CCAMU
The Community Coalition Against Mining Uranium

The Community Coalition Against Mining Uranium is a grassroots organization that opposes uranium exploration and mining in eastern Ontario. We have the support of thousands of individuals who have signed petitions, written letters and communicated with MNDM and elected officials. Many organizations have petitioned the Ontario Government for a moratorium on uranium exploration and mining and a public review of the Mining Act. These include:

Municipal Councils asking for a moratorium on uranium development and/or changes to the Mining Act.

City of Ottawa	City of Kingston	Lanark County	Frontenac County
Lanark Highlands	North Frontenac	Central Frontenac	South Frontenac
Tay Valley	Beckwith	Town of Perth	Town of Carleton Place
Mississippi Mills	Drummond/North Elmsley		Haliburton County
Municipality of Dysart	Algonquin Highlands	Highlands East (Haliburton)	
Minden Hills	City of Peterborough,	Peterborough County	City of Kawartha Lakes

Organizations calling for suspension of uranium development in Eastern Ontario:

David Suzuki Foundation	Greenpeace Canada
Amnesty International	United Church of Canada
Mining Watch Canada	Safe and Green Energy (SAGE)
Algonquin to Adirondacks Conservation Association	
National Farmers Union	Lanark Landowners' Association
Ontario Landowners' Association	Glengarry Landowners' Association
Dalhousie Lake Association	Malcolm Lake Landowners Association
McDonalds Corners & Elphin Recreation & Arts	Buckshot Lake Cottagers Association
Ardoch Algonquin First Nation	Shabot Obaadjiwan First Nation
Algonquins of Ontario	Mississippi Lake Association
White Lake Cottage Association	Land O'Lakes Tourist Association
Mississippi Valley Conservation	Mississippi Valley Field Naturalists
Bedford Mining Alert	Citizens' Mining Advisory Group (CMAG)
Friends of the Tay Watershed Association	ACTCity, Ottawa
Ottawa Coalition Against Mining Uranium	Ecology Ottawa
International Land Coalition	Ontario Nature
Physicians for Global Survival	Fight Uranium Mining/Exploration (FUME)

We welcome the opportunity to comment on Modernizing Ontario's Mining Act. We are proposing amendments to the Mining Act of Ontario to bring it into the 21st century, changes that support Premier McGuinty's July 14, 2008 announcement "… that Ontario is going to modernize the way mining companies stake and explore their claims to be more respectful of Aboriginal communities and private land holders." Because exploration for uranium is a provincial responsibility, we outline changes that are needed to address the concerns and

issues around exploration for uranium, and to respect Aboriginal law and private land owners rights.

We understand that comments are not restricted to the five elements outlined in the discussion paper, "Modernizing Ontario's Mining Act/Finding a Balance" August 2008

Our comments focus on the following areas:

1. Regulatory changes for Uranium exploration
2. The impact of Claim Staking and Exploration
3. Mineral tenure
4. The public consultation process

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1. Regulatory changes for Uranium exploration

We are concerned, and disagree with Minister Gravelle's statement that uranium is ordinarily governed at the federal level.

It is clear that the Province of Ontario is responsible for legislation related to the exploration for uranium. However, the following quote from the Ottawa Citizen August 6, 2008 states:

> "The Ontario government is launching a series of public consultations next week to discuss modernizing the Ontario Mining Act, but Minister Gravelle says "Uranium will not be included in the review because it is ordinarily governed at the federal level, said Mr. Gravelle…"

While some of the federal issues and concerns relate to mining of uranium, it is clear that the Federal Government is aware of the situation in eastern Ontario and that the province is responsible for exploration for uranium. It is clear that uranium is different from other commodities in that mining of uranium is regulated federally and by a special Commission, where other commodities are not.

> "A memo, dated Jan. 15, 2008, obtained by Ottawa researcher Ken Rubin under the Access to Information Act represents the first indication of the federal position on the Frontenac controversy. Under a section titled "Federal Response," the briefing document states that Ottawa is "monitoring events closely" but emphasizes that **"exploration is a provincial responsibility."** The memo also says that "exploration drilling for uranium should not have a significant environmental impact."
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> "This has boiled over into calls for a moratorium in these areas - so far, this is a provincial matter to sort out - if they get to the development stage, these companies will have to deal with the CNSC [Canadian Nuclear Safety Commission] and there will be all kinds of opportunity for public consultation," the document says.[1]

We have a strong position that uranium exploration should be treated differently and with more consideration in Ontario's Mining Act. Therefore, exploration for uranium is paramount in our comment.

