

# Mining Act Modernization in Ontario

*Ministry of Northern Development and Mines*



**Presentation to Nunavut Mining Symposium**  
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# Overview of Presentation

## **Mining Act Modernization (MAM) Background**

- Legislative Development
- MAM Phase I and Phase II

## **Where we are today**

- MAM Phase III
- Project schedule, key dates
- Transition

## **Moving forward**

- Staking hiatus, final determination, conversion
- Launch of MLAS, types of claims

## **Challenges**

## **Engagement**

# MAM Background Information

## Legislative Development:

- 2007 Workbook to commence engagement on Mineral Development Strategy and Mining Act Modernization
- 2007 and 2008 – Industry / Aboriginal Engagement on Mining Act Modernization
- **2009 Bill 173 – Legislation passed for Mining Act Modernization (for Phases 1 and 2, and most of Phase 3)**
- 2010 – Commencement of Regulatory development
- **2016 – Bill 39 – An Act to amend the Aggregate Resources Act and the Mining Act** – ordered for 3<sup>rd</sup> reading
- **2016/17 – Regulations for Phase 3 of Mining Act Modernization**

# Background Information

**A phased approach to Mining Act Modernization.**

**Phase 1:** January 2011 and April 2011.

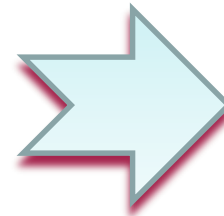
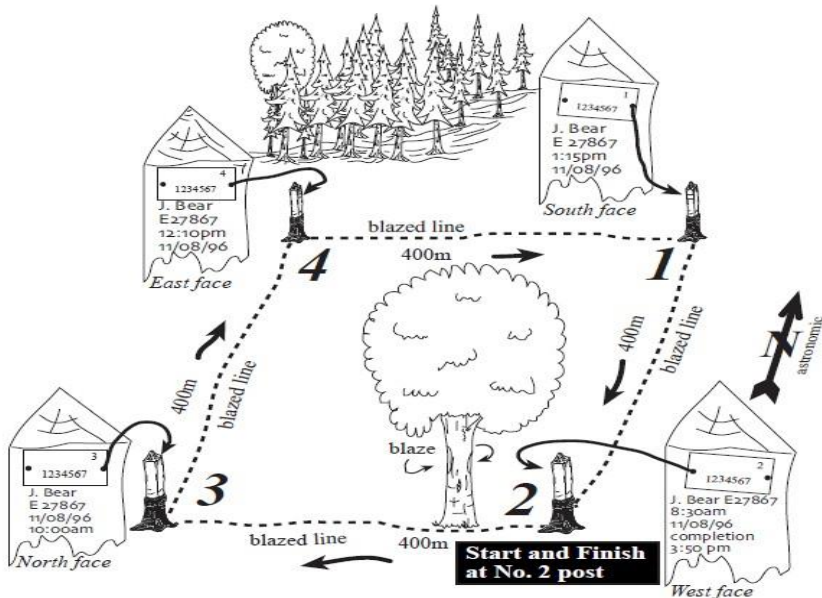
**Phase 2:** November 2012 and April 2013.

MAM Phase 1 - Regulations	MAM Phase 2 - Regulations
<ul style="list-style-type: none"><li>• Notification of private surface rights owners</li><li>• Paper map staking in Southern Ontario</li><li>• Application process for withdrawing Crown-held mining rights under privately held surface rights in Northern Ontario</li><li>• Application process for re-opening mining rights under privately held surface rights in Southern Ontario</li></ul>	<ul style="list-style-type: none"><li>• Exploration plans and permits</li><li>• Clarified requirements for Aboriginal consultation</li><li>• Dispute Resolution process</li><li>• Process for withdrawal of Sites of Aboriginal Cultural Significance</li><li>• <i>Mining Act</i> Awareness Program</li><li>• Rehabilitation standards, assessment work credits and application for exemption from mining land tax</li></ul>

