning authorities shall promote economic development and competitiveness by:

- a. providing for an appropriate mix and range of employment (including commercial and institutional uses to meet long term needs;
- b. providing opportunities for a diversified base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account their needs of existing and future businesses, as well as the interest of local communities;
- c. encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities; and
- d. ensuring the necessary infrastructure is provided to support the current and protected needs.

1.3.2 Employment Areas

1.3.2.2 Planning authorities may permit conversion of lands within employment areas to non-employment uses through a comprehensive review and consultation with the local community, only where it has been demonstrated by the business entity that the land is not required for employment purposes over the long term and that there is a need for the conversion.

1.5 Public Spaces, Recreation, Parks, Trails and Open Space

1.5.1 Healthy, active communities shall be promoted by:

- a. planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, and facilitate pedestrians, foster social integration and facilitate active transportation and community connectivity;
- b. planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources;
- c. providing opportunities for public access to shorelines; and
- d. recognizing provincial parks, conservation reserves, and other protected areas, and ensuring planning decisions do not have an adverse impact upon them. Whenever

possible, positive impact upon provincial parks, conservation reserves and conservation areas and, whenever possible shall be fostered.

1.7 Long-Term Economic Prosperity

1.7.1 Long-term economic prosperity shall be supported by:

- a. promoting opportunities for sustainable economic development
- b. optimizing the long-term availability and use of land, resources, infrastructure, and public service facilities;
- c. maintaining and, where possible enhancing the vitality and viability of downtowns and mainstreets;
- d. encouraging a sense of place, through built form, cultural planning and promoting features that help define character, such as cultural heritage resources;
- e. ensuring the remediation and the redevelopment of brownfield sites;
- f. providing for an efficient, cost-effective, reliable multi-modal transportation system that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs to support the movement of goods and people;
- g. promoting opportunities for sustainable tourism and recreation development and the provision of related services;
- h. providing opportunities to support local food, and promoting the sustainability of agri-food and agri-product businesses by protecting agricultural resources, and minimizing land use conflicts;
- i. Promoting energy conservation and providing opportunities for development of energy supply, including the use of renewable energy systems;
- j. minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature; and
- k. encouraging efficient and coordinated communications and telecommunications infrastructure;

2. Wise Use and Management of Resources

2.1 Natural Heritage

2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, shall be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

2.1.3 Natural heritage systems shall be identified in Ecoregions 5E, 6E and 7E, recognizing that considerations in planning for natural heritage systems in settlement areas, rural areas, and prime agricultural areas may vary.

2.1.4 Development and site alteration shall not be permitted in:

- a. significant habitat of endangered species and threatened species
- b. significant wetlands in Ecoregions 5E, 6E and 7E and
- c. significant coastal wetlands

2.1.5 Mining development and site alteration relating to mineral exploration shall not be permitted in:

- a. significant wetlands in the Canadian Shield north of Ecoregions 5E, 6E and 7E1;
- b. significant woodlands in Ecoregions 6E and 7E (excluding islands in lake Huron and the St. Marys River);
- c. significant valleylands in Ecoregions 6E and 7E (excluding islands in lake Huron and the St. Marys River);
- d. significant wildlife habitat;
- e. significant areas of natural and scientific interest; and
- f. coastal wetlands in Ecoregions 5E, 6E and 7E that are not subject to policy 2.1.4(b); and
- g. significant areas of resource-based recreation and tourism [this is proposed to be a new provincial designation, as defined below, to be granted to areas within a municipality determined by that municipality.

unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions or the economic activities such as recreational and tourism activities, as defined by the local municipalities.

