

Buckshot Lake Cottagers' Association  
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Legislative Amendments Project Lead  
Ministry of Northern Development and Mines  
Mineral Development and Lands Branch  
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September 14, 2007

Dear Mr. Spooner:

Re: potential changes to the Mining Act Environmental Registry number 010-1018.  
Title: Potential changes to how claim staking and mineral exploration would be conducted on property where mining rights and surface rights are held separately

Buckshot Lake Cottage Association (BCLA) is a member of FOCA (Federation of Cottage Associations). Our association has been consulting with FOCA, however owing to proximity and direct awareness of prospecting claims within Frontenac County we thought it prudent to provide comments directly as a well entrenched association in the community both from a business and recreational perspective.

We thank you and the ministry for allowing public comment on an area that is not fully understood by most landowners unless they have had direct awareness of the current claims staking process.

**General comment:**

The current claim staking and mineral exploration process while not well understood by most citizens and local councils can be detrimental to both personal and overall official plans for the regions. Full and part time residents have based their livelihoods and retirement plans on the basis of the natural environment, history, the community, business and recreation as well as township official plans.

When prospecting is performed in the area the personal as well as township plans are disrupted with citizens feeling a lack of control in their lives. Property prices and the tax base can also be jeopardized unless landowners and the community have some control in how their land and surrounding area is used. Consultation and working within the official plan will go a long way to promoting viable business development and preservation of the natural environment, community and public health.

Here are our comments for proposal for mutual benefit for Landowners and the community with respect to claim staking and mineral exploration.

## Recommendations:

1. **Reunite surface and mining rights in Southern Ontario.** With surface and mining rights united, then the landowner will be in a position of control and be able to arrange a fair settlement for exploration or mining use.
2. **Restrict staking only to areas identified as having significant Mineral potential by government geological surveys.** If surface and mineral rights were united with the landowner then there still could be agreement to proceed with exploration for mutual benefit however the landowner will be protected against low chance prospecting. Although this recommendation may not allow for new technologies or new "minerals of interest", without something similar to ownership of mineral rights a "landowner" can never know if or when his property could suddenly become of interest for prospecting.
3. **Keep the current no staking or exploration for minerals on areas zoned residential, and registered plan of subdivision, public building sites and land occupied as gardens, and source water, etc but please add the following:** Managed woodlots, Conservation areas, Significant wetlands, Valley lands of the main stem watershed, World Heritage sites
4. **Written consent required on all lands that are privately owned before allowing any claim staking or prospecting.** The current requirement where a person may enter on the land and perform the work at any time immediately following the day the notice is given is confrontational.
5. **Compensation guide should be provided to all landowners before land is staked.** The catalyst behind this proposal is that significant damage was done to private and crown land in our area mainly by cutting rough tracks to permit ATV type vehicles to access all parts to the 30,000 acres of land that has already been staked in our area in the past two years.
6. **Compensation should include loss of property value.** MNDM should update maps showing improvements and land zoning. What we are trying to address with this proposal is the effect prospecting has on property value. In a real life experience, one property owner asked several real estate agents to list his property for sale. In each case they refused on the grounds that their properties are unsellable. This means effectively their property value has dropped to zero. If surface rights and mineral rights were united, then fair deals could be made with less risk to reduce property values. One also has to consider neighbouring properties that were not staked but run the risk of property value loss or selling delay owing to the potential of a mine.
7. **All changes to exploration plans should require consent from the landowner.** Real life experience suggests that this is not happening.

8. **MNDM need to address issues of liability.** Again if surface rights and mineral rights were united, then the owner can make his/her own requirements for liability insurance based on the agreement. To force extra liability on a landowner because of prospecting does not make sense. The prospector in this case should have their own insurance and be responsible for any liabilities they create by being on that land. This would be similar to a tree surgeon or other contractor on someone's property. It would be the prospector and mining folks potentially causing the mess and damage, so that's where the liability should lie.
9. **Serious ecological assessments required before permission for test drilling is given by government** This is particularly true for uranium exploration. Currently Provincial environmental assessments not required for mining activities on crown land See order MNDM 3-3. This needs to be revoked. The order can be viewed at [http://www.ene.gov.on.ca/envision/env\\_reg/ea/english/EAs/mndm3\\_3.htm](http://www.ene.gov.on.ca/envision/env_reg/ea/english/EAs/mndm3_3.htm)  
For more descriptive information see [http://www.miningwatch.ca/index.php?/Ontario/Declaration\\_Order](http://www.miningwatch.ca/index.php?/Ontario/Declaration_Order)
10. **All native land claims must be resolved prior to accessing the lands to be prospected.** First Nation land claims are federal jurisdiction, therefore the Province should take this into account and deny a land use permit pending outcome of land claims on crown land. If this policy were taken then the Provincial Government will avoid such disputes as Caledonia or the more recent Frontenac Ventures Corporation exploration at Robertsville near Sharbot Lake.
11. **Challenge of Prospector Claims.** It has come to our attention that the process for challenging any mining activity appears to be flawed owing to the ministry acting in a conflict of interest to promote mining in Ontario. With respect, this mechanism needs to be replaced by an impartial group so that the ministry of mines and resources is a submitter of evidence when required but never as the judge and jury. In this way all parties would appear to receive a fair hearing.
12. **Exploration and Mining Closure Costs.** In many parts of the world including some provinces in Canada, mining companies are required to post bonds before commencing each step in the creation of a mine including initial prospecting. The value of these bonds are commensurate with the estimated ecological and structural cost incurred when the mine is closed. Why not in Ontario as we have 250 closed mine now that require huge amounts of public money to repair because the mining companies are no longer in business. While the mining act does provide some measures to ensure there is funding for closure, residents and taxpayers still end up paying the cleanup bill in the end, as well as suffering the ecological and possible health degradation effects of mining operations gone wrong. MNDM should ensure that a best estimate of real costs, with contingencies for accident, is factored in up-front and carried by the mineral extraction operation. If that makes the product (in the case of uranium ... our power bills) more expensive, so be it. That's the real cost.

13. **Tighten the regulation for acquiring a Prospectors license.** It should have a knowledge requirement as well as a signed agreement that it would only be used for mineral prospecting and not just to avoid trespass laws on private land.

Thank you in advance for reviewing the above comments and proposal seriously.

Larry Trenwith  
President  
Buckshot Lake Cottage Association