



Environmental Registry
Registre environnemental



Government of Ontario

Site Map

Français

[About the Registry](#) |
 [Search](#) |
 [How do I ...?](#) |
 [MyEBR](#) |
 [FAQs](#) |
 [Links](#) |
 [Contact Us](#) |
 [Home](#) |
 [Advanced Search](#) |
 [Basic Search](#) |
 [Court Action](#)

Act Proposal Notice:

Title:

Potential changes to how claim staking and mineral exploration would be conducted on property where the mining rights and surface rights are held separately

EBR Registry Number: 010-1018

Ministry:

Ministry of Northern Development and Mines

Date Proposal loaded to the

Registry:

July 18, 2007

Keyword(s): Land | Mining **Related Act(s):** Mining Act, R.S.O. 1990

Comment Period: 60 days: submissions may be made between July 18, 2007 and September 16, 2007.

Description of Act:

In March 2006, the government released Ontario's Mineral Development Strategy to reinforce the province's international position as a leading mining jurisdiction and foster responsible mineral development for the benefit of all citizens of Ontario. Ontario's Mineral Development Strategy contains action items under four strategic objectives:

1. Promoting long-term sustainability and global competitiveness
2. Supporting modern, safe and environmentally sound exploration and mining
3. Clarifying and modernizing mineral resource stewardship
4. Promoting community development and opportunities for all

Under the third strategic objective, the Strategy aims to clarify Ontario's mineral exploration rules by proposing amendments to the Mining Act and its regulations to address concerns of surface rights holders and to provide the mineral exploration industry with certainty of investment through clearer rules for exploration in the province. The ministry is now seeking input on its proposal to develop the framework for clarifying notification and consent rules, and allowing for less intrusive staking methods.

The Ministry of Northern Development and Mines (MNDM) is also undertaking a comprehensive engagement process aimed at continuing to develop a more effective Aboriginal consultation approach for mineral sector activities. The ministry is committed to meeting its duty to consult with Aboriginal communities and to ensuring that activities within its jurisdiction occur in a manner that is consistent with the Crown's obligations concerning Aboriginal and treaty rights.

For the purpose of mineral exploration in Ontario, the Mining Act defines two types of land rights and ownership. "Mining rights" are the rights to minerals on, in or under any land and "surface rights" are all other rights, besides the mining rights, in land. These distinctive land rights may be held by the same person or could be held separately. If the Crown (i.e., Ontario government) holds the mining rights, any person with a prospector licence may stake the land and attain the exclusive right to explore for minerals.

The Mining Act gives the mining rights holder access to the surface of the land. Access to the surface is necessary to investigate mineral potential. It is not always the case that the Crown holds the mining rights and the best way to confirm the status of the mining rights is through a title search at the Land Registry Office. The surface owner often owns the mining rights, in which case no one else can stake the

Contact:

All comments on this proposal must be directed to:

Roy Spooner
Legislative Amendments
Project Lead
Ministry of Northern
Development and Mines
Mineral Development and
Lands Branch
933 Ramsey Lake Road
Willet Green Miller Ctr
Level B6
Sudbury Ontario
P3E 6B5
Phone: (705) 670-3003
Fax: (705) 670-5863

To submit a comment online, click the submit button below:

[Submit Comment](#)

Additional Information:

The following government offices have additional information regarding this Proposal. To arrange a viewing of these documents

mining rights or explore for minerals on the property without the owner's agreement. When the mining and surface rights are held separately, the rights and entitlements of each holder can be confusing, requiring the need for the clarification of rules and enhancement of requirements.

The Mining Act currently requires the consent of the surface owner, in some circumstances, before a mining claim is staked and before prospecting occurs. Some private property owners have indicated that these conditions are not sufficient. Over the past few years, conflicts have arisen as a result of exploration companies or individuals entering private property to stake out mining claims or to undertake ground exploration work without consent or notification.