2.4 Minerals and Petroleum

2.4.2 Protection of the Environment, Recreational Real Estate and Long-Term Resource Supply

2.4.2.1 Mineral mining operations and petroleum resource operations shall be identified and development and activities shall preclude the use of the land in question for any mineral mining operations or petroleum resource operations unless it is shown that the land in question would, if used for the mineral mining operations or petroleum resource operations, provide a public benefit on a sustainable basis in excess of the benefit provided by the development or activities existing, occurring or proposed to be permitted on such lands by the relevant municipal authority prior to the proposed mineral mining operations or petroleum resource operations. No activity shall be permitted or shall continue to be permitted if it is shown that such activity is incompatible with the community land-use plan determined by the relevant municipal authority.

2.4.2.2 Known mineral deposits, known petroleum resources and significant areas of mineral potential shall be identified and development and activities in these resources or on adjacent lands which would preclude or hinder the establishment of new operations or access to the resources shall be permitted unless it is established that:

- a. the proposed resource use is in the public interest, would be of greater benefit on a sustainable basis than the existing or proposed alternative use or uses, and
- b. is consistent with the local authority's determination of activities to be permitted within its boundaries.

2.4.2.3

It is recognized that a mineral deposit or petroleum resource that is left in situ remains available to be of benefit to the province and the community at a future time when technological or other developments permit its exploitation without having an adverse effect upon alternative sustainable uses. Accordingly, it is only when there is an overriding public interest in permitting the development of a mineral deposit or petroleum resource and that such may occur without adversely affecting public health, public safety and the environment, that such development should be permitted.

2.4.3 Rehabilitation

2.4.3.1 Rehabilitation to accommodate pre-existing and subsequent land uses shall be required after prospecting, exploration or extraction and other related activities, as the case may be, are not continuing. Progressive rehabilitation should be undertaken wherever feasible.

2.4.3.2 Rehabilitation to allow for a return to pre-existing land uses shall be required after exploration activities have ceased. Progressive rehabilitation should be undertaken wherever feasible.

2.4.3.3 Before a particular prospecting, exploration, extraction or related activity is permitted, adequate funds or bonding to ensure that adequate funds will be available for full rehabilitation shall be provided by the proponent of such prospecting, exploration, extraction or related activity be held in trust for such purpose by the appropriate local and provincial authorities.

2.4.3.4 The prospecting, exploration, extraction or related activity shall be permitted only after the municipal authority is satisfied that there are adequate funds for rehabilitation and for progressive rehabilitation wherever feasible.

2.4.4 Extraction in Prime Agricultural Areas

2.4.4.1 Extraction of *mineral and petroleum resources* generally should not be permitted in *prime agricultural areas*, and should only be considered for being permitted if the following conditions are all satisfied:

- a) such activity is consistent with a determination by the local authority of activities to be permitted within its boundaries;
- b) adequate provision is made to minimize any adverse effect on *prime agricultural activities*;
- c) the site is rehabilitated as close as possible to prior agricultural use;
- d) adequate funds or bonding to ensure that adequate funds will be available for full rehabilitation shall be provided by the proponent of such exploration, extraction or related activity to be held in trust for such purpose by the appropriate local and provincial authorities; and
- e) the municipal authority is satisfied that there are adequate funds for rehabilitation and for progressive rehabilitation wherever feasible.

2.4.5 Exploration

2.4.5.1 A coordinated, integrated and enforceable approach shall be used with local authorities when dealing with prospectors who apply to have a mining claim recorded on lands within a municipality's jurisdiction to ensure that such proposed mining activity is consistent with the local authority's permitted activities.

2.4.5.2 Mineral and petroleum exploration shall be permitted only after an exploration plan or permit has been:

- a. approved by the municipal authorities after consultations with the conservation authorities, affected surface rights owners and adjacent surface rights owners;

and

- b. notice has been given to property owners of properties located within 2,000 meters of the boundaries of any exploration site.

2.4.5.3 Mineral and petroleum exploration shall only be permitted after an exploration plan has been filed and approved by the Minister of Northern Development and Mines or a permit has been issued by the Ministry of Northern Development and Mines.

2.4.5.4 Exploration plans are binding on the proponent and may only be varied by the Minister of Northern Development and Mines after consultation with the local authorities.