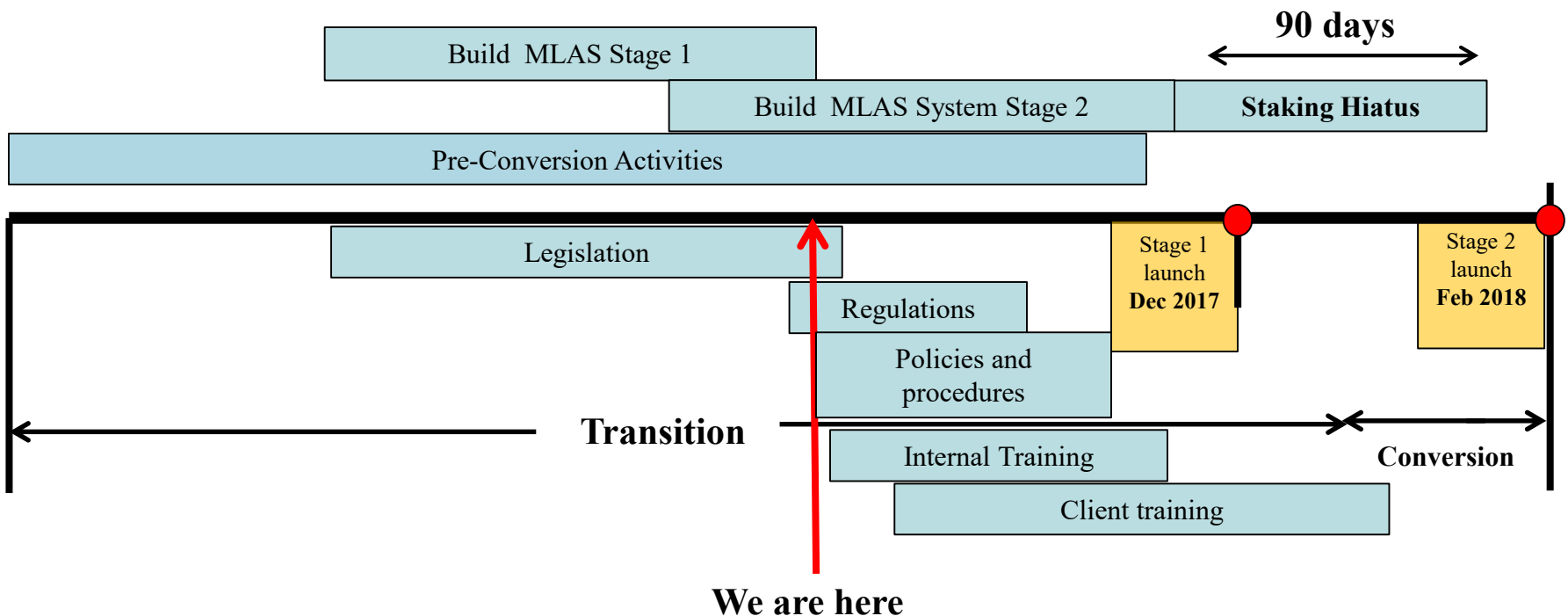
# MAM Phase III

## Scope:

Online registration of mining claims; Conversion of existing (legacy) mining claims to cell claims and boundary claims; and an integrated Mining Lands Administration System (MLAS)



# Proposed Project Schedule:



# Proposed Key dates

**September 1, 2017** – no longer able to obtain assessment credit for georeferencing

**November 1, 2017** – no longer able to stake claims or file most documents – Staking Hiatus

**December 1, 2017** – will be able to access the MLAS to enter client profile information

**January 2018** – no longer able to apply or renew a prospectors licence until MLAS is operational

**February 2018** – MLAS fully operational, online registration, online transactions

# Transition

## Accurately locating your mining claims in un-subdivided territory:

- Regulations were changed in November of 2012 to require GPS co-ordinates for new claims.
- Existing (legacy) claims are accurately georeferenced by clients and plotted on CLAIMaps by MNDM before the conversion process begins.
- Ministry will use the best available data, GPS coordinates, surveys and other updated data. To date, over 50% of all active mining claim coordinates have been georeferenced.
- Three-tiered process to reconcile boundary issues (e.g. gaps, fractions, overlaps).
- Each tier involves giving notice to, and if required, requesting further information and consideration from the claim holders.
- Ministry will publish updated CLAIMaps data, showing georeferenced vs. non-georeferenced claims and other spatial updates on a division by division basis.



# Staking Hiatus

## Staking Hiatus

- a period of time when claims cannot be staked – minimum of 90 days (reduced from 120). This time will allow for delineation, final determination of claims and for the conversion process to take place.

