



April 30, 2010

Leigh Boynton
Policy Advisor
Ministry of Northern Development, Mines and Forestry
99 Wellesley Street West
Suite 5630, Whitney Block
Toronto, ON M7A 1W3

RE: Ontario's New Mining Act: Workbook on Development of Regulations (EBR #010-8656)

Dear Ms. Boynton,

In June 2009 Conservation Ontario provided comments to the Ministry of Northern Development, Mines and Forestry (MNDMF) in response to the proposed legislative amendments to the Mining Act (EBR #010-6559). Within these comments Conservation Ontario stated that, if Bill 173 (An Act to Amend the Mining Act) was enacted, we looked forward to opportunities to participate in consultations to provide input into the development of the graduated regulatory approach for exploration. Thank you for the opportunity to provide comments to inform the development of regulations for Ontario's new Mining Act (EBR #010-8656).

The following comments are submitted for your consideration based upon a review of the "Workbook on Development of Regulations (December 2009)" by Paul Lehman, General Manager from Mississippi Valley Conservation Authority. These comments focus on Section II-3 (Exploration Plans and Permits) of the workbook, and the questions posed therein.

3. Exploration Plans and Permits

Q 3.1: Based on the above criteria shown in Table1 for classification of exploration activities:

(a) Do you agree with the criteria? Why? Why not?

It is recommended that the criterion requires clarification regarding who would determine potential for environmental impact and who assesses effectiveness of mitigation measures, etc.

Recommendation:

Exploration plans should be filed for any exploration activity which results in alteration of the land base and causes a cumulative environmental impact. Those specific activities should be listed.

(b) What other considerations should be included? Why?

The geographic extent of exploration activity should be considered to address cumulative impacts.

Q 3.2: Based upon the list of exploration activities described in Appendix A:

(a) Should other activities be included? Why?

The following related activities should be included;

- Cutting or removal of vegetation
- Clearing and timber salvage
- Stream crossing
- Burning
- Road building
- Building culverts
- Bridge building
- Storage of hazardous materials

(b) Should some activities be excluded? Why?

If activities do not result in alteration of the land base these could be excluded however, clarification of some of the activities will be required. The intent is to limit filing of exploration plans which do not require oversight.

(c) What exploration activities belong in each column of Table 1?

Column 1

Generally any activity which does not result in physical alteration to the land base may be included in Column 1 however clarification of some of these activities is required. These may include;

- Remote sensing/multi-spectral surveys
- Airborne geophysical surveys
- Geological mapping

Column 2 “Exploration Plans”

Any activity which results in a physical alteration to the land base with potential cumulative environmental impacts should be included in Column 2.

- All ground geophysical surveys
- Regional grid geochemical survey
- Sampling rock, soil, water, humus
- Environmental studies
- Prospecting
- Line cutting
- Packsack/portable drill
- All ground geophysical surveys (electromagnetic, VLF-EM, IP, self potential, resistivity, radiometric, gradiometric, gravity, seismic)
- restoration
- Cutting or removal of vegetation
- Clearing and timber salvage

- Stream crossing
- Burning
- Road building
- Building culverts
- Bridge building
- Storage of hazardous materials
- Diamond drilling
- Overburden drilling (sonic, RC, auger)
- Drill core submission
- Bulk sampling
- Trenching
- Test pitting
- Stripping
- Power stripping
- Restoration
- Ramp construction
- Site clearing
- Environmental studies

Column 3 “Exploration Permits”

Any activity which may require the imposition of conditions or subsequent inspection should be included in Column 3.

- Diamond drilling
- Overburden drilling (sonic, RC, auger)
- Drill core submission
- Bulk sampling
- Trenching
- Test pitting
- Stripping
- Power stripping
- Restoration
- camp construction
- site clearing
- Cutting or removal of vegetation
- Clearing and timber salvage
- Stream crossing
- Burning
- Road building
- Building culverts
- Bridge building
- Storage of hazardous materials

Q 3.3: How can the terms of a plan and permit best be structured to realistically address the following:

(a) Timing and seasonality of exploration projects

Timing and seasonality will be affected by the type of activity and location of the activity. Advice on timing restrictions must be sought from local agencies such as the Ministry of Natural Resources (MNR), local conservation authorities and municipalities.

(b) Duration of exploration activities and projects

Project duration must recognize the limitations of permits and approvals required from other agencies such as local conservation authority permits which do not exceed two years. If an applicant has not completed the works within two years of the issuance of a permit, they must apply for a new permit.

(c) Adjustments to planned exploration activities

Re-applications and approval should be made to modify activities that include change in equipment, timing, duration, environmental impact and type of exploration.

(d) Timelines for approving plans and permits

Timelines should reflect commonly recognized timelines for approval of applications (e.g. for *Planning Act* applications). This would introduce the need for circulation to external agencies such as MNR, local conservation authorities and municipalities. Approval agencies and proponents must be clear as to what constitutes a “complete application” to facilitate timely approval decisions.

Q 3.4: What conditions should apply for all exploration plans? Exploration permits?

(a) Are there specific rules or conditions that should apply to all exploration activities?

- Prior consultation with the local conservation authority and municipality should be required to ensure that the proposed exploration activity is consistent with local Watershed/Source Protection Plans and/or Official Plans.
- Prior consultation with the local MNR office is required to identify the existence of endangered species and their habitat.
- It is recommended that there be a requirement to obtain any other necessary approvals prior to work commencing.
- MNDMF should approve exploration plans prior to work commencing.

(b) Are there any specific activities that require particular rules in an exploration plan or permit?

- Uranium exploration
- Environmental studies
- Blasting
- Restoration
- Trenching

(c) What values might require special terms and conditions in an exploration plan or permit?

Watershed/Source Protection Plans and Official Plans establish broad community objectives for particular areas. Exploration plans must recognize these broader community interests and be required to demonstrate conformity to these plans.

(d) Are there practices in other jurisdictions that are working? Or are not working? Please give examples.

No comments.

Q 3.5: How long should a plan or a permit be in effect? Why?

Plans and permits should recognize the timing of other planning and regulatory processes. Official Plans are reviewed on five year cycles while permits required under Section 28 of the *Conservation Authorities Act* are issued for no more than two years. Difficulties will arise if other plans or permit requirements change over the time that an exploration permit is in effect. This problem will be minimized if the timing of these other processes are respected.

Q 3.6: What would be the advantages and disadvantages to an online system?

Access to online applications would assist in transferring information and meeting timelines.

Q 3.7: Any suggestions about approaches to facilitate monitoring and compliance?

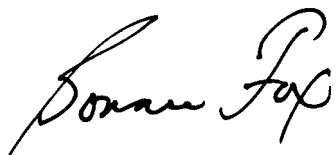
Other matters for consideration:

1. Fees: Many conservation authorities impose administrative fees for the review of municipal planning applications and the processing of applications for permits under their individual Section 28 regulation. These fees would apply to reviewing Exploration Plans and associated permits.

2. Consultation and Dispute Resolution: A consultation and appeal process similar to the proposed process related to Aboriginal consultation must be provided for local conservation authorities and municipalities. The dispute and appeal process should include an independent arbitrator. Any costs associated with the appeal should be borne by the licensee or claim holder, unless the appeal is determined to be frivolous and vexatious.

Thank you again for the opportunity to provide comments to inform the development of regulations under Ontario's new Mining Act. If you have any questions regarding these comments please contact Natasha Leahy at (905) 895-0716 ext. 223, or Paul Lehman at (613) 259-5307 ext.223.

Sincerely,



Bonnie Fox
Manager, Policy and Planning

c.c. All Conservation Authority CAOs