In April 2008, CCAMU hosted a Citizens' Inquiry into the Impact of the Uranium Cycle. The Inquiry was held in 4 locations, heard 157 presentations and received 230 submissions. The

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[1] G&M MINING REPORTER ANDY HOFFMAN: July 29, 2008 Ottawa rejects call to guide uranium drilling:

resulting report entitled 'Staking our Claim for a Healthy Future' captures the essence of the inquiry. It fills a gap in information that the government does not have-the unheard voice of communities which are impacted by uranium mining and whose concerns are backed by facts.

The report makes crucial recommendations to the provincial and federal governments for a path forward to address concerns, resolve problems and reconcile with those affected by the uranium cycle. Key recommendations call on governments to put the health of people before any development involving uranium.

The report can be found at www.ccamu.ca/pdfs/inquiry-report.pdf
Submissions can be found at www.uraniumcitizensinquiry.com

Uranium exploration and mining should have special recognition in the Mining Act and in the regulations. Unlike other minerals, uranium is dangerous due to its radioactive nature, and is recognized as such by Ontario and Canada–it is unique in that it is the only mineral that is regulated federally at the mining stage. The release of radon gas the second leading cause of lung cancer, after smoking, can occur very early in the cycle. It can be released as exploratory drilling begins, and once preliminary stripping and trenching starts. Drilling may take place in a way that harms watercourses by releasing radioactive particles into the air or through fractious or porous rock into a watercourse or groundwater. These activities can be carried out without consent of the landowner, and without any formal permission required of any governmental body. This means that the earliest of the mining stages can be carried out without regulation even though they may have significant health impacts, and local communities and municipalities have no input. Because of the impact of uranium mining is more severe than mining for other minerals, there should be some broader consultation and agreement.

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."

It is the position of CCAMU that there should be a moratorium on exploration for uranium. Until this moratorium is enacted, legislation should be passed that relates specifically to uranium exploration. Needed legislation includes:

- Environmental impact assessments and restrictions in populated areas and watersheds should be part of legislation.
- Permitting, backed by clear regulations and expectations for approval by related ministries, should be required for exploration - including during the initial exploration and drilling phases.
- Enhanced drilling requirements for uranium exploration must include specific rules designed to protect the environment and public health.
- Monitoring by MNDM and an independent agent of exploration sites should be required.
- The Ministry should consult with affected communities prior to exploration for uranium.
- Compliance and enforcement: strict penalties should be issued for violations. CCAMU suggests fines in the amount of $10, 000 for day of violation as outlined in Wyoming example below.

- Uranium exploration should be banned in watersheds and areas with private wells, in municipalities, or within 1 kilometer of residential or institutional buildings.
- New regulations should be retroactive and exploration on previous claims in areas that are now banned should not be able to continue.
- There should be appropriate buffering for any uranium exploration.
- Restoration should be required at the preliminary stage, including capping of drill holes,
- Because of the number of holes, the depth, and an open system that is not capped, drilling for uranium is different than drilling a well,
- It is not adequate to have voluntary compliance with Best Practices that are developed by Associations.
- The percentage of uranium should not exempt exploration projects from regulations requiring permitting, meaningful public consultation and accommodation, and requirements to restore.

Examples:

CCAMU includes examples from other jurisdictions to show that we are not alone in our concern over uranium exploration; also included are examples of guidelines, regulations and prohibitions that will to protect public safety and health and the environment.

A sample of jurisdictions that have concern for and guidelines or regulations for drill holes follows:

(a) The State Government of Victoria, Australia, Department of Primary Industries, Guidelines for Environmental Management in Exploration and Mining.

(2) Poor drilling practices can result in groundwater misuse, wastage or degradation from flowing bores, or exchange of waters from different aquifers via drillholes. Ingress of materials and surface water directly down drillholes can also cause groundwater pollution.

