

Press Release:

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From: The Federation of Ontario Cottagers Associations

Northern Development & Mines not proceeding with Surface Rights Amendments to the Mining Act

The Federation of Ontario Cottagers' Associations, a long standing participant on the Minister's Mining Act Advisory Committee (MMAAC), has recently learned that the new Minister of Northern Development and Mines (MNDM) Michael Gravelle will apparently not be proceeding immediately with amendments to the Mining Act as previously promised. These reforms have been developed to answer one of the commitments in Ontario's Mineral Development Strategy which addresses protection of surface rights holders and mining rights in the Ontario Mining Act and its regulations.

On July 18, 2007 MNDM posted a proposal on the Environmental Registry that would clarify Ontario's mineral exploration rules, through amendments to the Mining Act that address concerns of surface rights holders and to provide the mineral exploration industry with the certainty of investment through clearer rules for exploration in the province. The comments submitted to the EBR have not yet been released to the public.

<http://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTAxMDIx&statusId=MTUwOTE1&language=en>

On December 5, 2007 Premier McGuinty is quoted as saying "***We know we have to put in place some reasonable protocols that ensure that effective consultation is in fact there. We know we have to take a look at the Mining Act as well to ensure that it is updated and reflects the aspirations of a progressive society here in Ontario. That is one of many recommendations we will be carefully considering in government.***"

However, the government will not be acting on the Premier's vision. Rather than proceed to legislation immediately as recommended by the MMAAC, the Premier is reported to have ordered a complete review of the Mining Act, which is generally anticipated to take in excess of four years. Through this mandate to MNDM the Premier has effectively sterilized any real results for the balance of his term in office.

Since taking office Minister Gravelle has rebuked recommendations of his own Advisory Committee and appears to be reinventing the Mineral Development Strategy passed by the Liberal Cabinet in 2006.

http://www.mndm.gov.on.ca/mndm/mines/mds/default_e.asp

FOCA has filed a complaint on this matter to the Office of the Ontario Ombudsman. This is a follow up to complaints previously made by other parties a year ago and supposedly addressed through government commitment to resolve the issues. The Ombudsman is investigating.

Recently events in Southeastern Ontario dealing with the incarceration of Aboriginal mining protestors is a showcase of the government's lack of leadership causing difficult decisions by the judiciary and a black eye for the administration of Ontario's Mining Act. On March 18th non aboriginals from Sharbot Lake will appear in court for sentencing after their part in protests to protect their private property from intrusive prospecting.

FOCA sees this, as the Ombudsman observed on other issues, an example of "Over-promising and under-delivering, a troubling trend in government that undermines citizens' confidence in public institutions". Indeed FOCA has been at the table working on the surface rights issue for seven years of promise after promise by government to deliver. At this point FOCA is disheartened by the lack of action on the surface rights file, and by the disregard shown by MNDM towards their own consultation process.

The arrival of the new Mines Minister seems to mark the implementation of a philosophy of northern entitlement with a focus on enhancing investment in the province at the expense of Ontario's property owners, aboriginal groups and environmental stakeholders. Lack of fair and prompt resolve on these issues will no doubt lead to further disruptions to the exploration industry as well as a questionable and unstable mining regime in Ontario.

FOCA remains committed to resolving the surface rights issues, and continues to be concerned about the current constitutional challenge to the Mining Act, calls for moratoriums on uranium mining, and numerous deficiencies in the Act pointed out in the Environmental Commissioners Report tabled in the legislature in December 2007.
http://www.eco.on.ca/english/newsrel/2007/Annual_report-0607-FINAL-EN.pdf

FOCA's concerns on this issue include privacy rights, limiting prospector access to private property without consent of the owner, staking claims without notice to the property owner, fair and prompt adjudication of disputes and statutes which reflect the property owner's obligations to related legislation such as municipal by laws, fisheries acts, forestry and environmental protection. This would update 100 year old sections of the mining act.
<http://www.foca.on.ca/index.php?option=content&task=view&id=94>

FOCA is a non-profit, voluntary organization serving as an information centre, providing assistance and leadership to Ontario's cottage associations and their members representing over 50,000 property owners in Ontario.

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