2.5 Mineral Aggregate Resources

2.5.3 Rehabilitation

2.5.3.3 Comprehensive rehabilitation planning is required where there is a concentration of mineral aggregate operations.

2.5.3.4 In parts of the Province not designated under the Aggregate Resources Act, rehabilitation standards that are compatible with those under the Act shall be adopted for extraction operations on private lands.

2.6 Cultural Heritage and Archaeology

2.6.4 Planning authorities shall consider and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources.

2.6.5 Planning authorities shall consider the interests of Aboriginal communities in conserving cultural heritage and archaeological resources.

3.2 Human-Made Hazards

3.2.1 Development on, abutting or adjacent to lands affected by *mine hazards; oil, gas and salt hazards; or former mineral mining operations, mineral aggregate operations, petroleum resource operations or any exploration activities*, may be permitted only if rehabilitation measures to address and mitigate known or suspected hazards are under-way or have been completed.

3.2.2 It is the responsibility of the person who created such hazards to fund such mitigation measures. The municipal authority must be satisfied that the person who created the hazard is funding sufficient mitigation measures.

3.2.3 Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no *adverse effects*.

Definitions

Development: means

the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the Planning Act, but does not include:

- a. activities that create or maintain infrastructure authorized under an environmental assessment process;
- b. works subject to the Drainage Act; or
- c. for the purposes of policy 2.1.4 (b), underground or surface mining of minerals or advanced exploration on mining lands in significant areas of mineral potential in Ecoregion 5E, where advanced exploration has the same meaning as under the Mining Act. Instead, those matters shall be subject to policy 2.1.5(a).
- d. for the purposes of policy 2.1.5 (g) works and activities that would enhance the recreational potential of the area.

Exploration: means

all activities related to searching for minerals within the meaning of the Mining Act and associated regulations.

Exploration plan: means

an exploration plan within the meaning of the Mining Act and the associated regulations.

Exploration permit: means

a permit within the meaning of the Mining Act and the associated regulations

Natural heritage features and areas: means

features and areas, including significant wetlands, UNESCO-designated areas, significant coastal wetlands, fish habitat, significant woodlands south and east of the Canadian Shield, significant valleylands south and east of the Canadian Shield, significant habitat of endangered species and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

Negative impacts: means

b) in regard to policy 2.2, degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrological functions, due to single, multiple or successive development or site alteration activities, including exploration activities.

Notice:

for the purposes of policy 2.4.5.2, notice means written notice, no less than 30 days prior to the commencement of any exploration activities.

Proponent: means

any entity which seeks to extract or explore for “minerals or petroleum” – as defined in the Mining Act.

Prospecting: means

the investigating of, or searching for, minerals.

Resource-Based Recreation and tourism: means

recreation based on the enjoyment of the natural resources of an area without causing irreparable damage to the resource.

Significant: means

- a. in regard to wetlands, coastal wetlands and areas of natural and scientific interest, an area identified as provincially significant by the Ontario Ministry of Natural Resources using evaluation procedures established by the Province, as amended from time to time;
- b. in regard to the habitat of endangered species and threatened species, means the habitat, as approved by the Ontario Ministry of Natural Resources, that is necessary for the maintenance, survival, and/or the recovery of naturally occurring or reintroduced populations of endangered species or threatened species, and where those areas of occurrence are occupied or habitually occupied by the species during all or any part(s) of its life cycle;
- c. in regard to woodlands, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history;
- d. in regard to other features and areas in policy 2.1, ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or natural heritage system;
- e. in regard to mineral potential, means an area identified as provincially significant through comprehensive studies prepared using evaluation procedures established by the Province, as amended from time to time, such as the Provincially Significant Mineral Potential Index;
- f. in regard to potential for petroleum resources, means an area identified as provincially significant through comprehensive studies prepared using evaluation procedures established by the Province, as amended from time to time; and
- g. in regard to cultural heritage and archaeology, resources that are valued for the important contribution they make to our understanding of the history of a place, an event, or a people.
- h. in regard to resource-based recreation and tourism, resources that are used and valued for the recreational and tourism benefits that they provide to the community above other uses, as identified by the Municipality following consultations with Province, the local community and other users of the resource.