Source:
http://www.dse.vic.gov.au/DPI/nrenmp.nsf/9e58661e880ba9e44a256c640023eb2e/61839ca05e2f0250ca2573b600806acb/$FILE/ATTPZDJN/2%20GFEM%20-%20Drillholes.pdf

(b) **Government of Western Australia:**
Exploratory drilling has the potential to impact on the environment in a variety of ways. Impacts of drilling may be exhibited in any of the following areas:
- Groundwater aquifers
- Wetlands
- Waterways – Estuaries, rivers and streams

In addition to aquifer protection requirements, abandoned open or unstable drillholes are a physical hazard to people, stock, native animals and to foundations of structures constructed over these drill sites.
Source:
http://www.doir.wa.gov.au/documents/environment/Exploration_Rehab_Activities

(c) **Tennessee Government (USA):**
The applicant is responsible for complying with testing, monitoring, prevention of hazards and pollution, and all other requirements pertaining to the drilling, coring, and plugging and abandoning of mineral test holes.
Source: http://state.tn.us/environment/permits/mineral.shtml#myright

(d) **Government of Saskatchewan:**
- A minimum 100-meters must be maintained between the drill site clearing and any
water body or watercourse...
- ...drilling effluent shall be contained...
- Where possible all efforts shall be used to prevent drill mud, return water, and cuttings (sludge) from running uncontrolled from the site or to within 100 meters of a water body or watercourse. Appropriate erosion control measures may need to be implemented.
- Drill mud solids or cuttings with a uranium concentration greater than 0.05 per cent are to be collected and then disposed of down the drill hole and sealed.
- Any drill hole that encounters mineralization with a uranium content greater than 1.0% over a length > 1 meter, and with a meter-percent concentration > 5.0, will be sealed by grouting over the entire length of the mineralization zone and not less than 10 meters above or below each mineralization zone.
Source:
http://www.ir.gov.sk.ca/adx/aspx/adxGetMedia.aspx?DocID=4718,3457,3451,3385,5460,2936,Documents&MediaID=18148&Filename=MineralExplorationGuideline.pdf

(e) **Wyoming:**

Notice of violation that drill holes were not properly abandoned, capped and backfilled; reports were not filled

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF VIOLATION ISSUED TO Power Resources Inc. P.O. Box 1219 Glenrock, Wyoming 82637 RE: Drilling Notification DN236	))))))	**DOCKET NO. 4314-08**

NOTICE

NOTICE IS HEREBY GIVEN THAT:

1. Notice of Violation (NOV) is being sent to you pursuant to the Environmental Quality Act (ACT), Wyoming Statute (W.S.) §35-11-701(c)(i), which requires that a written notice be issued in the case of failure to correct or remedy an alleged violation.

2. On June 26, 2008 an inspection of Drilling Notification (DN) 236 was conducted by Jennifer Bowers of the Wyoming Department of Environmental Quality, Land Quality Division (LQD), District I office. The areas covered during the inspection were located in Township 35N, Range 74W, Section 18 and Township 37N, Range 74W, Section 35 and 36 in converse County.

3. Drill holes were not properly abandoned. This is a violation of W.S. § 35-11-404(c)(i-iii).

4. Drill holes were not immediately capped following drilling. This is a violation of W.S. § 35-11-404(h).

5. Monitoring wells lacked a proper well cap and inadequate surface seals, which are violations of Chapter 11 Section 6 (b) (A) (ii) and (c) of the LQD Noncoal Rules and Regulations.

6. Drill hole sites were not properly backfilled, contoured and seeded for surface restoration. This is a violation of W.S. § 35-11-404(c)(v).

7. Plugging and abandonment had not occur as reported in the 2007 abandoned drill hole report and drill holes were incorrectly reported in the DN236 2007 abandoned drill hole report. This is a violation of W.S. § 35-11-901(k).

8. In addition, a records search found PRI has failed to submit abandoned drill hole reports to the LQD for 2002, 2003 and 2004 report periods. This is violation of W.S. § 35-11-404 (e).

