

BMA Newsletter 2017

THINK YOU AND YOUR NEIGHBOURS ARE SAFE FROM PROSPECTORS AFTER THE 2009 MINING ACT AMENDMENT PROHIBITING PROSPECTING ON SRO LAND IN SOUTHERN ONTARIO? THINK AGAIN!

When the Ontario government announced with much fanfare that they were prohibiting prospecting on surface rights only (SRO) land in Southern Ontario, many of us in Eastern Ontario, where much of the privately owned land is SRO, breathed a sigh of relief. However, the Ministry of Northern Development and Mines (MNDM) included a loophole in the legislation that is being utilized by MNDM staff to allow prospecting and mineral exploration activities to be reactivated on many SRO properties.

Section 35.1 of the Mining Act enacted in 2009 prohibits prospecting on SRO land and provides in subsection 4 that if a mining claim, lease or licence of occupation on SRO land reverts to the Crown by forfeiture, expiry, termination or otherwise, those mining rights shall, upon the reversion to the Crown, be redeemed to be withdrawn from prospecting, staking, sale or lease. This is the case with many claims and other rights in Eastern Ontario. However, a loophole was included in a later subsection which provides that subsection 4 does not affect any powers of the recorder or Commissioner to grant relief from forfeiture.

The Mining Act gives these MNDM staff broad powers to provide relief from forfeiture. In exercising these powers, the SRO landowner, neighbours and the community are not given any notice of their intent to exercise these powers or any opportunity to make submissions or to attend and speak at a hearing to adjudicate the matter. It is strictly a process involving MNDM staff and the prospector. MNDM staff view their job to be to promote prospecting and mining and impose no time limit within which relief from forfeiture must be applied. Bedford Mining Alert (BMA) is not aware of any instance where relief from forfeiture has not been granted. BMA is aware of situations where multiple reliefs from forfeiture have been granted. Consequently, even if there is not a current active claim on your or your neighbour's property, if there has been a prior mining claim, lease or licence, the possibility exists that it could be reactivated without your prior knowledge or ability to object.

BMA strongly disagrees with the relief from forfeiture being applied in this manner. It is lobbying the MNDM, other government departments, and the Ontario Ombudsperson for a change in its application. BMA submits the following:

1. Relief from forfeiture should be considered at a public hearing to which the affected SRO owners, neighbours and the community are provided prior notice and a right to be heard.
2. Relief from forfeiture must be applied for within a reasonable period of time – say one year – after which it may not be applied.
3. Multiple reliefs from forfeiture should be not be permitted.

Please let BMA, your member of the Ontario legislature, the Premier and the Ontario Ombudsperson know what you think about granting relief from forfeiture. We encourage you to support BMA's continued activities by renewing your \$10 membership annually and donating what you can to BMA. Should you wish to get more actively involved in BMA's activities, your participation would be welcome.

Please contact us at: Bedford Mining Alert, c/o Mary Loucks, 2942 Westport Road, Godfrey