Note: Criteria for determining significance for the resources identified in sections (c)-(h) are recommended by the Province. Municipal approaches that achieve or exceed the same objective may also be used.

Site alteration: means

activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.

For the purposes of policy 2.1.5(g) site alteration includes all activities within the Mining Act to prepare the ground or carry out activities exploring for minerals.

For the purposes of policy 2.1.4(b), site alteration does not include underground or surface mining of minerals or advanced exploration on mining lands in significant areas of mineral potential in Ecoregion 5E, where advanced exploration has the same meaning as in the Mining Act. Instead, those matters shall be subject to policy 2.1.5(a).

Surface rights owner: means
surface rights owner as defined by the Mining Act.

Sustainable management: means
the maintenance of the resources to meet the current and future ecological, social and economic needs of the community

APPENDIX A

This appendix highlights the changes made to the current Provincial Policy Statement (2005). Deletions are shown by strikethrough font, and underlining shows any additions.

1.2 Coordination

1.2.1 A coordinated, integrated and comprehensive approach, which includes consulting with and obtaining the approval of the local bodies such as municipalities and conservation authorities, shall be used when dealing with planning matters within municipalities, or which cross lower, single and/or upper-tier municipal boundaries, including:

- a. managing and/or promoting growth and *development*;
- b. economic development strategies;
- c. the sustainable management of natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources;
- d. infrastructure, multi-modal transportation system, public service facilities and waste management systems;
- e. ecosystem, shoreline, watershed, and Great Lakes related issues;
- f. natural and human-made hazards;
- g. population, housing and employment projections, based on *regional market areas*.
- h. addressing housing needs in accordance with the provincial policy statement such as the Ontario Housing Policy Statement

1.2.2 Planning authorities shall coordinate planning matters with Aboriginal communities.

1.2.3 Planning authorities shall coordinate emergency management and other economic, environmental, and social planning considerations to support efficient and resilient communities.

1.2.6 Land Use Compatibility

1.2.6.1 Major facilities and sensitive land uses shall be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities.

1.3 Employment

1.3.1 Planning authorities shall promote economic development and competitiveness by:

- a. providing for an appropriate mix and range of employment (including commercial and institutional uses to meet long term needs);
- b. providing opportunities for a diversified base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic

activities and ancillary uses, and take into account the needs of existing and future businesses, as well as **the interest of local communities**;

- c. encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities; and
- d. ensuring the necessary infrastructure is provided to support the current and protected needs.

1.3.2 Employment Areas

1.3.2.2 Planning authorities may permit conversion of lands within employment areas to non-employment uses through a comprehensive review and **consultation with the local community**, only where it has been demonstrated **by the business entity** that the land is not required for employment purposes over the long term and that there is a need for the conversion.

1.5 Public Spaces, Recreation, Parks, Trails and Open Space

1.5.1 Healthy, active communities **shall** be promoted by:

- a. planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, and facilitate pedestrians, foster social integration and facilitate active transportation and community connectivity;
- b. planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources;
- c. providing opportunities for public access to shorelines; and
- d. recognizing provincial parks, conservation reserves, and other protected areas, and **minimizing negative impacts on these areas ensuring planning decisions do not have an adverse impact upon them. Whenever possible, positive impact upon provincial parks, conservation reserves and conservation areas and, whenever possible shall be fostered.**