9. W.S. § 35-11-901(a) provides that any person who violates any provision of the ACT or any rule, standard, permit, license or variance adopted there under is liable to a penalty of ten thousand dollars ($10,000.00) for each day of violation, which penalty may be recovered in a civil action brought by the Attorney General in the name of the People of the State of Wyoming.

NOTHING IN THE NOTICE shall be interpreted to in any way limit or contravene any other remedy available under the ACT, nor shall this NOV be interpreted as being a condition precedent to any other enforcement action.

DATED THIS 17 **day of** July, **2008.**

Donald R. McKenzie
Administrator
Land Quality Division

John V. Corra
Director
Department of Environmental Quality

PLEASE DIRECT ALL INQUIRIES regarding this Notice of Violation to Lowell Spackman, Land Quality Division District 1 Supervisor, 122 West 25th Street, Cheyenne, WY 82002, telephone (307) 777-7052.

Attachment: June 26, 2008 Inspection Report

Other Provinces that have taken steps to regulate uranium

(a) New Brunswick: amended regulations related to uranium exploration
In July 2008, NB announced new regulations for uranium exploration and claim staking to address public concerns and protect drinking water.
Regulations limit uranium exploration and staking of claims: exploration is now banned on municipal land and in watersheds and fields with private wells. Claims will not be allowed to be staked within 300 metres of private homes. The new regulations are retroactive and exploration in previous claims in areas that are now banned will not be able to continue.

Uranium exploration and extraction in designated watersheds and well fields, as well as in villages, towns and cities, is now prohibited. In addition, all mineral-claims-staking activity in the province is suspended until a new map-staking system can be implemented. Other initiatives focus on appropriate buffering and landowner permission for any possible intrusive uranium exploration or development on private land-adjustments to ensure that landowner concerns are addressed; and take into consideration concerns around compliance and enforcement.

The Department of Natural Resources recently enhanced drilling requirements and adopted guidelines used by Saskatchewan for uranium exploration to include more specific rules designed to protect the environment and the health of New Brunswickers.

(b) Nova Scotia: renewed a moratorium on uranium exploration and mining.
In April, 2008, an all-party committee of the Nova Scotia legislature reaffirmed its support for the province's moratorium on uranium mining: the motion was passed unanimously to leave uranium in the ground where it belongs." Nova Scotia banned uranium exploration in 1982 over concerns about the environmental risks.

(c) British Columbia: renewed a ban on uranium projects

In April 2008, BC adopted an official moratorium on uranium exploration and development in the province to reinforce an informal ban put in place in 1980.

(d) Labrador: required an environmental monitor
In February 2007, an energy company was given approval to test-drill for uranium in a Labrador lake, but will need to have an independent third party on site to monitor the drilling program.

"Ontario's Mining Act and the system of free entry allow miners privileges and rights to enter, occupy and use private lands in search of subsurface minerals, in some parts of Ontario. The activities often involve tree cutting, dredging, trenching, and road building on the property, wrecking the surface lands, quite understandably against landowners' wishes. Aside from the actual problems with uranium mining itself, it is this system of free entry that is causing many of the problems with uranium mining in Ontario today. I am sure that this government and any reasonable person would agree that this archaic system should be written out of the Ontario Mining Act."
From letter to Ontario Minister of the Environment.

2. The Impact of Claim-Staking and Exploration: The Ontario *Mining Act*

Context:
When the Ontario government passed the *Mining Act* in 1873, the law made a lot of sense for the kind

of place Ontario was at that time. The exploitation of natural resources, particularly minerals and forests, was a key source of government revenue, especially when governments did not levy direct taxation through tools such as income tax. Thus the *Act* encouraged exploration for minerals by extending the ancient concept of royalty's powers of entry and ownership to prospectors and miners. In short, the *Act* gave the mining industry free access to lands in its search for minerals. In 1913, the *Public Lands Act* returned subsurface rights to many properties where patents were issued before May 1913. Some parcels granted after that date included mining rights. Further changes restoring subsurface rights were made in the 1990s. However, for properties in the Sharbot Lake area, the 1873 *Mining Act* continues to be the defining statute, and more than 100 claims have been staked in recent years, including on land that people thought they owned outright and on land that was never ceded by First Nation community.