To address the concerns of private property owners, the Minister of Northern Development and Mines requested the advice of the Minister's Mining Act Advisory Committee (MMAAC), which includes representation from the mineral industry, the surface rights stakeholder community, tourist operators, environmental non-governmental organizations (NGO) and Aboriginal representatives. The advice of MMAAC provided the basis for the commitment to clarify and modernize resource stewardship in Ontario's Mineral Development Strategy. MNM is now proposing to move forward with the implementation of this commitment by developing the policy framework. To do so, MNM is proposing to:

1. Reduce impact on the environment – currently mineral staking rules in Ontario require the prospector to physically stake a claim by placing four wooden claim posts at each corner of the rectangular claim area (corner posts) and marking the boundary lines between corner posts by blazing standing trees (chipping off bark) and clearing underbrush. In southern Ontario, MNM proposes to reduce the impact on private property by requiring less intrusive methods for acquiring a claim such as map selection (e.g., describing the claim by map or survey coordinates) in subdivided townships. Physical staking methods described above would no longer be permitted in subdivided townships in the south. MNM is also considering requirements for claim holders to restore surface conditions on private lands. MNM anticipates that these proposals would limit physical disturbance caused by mineral staking and prospecting in Ontario and minimize impact on private property.

2. Broaden the list of lands that are not open for claim staking – the Mining Act currently prohibits staking on provincial parks and First Nation reserves. MNM proposes to add churches, cemeteries, burial grounds, natural gas/oil/water pipelines or airports to the list of lands that are not open for mineral staking. Some of these lands are currently open for staking in Ontario, provided that consent of the surface owner is received. MNM considers it is good public policy to prohibit claim staking and mineral exploration on these additional sites.

3. Enhance notification rules – a claim holder is currently required to notify the surface owner 24 hours prior to entering the property to conduct ground exploration work. This may be the first time the surface rights holder is aware that a mining claim has been staked on their property. MNM proposes to enhance the notice provisions and require that:

- a) Once mineral staking has occurred, confirmation of staking is to be sent to the surface owner's address within a specified time period (e.g., 60 days) after the required documents are filed with MNM;
- b) Notice of the intent to perform ground exploration work be delivered to the surface owner's address well in advance of entry on private surface rights (e.g., minimum of 30 days prior to entry); and
- c) Notice of the intent to perform ground exploration work should provide details including when, what, where, how and by whom the work will be carried out.

This would ensure that property owners are aware of activity on their land before it occurs, so there is an opportunity to understand the proposed work and engage in constructive dialogue with the claim holder.

4. Revise consent requirements – currently for some private lands, the consent of the surface rights owner must be obtained before prospecting or staking can occur. MNM proposes to review the types of land where consent is currently required and to consider creating a new list of categories of private land where consent of the owner would be mandatory before conducting ground exploration work. The categories may include the following:

**please call the Ministry
Contact or the Office listed
below.**

Mineral Development Office
(Thunder Bay)
435 James Street South
Suite B002
Ontario Government Building
Thunder Bay Ontario
P7E 6E3
Phone: (807) 475-1331

Mineral Development and
Lands Branch
933 Ramsey Lake Road
Willet Green Miller Ctr
Level B6
Sudbury Ontario
P3E 6B5
Phone: (705) 670-5787

Mineral Development Office
(Northeast)
101 # Highway East
PO Bag 3060
Ontario Government Complex
South Porcupine Ontario
P0N 1H0
Phone: (705) 235-1615

Mines and Minerals Information
Centre: Toronto
900 Bay Street
MacDonald Block
Room M2-17
Toronto Ontario
M7A 1C3
Phone: (416) 314-3803

Resident Geologist Office:
Kenora
810 Robertson Street
Suite 104
Kenora Ontario
P9N 4J2
Phone: (807) 468-2819

Resident Geologist Office: Red
Lake
227 Howey Street
Ontario Government Building
P.O. Box 324
Red Lake Ontario
P0V 2M0
Phone: (807) 727-3272

Resident Geologist Office:
Thunder Bay
435 James Street South
Suite B002
Thunder Bay Ontario
P7E 6S7
Phone: (807) 475-1331

Provincial Recording Office
933 Ramsey Lake Road

- Where there are registered plans of subdivision
- Residential lots and cottage lots
- Railway lands
- Where crops are grown for commercial or private purposes
- The part of a lot occupied by farm buildings and other improvements associated with farming; dwellings; outbuildings; septic fields; landscaped areas; industrial areas; commercial or public buildings
- Managed woodlots where the trees are not reserved to the Crown
- Municipal lands such as parks, arenas, public buildings, baseball/soccer/football/hockey fields, etc.