1.7 Long-Term Economic Prosperity

1.7.1 Long-term economic prosperity shall be supported by:

- a. promoting opportunities for **sustainable** economic development
- b. optimizing the long-term availability and use of land, resources, infrastructure, and public service facilities;
- c. maintaining and, where possible enhancing the vitality and viability of downtowns and mainstreets;
- d. encouraging a sense of place, through built form, cultural planning and promoting features that help define character, such as cultural heritage resources;
- e. **ensuring the remediation and** the redevelopment of brownfield sites;
- f. providing for an efficient, cost-effective, reliable multi-modal transportation system that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs to support the movement of goods and people;
- g. **promoting** opportunities for sustainable **tourism and recreation** development **and the provision of related services**;
- h. providing opportunities to support local food, and promoting the sustainability of agri-food and agri-product businesses by protecting agricultural resources, and minimizing land use conflicts;

- i. Promoting energy conservation and providing opportunities for development of energy supply, including the use of renewable energy systems;
- j. minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature; and
- k. encouraging efficient and coordinated communications and telecommunications infrastructure;

2. Wise Use and Management of Resources

2.1 Natural Heritage

2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, shall be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

2.1.3 Natural heritage systems shall be identified in Ecoregions 5E, 6E and 7E, recognizing that considerations in planning for natural heritage systems in settlement areas, rural areas, and prime agricultural areas may vary.

2.1.4 Development and site alteration shall not be permitted in:

- a. significant habitat of endangered species and threatened species
- b. significant wetlands in Ecoregions 5E, 6E and 7E and
- c. significant coastal wetlands

2.1.5 Mining development and site alteration relating to mineral exploration shall not be permitted in:

- a. significant wetlands in the Canadian Shield north of Ecoregions 5E, 6E and 7E1;
- b. significant woodlands in Ecoregions 6E and 7E (excluding islands in lake Huron and the St. Marys River);
- c. significant valleylands in Ecoregions 6E and 7E (excluding islands in lake Huron and the St. Marys River);
- d. significant wildlife habitat;
- e. significant areas of natural and scientific interest; and
- f. coastal wetlands in Ecoregions 5E, 6E and 7E that are not subject to policy 2.1.4(b); and
- g. significant areas of resource-based recreation and tourism [this is proposed to be a new provincial designation, as defined below, to be granted to areas within a municipality determined by that municipality.]

unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions or the economic activities such as recreational and tourism activities, as defined by the local municipalities.

2.4 Minerals and Petroleum

2.4.2 Protection of the Environment, Recreational Real Estate and Long-Term Resource Supply

2.4.2.1 Mineral mining operations and petroleum resource operations shall be identified and development and activities shall preclude the use of the land in question for any mineral mining operations or petroleum resource operations unless it is shown that the land in question would, if used for the mineral mining operations or petroleum resource operations, provide a public benefit on a sustainable basis in excess of the benefit provided by the development or activities existing, occurring or proposed to be permitted on such lands by the relevant municipal authority prior to the proposed mineral mining operations or petroleum resource operations. No activity shall be permitted or shall continue to be permitted if it is shown that such activity is incompatible with the community land-use plan determined by the relevant municipal authority.

2.4.2.2 Known mineral deposits, known petroleum resources and significant areas of mineral potential shall be identified and development and activities in these resources or on adjacent lands which would preclude or hinder the establishment of new operations or access to the resources shall be permitted unless it is established that:

- a. the proposed resource use is in the public interest, would be of greater benefit on a sustainable basis than the existing or proposed alternative use or uses, and
- b. is consistent with the local authority's determination of activities to be permitted within its boundaries.

2.4.2.3

It is recognized that a mineral deposit or petroleum resource that is left in situ remains available to be of benefit to the province and the community at a future time when technological or other developments permit its exploitation without having an adverse effect upon alternative sustainable uses. Accordingly, it is only when there is an overriding public interest in permitting the development of a mineral deposit or petroleum resource and that such may occur without adversely affecting public health, public safety and the environment, that such development should be permitted.

2.4.3 Rehabilitation

2.4.3.1 Rehabilitation to accommodate pre-existing and subsequent land uses shall be required after prospecting, exploration or extraction and other related activities, as the case may be, are not continuing. Progressive rehabilitation should be undertaken wherever feasible.