Most transactions would be restricted at this time;

- Filing of transfers, agreements, liens, mortgages
- Assessment work, distributions and Payment in Place
- Mining claims coming due during the staking hiatus and six months after the staking hiatus would have their due date re-set one year to prevent cancellation.
- Exploration permits and exploration plans for the most part would still be issued during this period.

# Final Determination/Map Freeze

## Final Determination/Delineation

- Between 30 - 45 days after the staking hiatus begins, the location of all mining claims would be delineated and receive final determination, at which point all claims would be legally defined by their map location instead of by posts on the ground

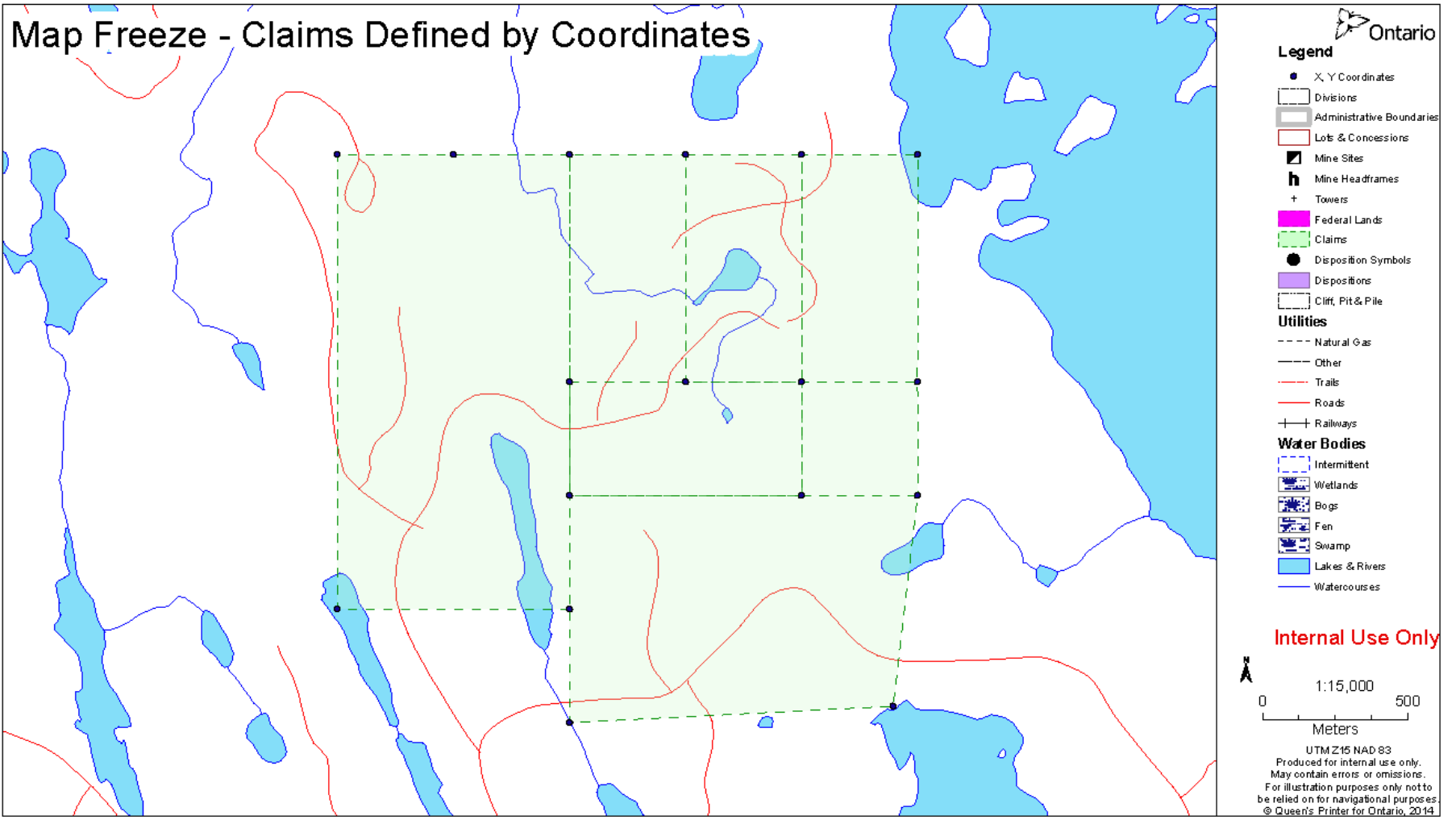
## Map Freeze

- 45 days after the staking hiatus begins. This is a snapshot of all claims as finally determined and delineated -- no further change to mining claims would occur prior to conversion. This snapshot would be used as the legacy layer. Map freeze would be the final step before conversion begins.