The existing Mining Act requires that the consent of the Minister of Northern Development and Mines be given prior to staking in some cases. It is proposed that consent of the Minister would no longer be required; however, a mining claim holder would require consent of the owner to proceed with ground exploration work on the private lands listed above. It is also proposed that, where the surface owner refuses consent, there would be an appeal process beginning with the Provincial Mining Recorder, then continuing with the Mining and Lands Commissioner and the Courts, if the parties disagree with decisions.

To further ensure that the listed private property values are protected, MNMD proposes to require the claim holder to file a form with the ministry stating that the surface owner's consent to enter the property to conduct ground exploration work was obtained. MNMD is also proposing that consent of the owner would be required and a new form filed should there be significant changes to the original work plan for which consent was obtained. These consent requirements will provide a process for continuing dialogue between the mining claim holder and owner of the surface rights as the mining exploration develops from one stage to the next.

Purpose of Act:

MNMD is seeking input on developing the framework for revising current requirements for mineral exploration on private surface rights to address the concerns of private property owners, provide clear rules to the exploration industry and reduce the impact of mineral exploration on the environment.

Public Consultation:

This proposal has been posted for a 60 day public review and comment period starting July 18, 2007. If you have any questions, or would like to submit your comments, please do so by September 16, 2007 to the individual listed under "Contact". Additionally, you may submit your comments on-line.

All comments received prior to September 16, 2007 will be considered as part of the decision-making process by the Ministry of Northern Development and Mines if they are submitted in writing or electronically using the form provided in this notice and reference EBR Registry number 010-1018.

Please Note: All comments and submissions received will become part of the public record. You will not receive a formal response to your comment, however, relevant comments received as part of the public participation process for this proposal will be considered by the decision under for this proposal.

Other Public Consultation Opportunities:

The purpose of this Environmental Registry posting is to solicit public input. No other public consultation has occurred to date.

Willet Green Miller Ctr
Sudbury Ontario
P3E 6B5
Phone: (705) 670-5742

Resident Geologist Office:
Tweed
43 Bag Service, Old Troy Road
Tweed Ontario
K0K 3J0
Phone: (613) 478-5238

Resident Geologist Office:
Kirkland Lake
10 Government Road East
PO Box 100
Kirkland Lake Ontario
P2N 3M6
Phone: (705) 568-4520

Resident Geologist Office: Sault
Ste Marie
70 Foster Drive
Roberta Bondar Place
Sault Ste Marie Ontario
P6A 6V8
Phone: (705) 945-6931

Resident Geologist Office:
South Porcupine/Timmins
101 Highway Highway East
Ontario Government Complex
PO Bag 3060
South Porcupine Ontario
P0N 1H0
Phone: (705) 235-1615

Resident Geologist Office:
Sudbury
933 Ramsey Lake Road
Willet Green Miller Ctr
Level A3
Sudbury Ontario
P3E 6B5
Phone: (705) 670-5741

The documents linked below are provided for the purposes of enhancing public consultation.

All links will open in a new window

1. [Ontario's Mineral Development Strategy](#)
2. [Information on Mining Rights and Surface Rights](#)

Add Notice into My Watch List

The materials on this web site are protected by Crown copyright. You may copy and re-distribute any of the Environmental Bill of Rights information on this web site provided that the contents remain unchanged and the source of the contents is clearly referenced. You are not permitted to alter or add

to the contents.

[ONTARIO HOME](#) | [CONTACTS](#) | [HELP](#) | [SITEMAP](#) | [FRANÇAIS](#)



This site is maintained by the Government of Ontario, Canada.

[PRIVACY](#) | [IMPORTANT NOTICES](#)

Copyright information: [© Queen's Printer for Ontario, 1994-2007](#)