2.4.3.2 Rehabilitation to allow for a return to pre-existing land uses shall be required after exploration activities have ceased. Progressive rehabilitation should be undertaken wherever feasible.

2.4.3.3 Before a particular prospecting, exploration, extraction or related activity is permitted, adequate funds or bonding to ensure that adequate funds will be available for full rehabilitation shall be provided by the proponent of such prospecting, exploration, extraction or related activity be held in trust for such purpose by the appropriate local and provincial authorities.

2.4.3.4 The prospecting, exploration, extraction or related activity shall be permitted only after the municipal authority is satisfied that there are adequate funds for rehabilitation and for progressive rehabilitation wherever feasible.

2.4.4 Extraction in Prime Agricultural Areas

2.4.4.1 Extraction of *mineral and petroleum resources* ~~generally should not~~ is permitted in *prime agricultural areas*, ~~and should only be considered for being permitted if the following conditions are all satisfied: the site is rehabilitated:~~

- a. ~~such activity is consistent with a determination by the local authority of activities to be permitted within its boundaries;~~
- b. ~~adequate provision is made to minimize any adverse effect on *prime agricultural activities*;~~
- c. ~~the site is rehabilitated as close as possible to prior agricultural use;~~
- d. ~~adequate funds or bonding to ensure that adequate funds will be available for full rehabilitation shall be provided by the proponent of such exploration, extraction or related activity to be held in trust for such purpose by the appropriate local and provincial authorities; and~~
- e. ~~the municipal authority is satisfied that there are adequate funds for rehabilitation and for progressive rehabilitation wherever feasible.~~

2.4.5 Exploration

2.4.5.1 ~~A coordinated, integrated and enforceable approach shall be used with local authorities when dealing with prospectors who apply to have a mining claim recorded on lands within a municipality's jurisdiction to ensure that such proposed mining activity is consistent with the local authority's permitted activities.~~

2.4.5.2 ~~Mineral and petroleum exploration shall be permitted only after an exploration plan or permit has been:~~

- a. ~~approved by the municipal authorities after consultations with the conservation authorities, affected surface rights owners and adjacent surface rights owners; and~~
- b. ~~notice has been given to property owners of properties located within 2,000 meters of the boundaries of any exploration site.~~

2.4.5.3 ~~Mineral and petroleum exploration shall only be permitted after an exploration plan has been filed and approved by the Minister of Northern Development and Mines or a permit has been issued by the Ministry of Northern Development and Mines.~~

2.4.5.4 ~~Exploration plans are binding on the proponent and may only be varied by the Minister of Northern Development and Mines after consultation with the local authorities.~~

2.5 Mineral Aggregate Resources

2.5.3 Rehabilitation

2.5.3.3 Comprehensive rehabilitation planning is ~~encouraged~~ required where there is a concentration of mineral aggregate operations.

2.5.3.4 In parts of the Province not designated under the Aggregate Resources Act, rehabilitation standards that are compatible with those under the Act **should shall** be adopted for extraction operations on private lands.

2.6 Cultural Heritage and Archaeology

2.6.4 Planning authorities **should shall** consider and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources.

2.6.5 Planning authorities **should shall** consider the interests of Aboriginal communities in conserving cultural heritage and archaeological resources.

3.2 Human-Made Hazards

3.2.1 Development on, abutting or adjacent to lands affected by *mine hazards; oil, gas and salt hazards*; or former *mineral mining operations, mineral aggregate operations,* ~~or~~ petroleum resource operations **or any exploration activities**, may be permitted only if rehabilitation measures to address and mitigate known or suspected hazards are under-way or have been completed.

3.2.2 It is the responsibility of the person who created such hazards to fund such mitigation measures. The municipal authority must be satisfied that the person who created the hazard is funding sufficient mitigation measures.

3.2.3 Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.