Prospecting and staking claims:

Ontario's Ministry of Northern Development and Mines (MNDM) administers the *Mining Act*, which sets out rules for all aspects of claim-staking, mineral exploration, and development.

The *Mining Act* gives those looking for minerals (prospectors) the right to entry on, and access to, a great deal of land in Ontario in their search for minerals. The *Act* gives them the right to stake a claim on any land open to staking and to have it recorded without notifying the landowner and those traditionally using the land. The *Act* gives few powers to the Crown to stop this activity.

The *Act* provides that any adult may obtain a five-year license at a nominal charge of just over $25.50. Prospectors have access to private and public lands, except where the land has been withdrawn or where subsurface rights are privately owned. In land with certain uses -- cemeteries, churches or houses for instance -- consent must be given to prospect or stake a claim on that part of the lot. The Provincial Recorder or the Mining and Lands Commissioner can make an order allowing these activities if the owner refuses. Prospectors can enter on land open to staking to prospect for minerals as often and as many times as they choose. They are not required to notify owners of their entry, or to notify them that a claim has been staked. The fee to record a claim is about 10 cents an acre, or 25 cents a hectare.

Exploration, mining claims and leases:

Once the claim is recorded by the MNDM Provincial Recorder, the claimholder may enter, occupy and use the land to search for minerals, and is entitled to build roads and structures with a minimum 24-hour notice. There is no legal obligation to consult with, or inform, a surface owner of exploration plans, even though exploration can involve clearing, surface-stripping, trenching, and drilling to collect samples. It is not until a significant amount of exploration work is done – stripping more than 10,000 cubic metres, or removing more than 1,000 tonnes of earth – that restoration work is required. A claim can be maintained indefinitely, providing about $10 per acre, per year, is spent working the claim, and can be transferred at will, at any time. Landowners must negotiate with claimholders to receive compensation for damages.

For about $3 per hectare per year, a claimholder can obtain a mining lease, and this permits some mining operations to begin. At this stage, the miner must make arrangements with the owners of the surface rights and landowners may be obligated under the *Act* to sell their properties.

Disputes:

The Provincial Mining Recorder settles claims disputes, and the Mining and Lands Commissioner, whose authority is also conferred by the Mining Act, hears appeals of decisions. It is understood that the function of the *Act* and the Commissioner is to enable mining activities and protect the rights of claimholders. Thus the onus to prove a case is on the landowner, not the claimholder.

The *Mining Act* in today's world:

As residents and members of First Nations communities in the Sharbot Lake area discovered in 2006 and 2007, ownership lacked some privileges when it came to the uranium deposits. The process set out in the *Mining Act* seems anathema to today's values, and provides the many families who have lived on the land for generations or who have purchased recreation and retirement properties throughout Canadian Shield country with extraordinary uncertainty. The full impact of this ancient law was bound to erupt spectacularly somewhere, and it seems this is one place where public outrage has focused.

"Canada requires environmental impact studies as a pre-condition to providing international assistance abroad. It follows that Canada should follow its own example at home – in this case by suspending prospecting pending a full legislative, regulatory and juridical review of this situation and the establishment of forward looking laws to govern resource prospecting and extraction. It is on the public record that Canadian mining companies have flawed international reputations that continue today from the concerns in the 1970s and earlier."
From brief by the director of the International Land Coalition, Rome.

At least three changes in the last 140 years provide a strong rationale for revisiting the *Mining Act*. One is the altered nature of the exploration and mining industry, which in the late nineteenth century in Ontario was in its formative years and consisted of small companies engaged in what was almost like a craft form of enterprise. It was not until the early twentieth century that mining in Ontario changed into a business that required large pools of finances to fund large enterprises that became, over the years, capital-intensive. Today mining is mostly an undertaking of corporations with a global reach, against which individual landowners have virtually no leverage.

Second, in the last half of the nineteenth century few households owned property in the places where mining activity might occur. As a result, conflicts between prospectors and owners were few and far between. In the last quarter of the twentieth century, however, the picture has changed. As an example, retirement properties have been purchased on picturesque lakes on the Canadian Shield where prospecting might occur – hence a serious conflict of interests. Third, the nature of the Ontario economy has changed radically since the *Mining Act* was first passed. While mining activities continue to provide jobs for many individuals, the sector plays a less dominant role in the Ontario economy. Individual communities may rely on particular mines for their livelihood, but few think that the secret for the province's continued growth will be to establish a large number of new mines.

