



BMA's comments to the EBR focused on three key issues:

A. Issues faced by property owners who own the surface rights but not the mineral rights

On the issues faced by property owners who own the surface rights but not the mineral rights, BMA recommends rejoining surface and mineral rights on Surface Rights Only (SRO) properties in Southern Ontario. This option will reduce conflict between private landowners and the mining industry while increasing security of investment for the mining industry and private landowners and achieve Premier McGuinty's stated goal of July, 14, 2008 "...to be more respectful of private land owners....."

In the current situation with its inherent conflict between the Crown and prospectors and potential claim holders and SRO landowners there is little investment security for the mining industry and for landowners. This is particularly true in Southern Ontario where only 1.4% of the land is SRO and the land is used for agriculture, residential, recreation and tourism and where these uses are the key drivers of the local economy.

Process for rejoining

Under section 35 MA, immediately withdraw lands that are identified as SRO and where there are no active mining claims or leases.

Pass legislation rejoining mining and surface rights that are privately owned in Southern Ontario.

Where there are active mining claims in southern Ontario, define the terms of notification and consent that includes exploration, environmental impact and restoration plans and compensation to the landowner.

Legislation should limit the duration that existing claims can be held to five years.

Adopt legislation requiring a signed agreement between the landowner and the claimholder prior to any exploration work beginning or continuing on all SRO lands with active mining claims.

B. Issues around the environmental impact of prospecting, mine development and mineral extraction.

BMA recommended the promotion of environmentally sound exploration and mining practices and outlined several suggestions.

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.

BMA agrees with the Environmental Commissioner of Ontario that questions of whether or not mineral development may be appropriate must be answered up front. Changing current government policies that put mining over other land use in terms of economic value and regulated protection of land and water is necessary. The impact and cost benefit analysis must be completed and reviewed by stakeholders prior to giving rights or permits to explore and to mining.

BMA recommended that that no industry, including mining, be exempt from the regulations and by-laws emanating from Municipal Official Plans;

Note: BMA position is that there should be a requirement that every prospector undergo training, examination and certification by MNDM before a Prospectors' license is issued or renewed. Every prospector should also be required to maintain minimum (\$2,000,000) of public liability insurance and meet bonding requirements.