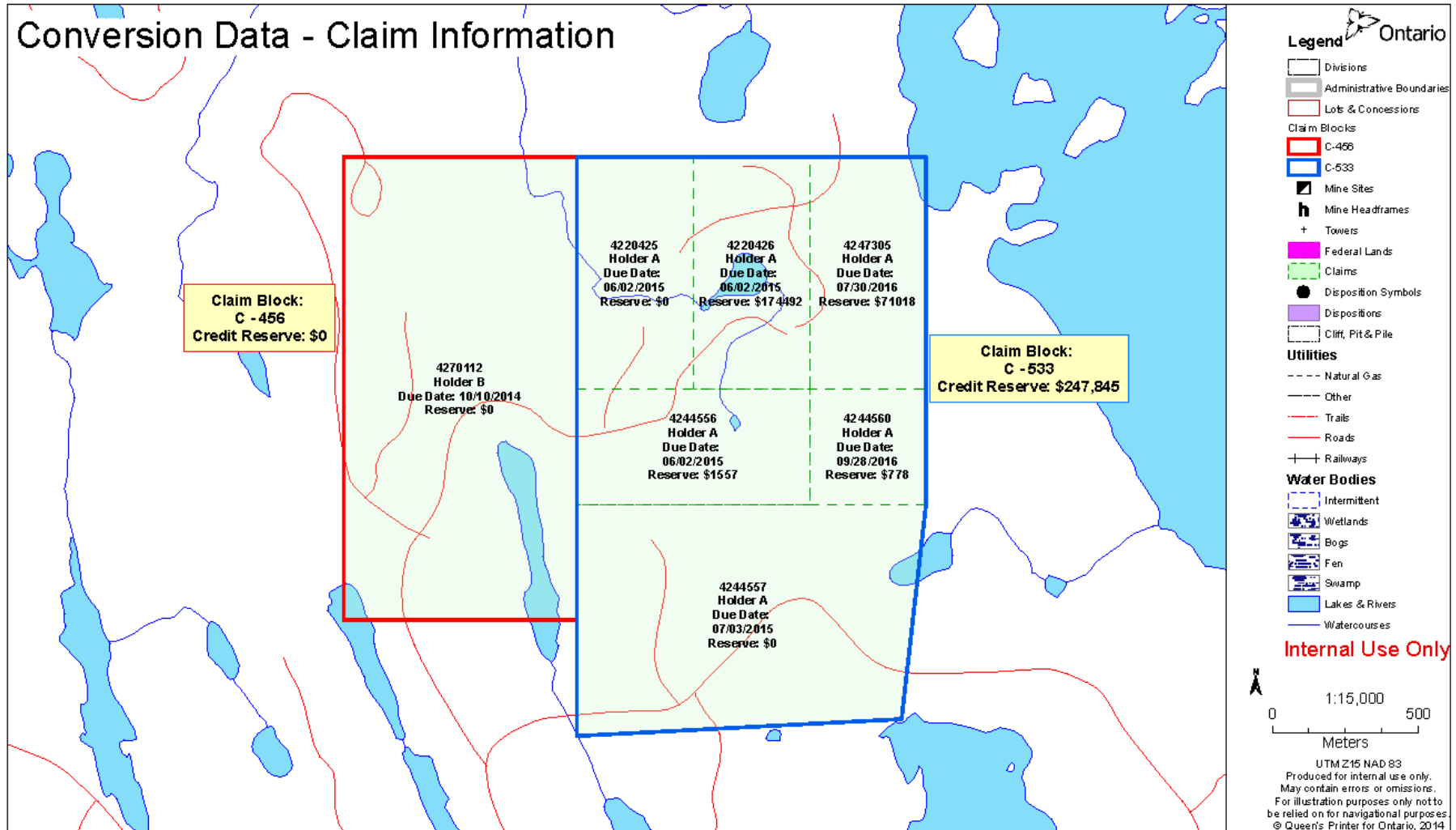
# Conversion of Legacy Claims

## Ontario's process for conversion of mining claims:

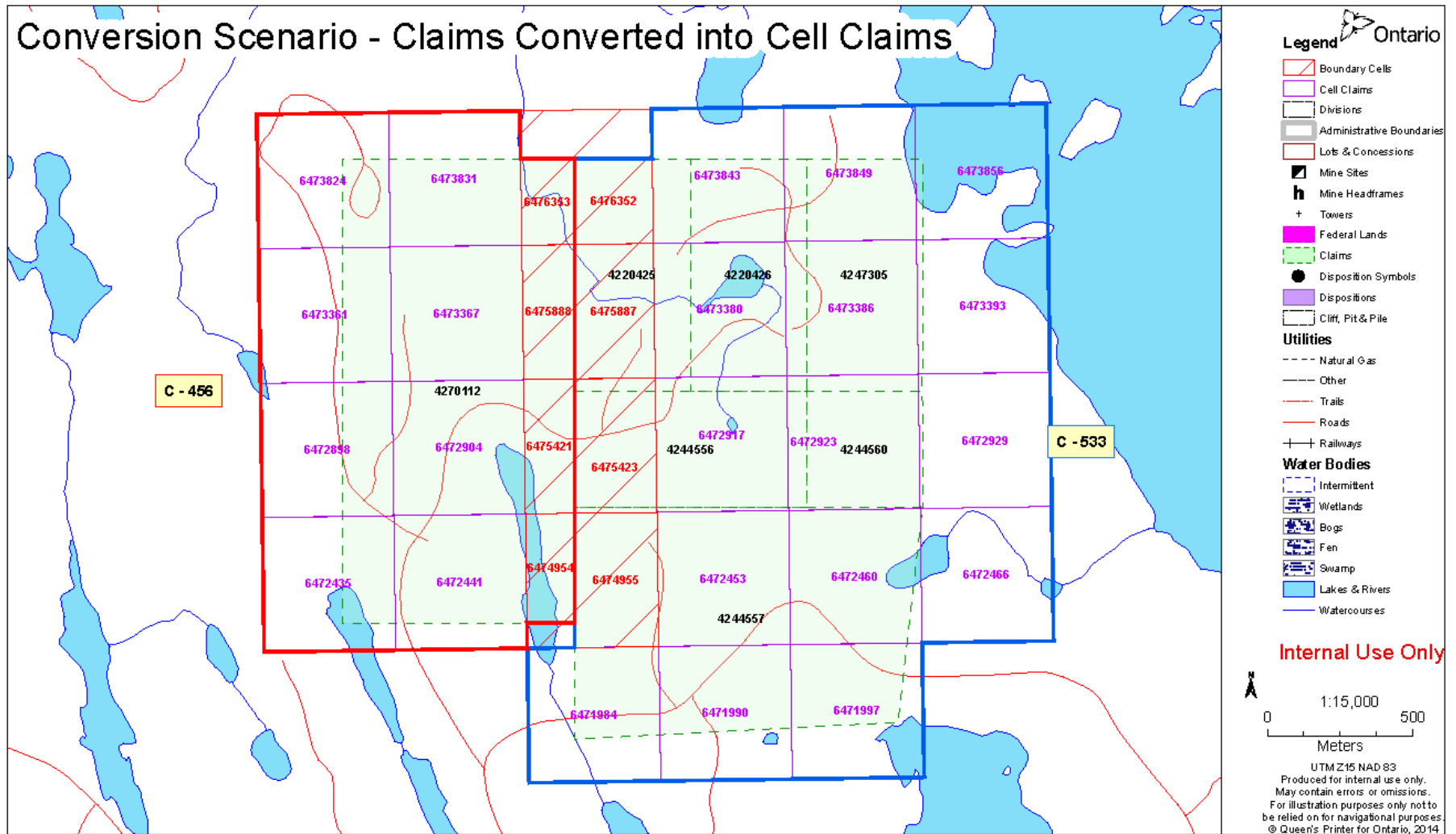
- All mining claims would be converted into new individual cell claims and boundary claims.
- Conversion of **all** unpatented mining claims in the Province would occur at the same time.
- No claim holder would lose land coverage through the conversion process; in some cases they could gain some land coverage
- Post-conversion, claim holders could assess their land holdings and merge or amalgamate (according to regulation) their new cell claims as required.
- Exploration permits would maintain their pre-conversion boundaries, even though claim boundaries may have changed.



