

Ontario Mining Act Amendments

Mine Closure & Environmental Amendments



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Amendments to Mine Closure Requirements

1. Early exploration activities covered by exploration plans and permits are to include rehabilitation requirements.
 - Government intends to implement a graduated regulatory scheme for early exploration activities which will include rehabilitation requirements
 - Regulations are to govern how the activities described in an exploration plan or exploration permit are carried out and requiring prescribed rehabilitation activities to be performed

Amendments to Mine Closure Requirements

2. No exemption for a certified closure plan requirement as part of a Bulk Sampling Permission (Section 52 *Mining Act*)

- Current practice is to require permission for bulk samples > 10 tonnes
- The volume threshold and conditions for a permission, including rehabilitation requirements, will be set by regulation
- Confirms that a certified closure plan is required if “advanced exploration” is carried out as part of a bulk sampling program (e.g. excavate > 1,000 tonnes of material)

Amendments to Mine Closure Requirements

3. Advanced Exploration and Mine Production cannot occur unless Aboriginal consultation has occurred with respect to the closure plan
 - Aboriginal consultation to occur in accordance with requirements to be provided in a regulation. Bill does not indicate that consultation is required on the closure plan specifically.
 - Regulation may provide that the Director of Mine Rehabilitation, in considering whether he or she is satisfied that appropriate consultation has been carried out, may take into account arrangements made with Aboriginal communities potentially affected by advanced exploration or mine production

Amendments to Mine Closure Requirements

3. Advanced Exploration and Mine Production cannot occur unless Aboriginal consultation has occurred with respect to the closure plan
 - Suggests that the Director will have power to determine whether appropriate consultation has been carried out
 - Consultation will also be required as part of a voluntary rehabilitation carried out under the Good Samaritan provisions
 - Consultation does not appear to be required where a closure plan is ordered to deal with a mine hazard

Amendments to Mine Closure Requirements

4. Legislation to specify that if the Director orders an amendment to a plan advanced exploration or mine production mentioned in the amendment cannot commence until a certified amendment is filed

Amendments to Mine Closure Requirements

5. No new mine opening can occur in the Far North unless there is an approved community-based land use plan.
 - A “new mine opening” is any activity that takes place after a certified closure plan is required for mine production
 - Therefore, the prohibition would not cover advanced exploration or other exploration activities

Amendments to Mine Closure Requirements

6. Bill proposes that fines and penalties would be increased for non-compliance with rehabilitation requirements.
 - Act currently includes an offence for altering, destroying, removing or impairing any rehabilitation work made in accordance with the Act or a filed closure plan without the written consent of the Minister
 - Bill proposes to increase maximum fine from \$30,000 to \$500,000 and provide for maximum 1 year of imprisonment

Amendments to Mine Closure Requirements

6. Bill proposes that fines and penalties would be increased for non-compliance with rehabilitation requirements.
 - Courts currently have the power upon conviction to increase a fine by an amount equal to the monetary benefit acquired as a result of the commission of the offence
 - Bill proposes that courts will be able to order action to prevent, eliminate, or ameliorate damage connected to the commission of the offence and may order that a closure plan be filed
 - If a person fails to comply with a Court order the Minister will have the power to take action to rehabilitate mining lands and recover the cost from the offender

Other Environmental Amendments

7. Map staking

- One of the objectives is to eliminate the environmental impact of ground staking (which is described as minimal)

Other Environmental Amendments

7. The Bill provides flexibility to facilitate the development of green energy projects.

- Allows for the Minister to withdraw lands for renewable energy projects or power transmission lines
- Sets out a process to allow for surface rights to be granted on unpatented mining claims for renewable energy projects, power transmission lines or for another use that would benefit the public



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