DEFINITIONS

Development: means

the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the Planning Act, but does not include:

- a. activities that create or maintain infrastructure authorized under an environmental assessment process;
- b. works subject to the Drainage Act; or
- c. for the purposes of policy ~~2.1.4 (a)~~ 2.1.4 (b), underground or surface mining of minerals or advanced exploration on mining lands in significant areas of mineral potential in Ecoregion 5E, where advanced exploration has the same meaning as under the Mining Act. Instead, those matters shall be subject to policy 2.1.5(a).
- d. **for the purposes of policy 2.1.5 (g) works and activities that would enhance the recreational potential of the area.**

Exploration: means

all activities related to searching for minerals within the meaning of the Mining Act and associated regulations.

Exploration plan: means

an exploration plan within the meaning of the Mining Act and the associated regulations.

Exploration permit: means

a permit within the meaning of the Mining Act and the associated regulations

Natural heritage features and areas: means

features and areas, including significant wetlands, UNESCO-designated areas, significant coastal wetlands, fish habitat, significant woodlands south and east of the Canadian Shield, significant valleylands south and east of the Canadian Shield, significant habitat of endangered species and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

Negative impacts: means

b) in regard to policy 2.2, degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrological functions, due to single, multiple or successive development or site alteration activities, including exploration activities

Notice:

for the purposes of policy 2.4.5.2, notice means written notice, no less than 30 days prior to the commencement of any exploration activities.

Proponent: means

any entity which seeks to extract or explore for “minerals or petroleum” – as defined in the Mining Act – excluding sand, gravel, peat.

Prospecting: means

the investigating of, or searching for, minerals.

Resource-Based Recreation and tourism: means

recreation based on the enjoyment of the natural resources of an area without causing irreparable damage to the resource.

Significant: means

- a. in regard to wetlands, coastal wetlands and areas of natural and scientific interest, an area identified as provincially significant by the Ontario Ministry of Natural Resources using evaluation procedures established by the Province, as amended from time to time;
- b. in regard to the habitat of endangered species and threatened species, means the habitat, as approved by the Ontario Ministry of Natural Resources, that is necessary for the maintenance, survival, and/or the recovery of naturally occurring or reintroduced populations of endangered species or threatened species, and where those areas of occurrence are occupied or habitually occupied by the species during all or any part(s) of its life cycle;
- c. in regard to woodlands, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due

to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history; These are to be identified using criteria established by the Ontario Ministry of Natural Resources.

- d. in regard to other features and areas in policy 2.1, ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or natural heritage system;
- e. in regard to mineral potential, means an area identified as provincially significant through comprehensive studies prepared using evaluation procedures established by the Province, as amended from time to time, such as the Provincially Significant Mineral Potential Index;
- f. in regard to potential for petroleum resources, means an area identified as provincially significant through comprehensive studies prepared using evaluation procedures established by the Province, as amended from time to time; and
- g. in regard to cultural heritage and archaeology, resources that are valued for the important contribution they make to our understanding of the history of a place, an event, or a people.
- h. in regard to resource-based recreation and tourism, resources that are used and valued for the recreational and tourism benefits that they provide to the community above other uses, as identified by the Municipality following consultations with Province, the local community and other users of the resource.

Note: Criteria for determining significance for the resources identified in sections (c)-(h) are recommended by the Province. Municipal approaches that achieve or exceed the same objective may also be used.

Site alteration: means

activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.

For the purposes of policy 2.1.5(g) site alteration includes all activities within the Mining Act to prepare the ground or carry out activities exploring for minerals.

For the purposes of policy 2.1.4(b), site alteration does not include underground or surface mining of minerals or advanced exploration on mining lands in significant areas of mineral potential in Ecoregion 5E, where advanced exploration has the same meaning as in the Mining Act. Instead, those matters shall be subject to policy 2.1.5(a).

Surface rights owner: means

surface rights owner as defined by the Mining Act:

Sustainable management: means

the maintenance of the resources to meet the current and future ecological, social and economic needs of the community