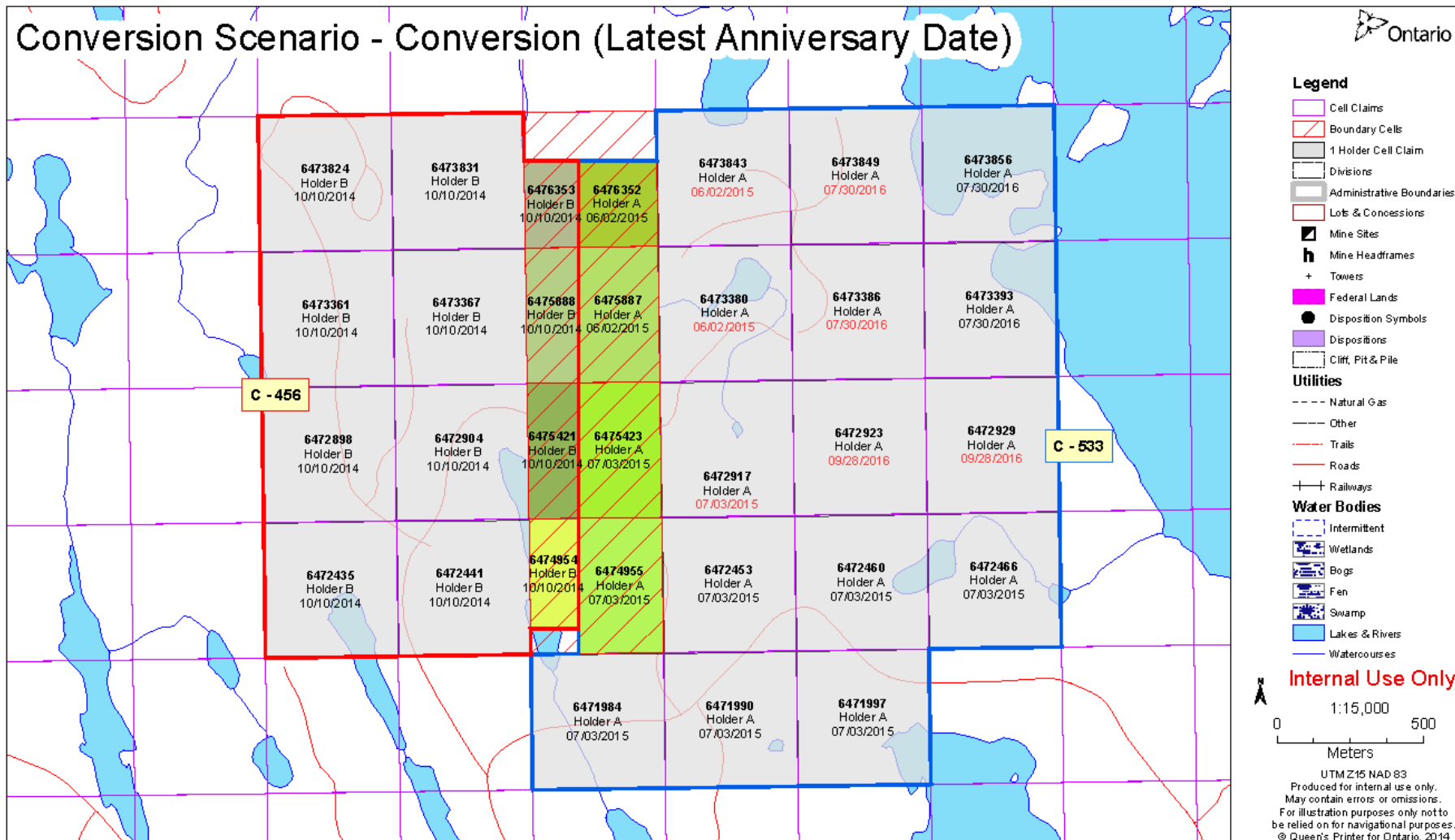
# Conversion Data - Claim Information



# Conversion Scenario - Claims Converted into Cell Claims



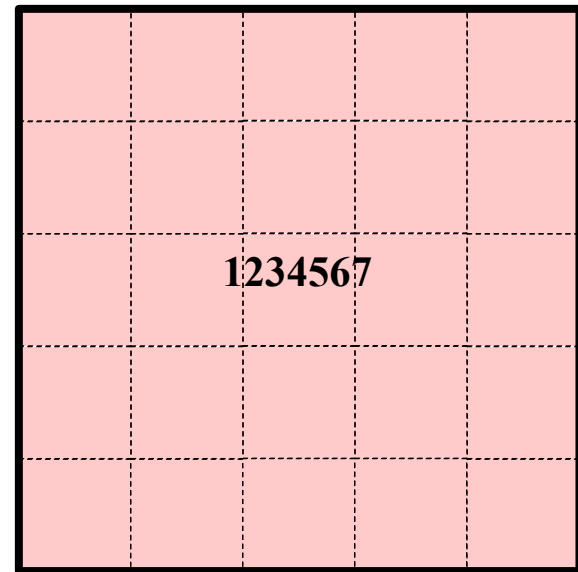
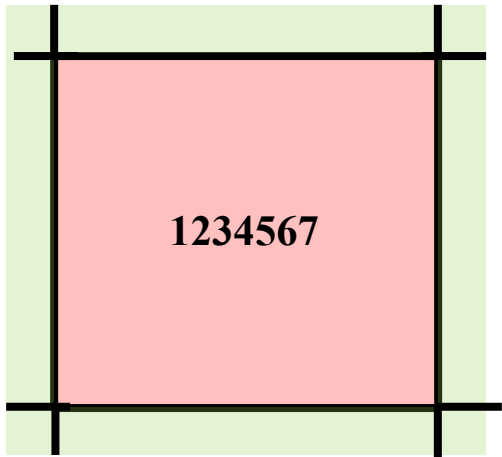
# Conversion Scenario - Conversion (Latest Anniversary Date)



# Types of Mining Claims

## Type 1: Cell Claim

A cell claim would be a mining claim that is related to all the land within one or more cells on the Provincial Grid. A cell claim would be a minimum of one cell and could be amalgamated to a multi-cell claim up to a maximum of 25 cells.