"Consensus of all presentations that the Ontario Mining Act is antiquated and inadequate in protecting surface owner rights or providing sufficient oversight of the exploration activity to ensure environmental protection."
Panel Member of the Citizens' Inquiry into the Impacts of the Uranium Cycle.

One has the sense that very little rethinking has occurred in respect to mining and prospecting during the past half-century, even though most other large undertakings, both public and private, have been subject to new approaches, regulations, processes, and laws to ensure the protection of public interests. While the environment has come to the forefront in public

thinking, the *Mining Act* continues to override its care and protection.

Summary:

It is clear that the Ontario *Mining Act* and other provincial provisions relating to prospecting and mining need to be thoroughly revisited so that they can be made more appropriate in order to better reflect the various interests in the province. The Ministry of Northern Development and Mines (MNDM) posted a notice on the Environmental Bill of Rights registry that such a review was underway in July 2007. The following December, Premier Dalton McGuinty confirmed that such was the case, although the process was not outlined and did not have the public presence needed. It appears to be being conducted by staff and the Minister's Mining Act Advisory Committee, without components that ensure public involvement.

CCAMU's position is that the values of today's world no longer assume that mining and exploration activities are the best use of land. There should be consideration for municipal policies as found in local Official Plans or local zoning bylaws. The Provincial Policy Statement (PPS) (2005) provides guidance and direction to municipalities as they plan by requiring them to conform to these policy statements, and the PPS puts mineral resources and mines beyond municipal control or influence. Policy 2.4.1 states that mineral resources will be protected for long-term use; Policy 2.4.2 provides that mining operations will be protected from any nearby development that might preclude expansion or continued operation of the mine, and then development near the mine will only be permitted if "issues of public health ... and environmental impact are addressed. The appropriateness of these priorities in the current era is questionable.

In 2003, Declaration Order MNDM-3/3 was circulated to permit the Ministry to prepare a class Environmental Assessment approach for mining, but that has yet to come forward, and the Order appears to exempt mining from comprehensive Environmental Assessment provisions intended to protect the natural environment. Requests under the Environmental Bill of Rights to have the Order reviewed have not been successful. This is not adequate.

Therefore:

- the province should continue in it's efforts to undertake a broad public review through a body such as a royal commission into the *Mining Act*. The process should be headed by individuals who are independent of the Ministry administering the *Act* and who evoke public trust. Processes must provide opportunities for formal public input, including public hearings. CCAMU's position is that the roundtable discussions carried out in August and September do not fulfill the expectations of a full public hearing. However, it is a first step.
- A process for meaningful consultation with the Public must ensure that there is full research of alternatives and the state of affairs in other jurisdictions, and that this information is fully available to the public prior to public consultations. The mandate of the process must be broad enough to encompass the major issues,
- The next step should include not just the *Mining Act* legislation but also the Provincial Policy Statement, the relationship with other legislation and policies including those related to environmental protection, the relationship of mining activities to municipal powers (including municipal Official Plans), the *Environmental Assessment Act*, and methods of environmental protection.
- Information should include mining and mineral tenure provisions in other jurisdictions;

- The process must be open, transparent, and accountable, and led by individuals who evoke public trust. And from the report of this body the province enact new laws and policies for the new century to better serve public and private interests in Ontario.

3. Mineral Tenure:

CCAMU supports the following changes:

