

Ontario's Modernized Mining Act

New Regulations: What you need to know

Beginning November 1, 2012, new rules under Ontario's Mining Act will take effect. These changes reflect key components of the modernized Mining Act that was passed in 2009 to promote mineral exploration and development in a manner that recognizes Aboriginal and treaty rights, is more respectful of private landowners and minimizes the impact of mineral exploration and development on the environment.

These new rules and tools will help provide clarity and certainty to industry, ensure ongoing engagement by industry with affected Aboriginal communities and help build positive relationships with surface rights owners. The changes identified below will be fully implemented by April 1, 2013.

What's New:

- **Mining Act Awareness Program:** The program 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.
- **Sites of Aboriginal Cultural Significance:** Effective November 1, 2012, Aboriginal communities will be able to apply to have sites of Aboriginal cultural significance withdrawn so mining claims cannot be staked.
- **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.

- **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.

What's Changed:

- **Voluntary Rehabilitation:** Effective November 1, 2012, provisions will be implemented to allow individuals or companies to apply to voluntarily rehabilitate an existing mine hazard that they did not create on Crown-held land, and without becoming liable for pre-existing environmental issues on the site.
- **Claim-staking:** Effective November 1, 2012, if you ground stake a mining claim, you must include Global Positioning System (GPS) georeferencing data on the application to record the claim. MNDM will provide a set of standards to follow. This requirement will only apply to ground staked mining claims on lands that are unsurveyed (not surveyed into lots and concessions).
- **Assessment Work Credits:** Effective November 1, 2012, changes to the assessment work regulation will make Aboriginal consultation costs and the cost of providing GPS data for existing claims eligible for assessment credit. Monetary payments in lieu of assessment work will be accepted under certain conditions.
- **Bulk Samples:** Effective November 1, 2012, the process for obtaining permission to test mineral content has changed and thresholds have been set for the amount of material that will be considered a bulk sample. Both a bulk sample permit and an exploration permit will be required to extract a sample and test mineral content on a mining claim.
- **Closure Plans:** Effective November 1, 2012, the rules for Aboriginal consultation will be formalized. Aboriginal consultation is required prior to the submission of a certified closure plan or closure plan amendment. There will also be provisions for facilitation (if required) to assist with the process.

MNDM staff can provide clarification on your responsibilities under the Mining Act and help you through the process.

This is intended as general introductory information only. For more information, including links to the Mining Act, regulations and applicable policies, and copies of forms and applications, or to find an MNDM office near you, visit our website at www.ontario.ca/miningact.