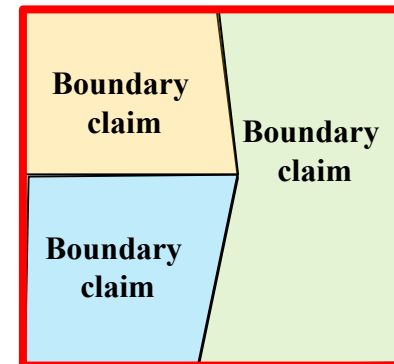
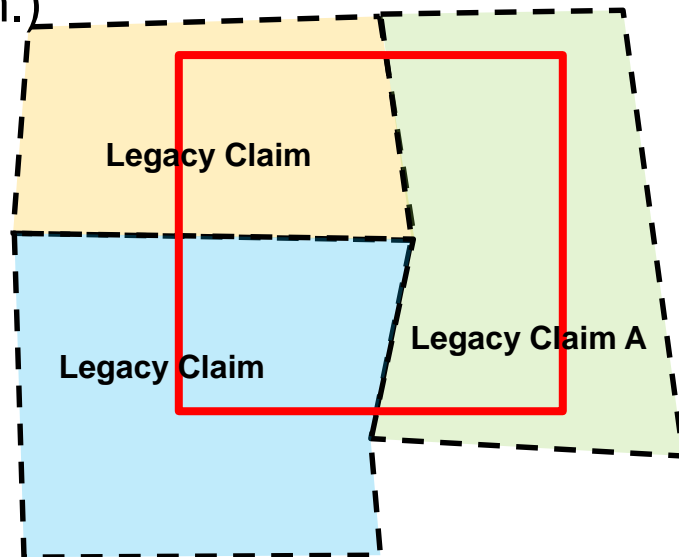




# Types of Mining Claims

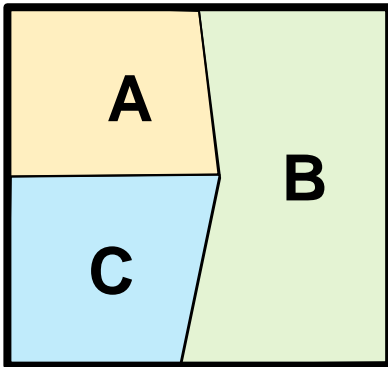
## Type 2: Boundary Claim

A boundary claim would be a mining claim that is part of a legacy claim that upon conversion encompasses a portion of a cell on the Provincial Grid, and cannot expand because of other rights included within the cell. (Boundary claims cannot be amalgamated into a multi-cell mining claim.)