1. Requirement for new land use planning policies ensuring proper land use plans are in place across the province;
2. Requirement for free, prior and informed consent of Aboriginal Peoples as a pre-condition to any mining activity; (including Community Consult, Accommodating Community, and Community Consent before all stages including, prospecting, exploration and development)
3. Environmental assessment for exploration and mining, including prospecting permits containing environmental performance requirements as a pre-condition to permits being issued;
4. Permitting of mining activities for prospecting, exploration and mining, including requirements for work plans, consultation and agreement of Aboriginal peoples, environmental assessment and annual reporting;
5. Consent of surface rights from owners be a pre-condition to prospecting, exploration and mining on their land. What a consent policy will do is provide some assurance to people with properties on or close to the Canadian Shield that their interests will be respected while the provincial government thoroughly reviews mining and prospecting policies for the twenty-first century. Without that interim policy, the government is bound to be besieged by landowners filing complaints and disputes and asking for protection from the current *Act;*
6. Increased transparency of mining operations, including public notice, consultation and reporting to the public, annual reports with information on proposed prospecting, exploration, and mining activities required under permits and provided to the public with opportunity to comment on permit applications and environmental assessments.
7. Requirement for financial security deposit for realizable costs deposited to the Minister for 100% clean up, remediation and reclamation costs when a permit is issues for exploration, before full mining development;
8. Self-funded regulatory scheme adopted to replace the minimum annual work requirements under Ontario's current Mining Act with an
annual fee system that requires fees for prospecting, exploration and mining annually; and
9. Mining and surface rights on privately owned land should be reunited.

4. Public consultation process

The Community Coalition Against Mining Uranium's (CCAMU's) response to the MNDM public consultations on Mining Act reform.

While CCAMU has reservations, due to the flawed process, we welcome the Ontario Government's announcement on August 5, 2008 that a review of the Ontario Mining Act was underway. CCAMU is pleased that the discussion includes issues related to privately owned land and First Nations' consultation.

On August 5, 2008, the Ministry of Northern Development and Mines announced that public consultations will be held in five locations beginning on August 11th in Timmins (August 11); followed by consultations in: Sudbury (August 13); Thunder Bay (August 18); Kingston (August 28) and Toronto (Sept.8).

It is noted that the related discussion paper was posted on the MNDM and Environmental Bill of Rights websites on August 11 and was not available to stakeholders prior to that date.

Five problems have been identified:

1) Minister Gravelle stated that the scope did not include discussion on uranium. It is unclear if the scope of the consultation was restricted and that comments on issues beyond the stated five elements would be considered in a meaningful way.
2) The timing of the consultation was inadequate.
3) Stakeholders were not given clear directions on how to participate
4) Meeting locations were limited to five locations, with no consideration given to preparation and travel time.
5) The time allowed for input and legislative changes is inadequate.

More precisely:

1) Uranium exploration should have been included in the discussion paper and as part of the consultation process.

- Twenty-three municipalities, many thousands of Ontarians and dozens of organizations have petitioned the government concerning exploration and mining of uranium. Refusing to include issues related to uranium is an unacceptable decision.

In addition, the scope of the consultation was not released. The consultation announcement only hinted at an outline for just two of the five discussion topics.

- For proper preparation by stakeholders and the public in the process, more information was needed.

2) The first public meeting was scheduled for the same day that the discussion paper was expected to be released. The time given participants to prepare is, therefore, inadequate.

- More lead-time was required to ensure adequate preparation.

3) Stakeholders were not given clear directions on how to participate in the process. As well, it was unclear who would be considered stakeholders in the discussions.

- A letter sent to Premier McGuinty on June 24, requesting that CCAMU and other groups be considered stakeholders has gone unanswered.

4) Meeting locations were limited, with little or no time to arrange schedules and travel.

- Consultations should have been held in additional impacted communities, including Bancroft/Haliburton, with adequate notice to allow for maximum stakeholder and public participation.

5) While we agree that it is important for legislation to be adopted to avoid further conflicts, jailing of native leaders and impacts on individuals and communities, changes should reflect a meaningful consultation process and due consideration of the options. There should be ample time to allow MNDM to review comments provided during the consultation process and comments on the EBR posting, to develop options and to develop legislation. In addition, conflicting information has been given about the timing on the process for legislative changes.

- A quote from a Response provided by the Ministry of Northern Development and Mines (MNDM) contained in the agenda package for the Source Water Protection Committee August 7, 2008 section 5 (a) page 27 "… we're currently working through details such as scope and timing. This will be a complex and lengthly undertaking" Minister Gravelle has stated that the changes will be brought forward by the end of the year and, if passed, will become law in 2009.

CCAMU insists that the process for changes to the Mining Act is transparent, addresses our concerns and takes into account the suggestions we have made.