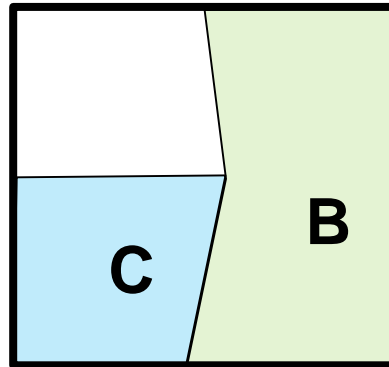
# Boundary Cell Claim to Cell Claim (after launch)

Boundary Cell with three boundary claims each a different owner. Each owner would be required to maintain their individual boundary claim (\$200)



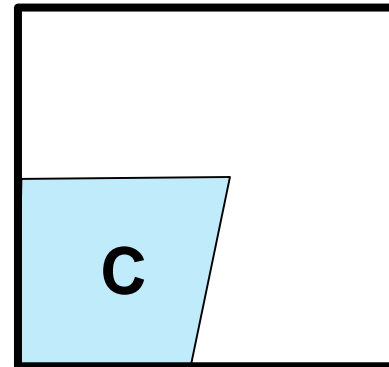
Would protect the rights of all three owners

If boundary claim A forfeits and cancels, the area encompassed by A would NOT open for staking (B and C still \$200 )



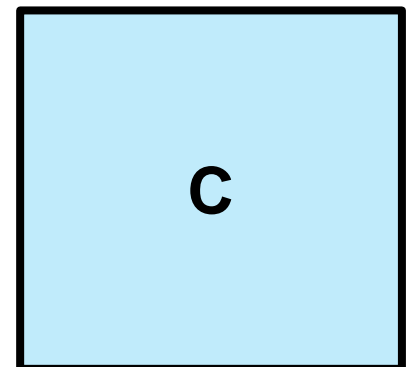
Would protect the rights to the cell for owners C and B  
(no new boundary claims)

If boundary claim B forfeits and cancels, area encompassed by A and B would not open for staking



Would protect the rights to cell for owner C  
(no new boundary claims)

Claim C would immediately expand to fill the full cell. Assessment requirement for Cell C would increase to \$400 in following assessment year



Owner C would expand to encompass cell

# Mining Lands Administration System (MLAS)

- Clients would be able to acquire up to 50 cell claims in one transaction.
- Almost all transactions would be online:

Prospector's Licence	Renewal of Licence
MAAP	Manage agents
Transfers	Record mortgage/liens
Assessment work reports	Distributions
- Annual assessment work requirements would remain at \$400 per cell even though cells are 20 percent larger than today's single unit claim.
- Annual assessment work requirements per boundary claim would be \$200.
- Clients would be able to pull up the legacy layer, which would show the legacy boundaries in relation to the cell and boundary claims.

# Ontario's key challenges:

- Voluntary vs. mandatory conversion
- Provincial Grid (size, projection, surveyed townships, custody, maintenance, etc.)
- Data (how good is your current mining claim, and other data?)
- Addressing agreements, and other rights that impact mining claims (not necessarily on record)
- Loss of livelihood for prospectors and contract stakers
- External influences (broadband, stakeholders, Prospectors Developers Association - PDAC)

# MAM Phase III Engagement

- The Ministry has carried out extensive consultation/engagement with industry, stakeholders, and Indigenous groups throughout MAM phase III.
- This has included over **150** engagement and information sessions, with Indigenous groups, industry clients, industry organizations, ENGOs, special interest groups.
- The general public through **two** Environmental Registry and Regulatory Registry postings.
- The Ministry has directly contact over **500 individual claim holders** and carried out almost **400 individual one on one conversion sessions** to date, and will be well over 400 by the end of the Exploration symposiums.
- The Ministry continues to make communications and engagement a top priority, and will continue its efforts through implementation of MAM Phase III, should the proposed legislation be passed.

# Contact Information

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