

# Modernizing Ontario's Mining Act

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## Finding A Balance Discussion Paper

August 2008

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## Contents

Minister's Message	1
Overview of Ontario's Mining Industry	2
Purpose of the Review	4
How to Participate	5
Context of the Modernization Process	6
What We Have Learned So Far	7
Ontario's Mining Act	9
A Historical Perspective	10
Elements of the Review	11
1. Mineral Tenure System and Security of Investment	12
2. Aboriginal Rights and Interests Related to Mining Development	14
3. Introducing Regulatory Processes for Exploration Activities on Crown Land	15
4. Land Use Planning in Ontario's Far North	16
5. Private Rights and Interests (Surface Rights/Mining Rights Conflicts)	17
Glossary	18
Other Resources	20

## Minister's Message

Ontarians share a fundamental value – a deep and profound love for the natural wonders of this province.

The natural world of trees and rocks and water and wildlife has built our economy into one of the strongest in the world. Since earliest times, it has inspired our art and shaped our character as a people. It sustains us and lies at the core of our self-image.

Whether we are urbanites who relish our annual canoe trips with the kids; Cree hunters awaiting the return of the geese to Hanna Bay; lone prospectors plying their craft in the winter wilderness; cottagers enjoying the sunset at the lake; or small-towners sneaking out at lunch to dip a line in a local stream – whoever we are and whatever we do, we all love this place.

In a sense, we Ontarians are all people of the land. It is natural, then, that the land – and the uses we put it to – should spark strong feelings. Sometimes we find ourselves at odds with each other. Occasionally, these differences lead to conflicts.

Like all legislation, Ontario's Mining Act must adapt to the dynamic society it serves. Times change, and people's aspirations change with them. And these are changed times.

Technological advances allow us to consider mining activity in lands that were once too remote to be of interest. Lands that were once seen as unproductive for anything but resource extraction are now treasured recreational properties. First Nation and Métis communities are wondering how to create new economic activities while also pursuing traditional activities in their home lands.

Our Mining Act must reflect these changed times. At the same time, we need to ensure that we continue to promote sustainable mineral resource stewardship for the benefit of all Ontarians.

In this discussion paper, you will find an outline of the five critical policy issues we believe we must address. We set out what we hope to achieve in this process, and list some approaches you may wish to consider. For each issue, we have posed a series of questions to help you focus your suggestions and comments.

Our task is to find a balance. By getting it right, we can ensure that all communities have the opportunity to reap the benefits of the current mining boom – according to their aspirations – while we preserve the natural heritage values we so deeply love.

The Hon. Michael Gravelle

Minister of Northern Development and Mines



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*The mineral sector is the largest private sector employer of Aboriginal workers in Canada.*

## Overview of Ontario's Mining Industry

Ontario is Canada's largest producer of minerals, accounting for 28 per cent of the national total in 2007, at an approximate value of \$10.7 billion. Exploration spending in Ontario has risen fourfold from \$120 million in 2002 to \$500 million in 2007. In 2008 that figure is expected to exceed \$625 million.

Ontario is a leading producer in a number of base and precious metals. The province ranks among the top 10 global producers of platinum, nickel and cobalt and among the top 20 global producers of gold, silver, copper and zinc. Currently, there are 43 producing mines across Ontario: 28 metal mines; 14 major industrial mineral operations and Ontario's first diamond mine.

The mining sector employs 100,000 Ontarians directly and indirectly. The average weekly earnings of the mining sector are 50 per cent higher than any of Ontario's other industrial sectors. Mining companies inject approximately \$1 billion annually into the Ontario economy and support over 1,000 local businesses.

Mining's impact goes beyond the province's mine sites and mineral exploration camps.

Toronto is the international financial centre for the mining industry. This year, the Toronto Stock Exchange is listing more than 1,400 mining issuers at a market value of almost \$380 billion. That's more than half of the world's public mining issuers and more than any other exchange in the world.

Toronto is also home to around 400 mining and exploration companies and 260 other mining-related companies.

Ontario's mineral development industry is a complex network of individuals (prospectors) and large and small companies often referred to as senior and junior companies respectively.

Senior mining companies traditionally fund their exploration activities from revenues generated from the production of minerals and metals from their mining operations located around the globe. On the other hand, junior exploration companies predominantly fund their exploration projects by raising risk capital either through issuing treasury shares from stock exchanges around the world or with private placements from individual investors and investment groups. Junior companies often sell successful discoveries to senior companies for production. Combined, there are over 500 senior and junior mining and exploration companies currently active in Ontario.

Individual prospectors represent the start of the mineral development chain. There are over 6000 prospectors active in Ontario, representing the largest group in Ontario's mineral development network. Prospectors can be independent, staking claims and exploring properties on their own, which they will in turn sell to junior exploration companies. Prospectors may also be employed by a junior company to prospect and stake claims on their behalf.



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**Blueprint for Development**

*Released in March 2006, Ontario's Mineral Development Strategy serves as a blueprint for the future of mineral development in Ontario.*

*It commits Ontario to sound management, effective stewardship and responsible development of the province's mineral resources.*

## Purpose of the Review

Ontario is modernizing its Mining Act to ensure that this legislation promotes fair and balanced development that benefits all Ontarians in a sustainable, socially appropriate way, while supporting a vibrant, safe, environmentally sound mining industry.

Modernization will bring the Mining Act into harmony with the values of today's society while maintaining a framework that supports the mineral industry's contribution to Ontario's economy.

This process supports Premier Dalton McGuinty's July 14, 2008 Far North Planning announcement, including his promise that the government will modernize the way mining companies stake and explore their claims to be more respectful of private land owners and Aboriginal communities.

It advances the need to ensure appropriate consultation and accommodation of First Nation and Métis communities.

It supports the Premier's December 2007 commitment to an updated Mining Act that "reflects the aspirations of a progressive society here in Ontario."

And it will address the [Mineral Development Strategy](#) goal of "clarifying and modernizing mineral resource stewardship" by implementing effective consultation protocols and fostering positive Aboriginal-government-industry relations.

## How to Participate

The Ministry of Northern Development and Mines will host facilitated public discussion sessions in Timmins (August 11), Sudbury (August 13), Thunder Bay (August 18), Kingston (August 28) and Toronto (September 8). Please visit [www.ontario.ca/miningact](http://www.ontario.ca/miningact) for more information about the public meetings.

You may also respond to this discussion paper through the Environmental Registry or by emailing us at [miningact@ontario.ca](mailto:miningact@ontario.ca). Written submissions may be mailed to:

Ministry of Northern Development and Mines  
99 Wellesley Street West  
Room 5630  
Toronto, Ontario  
M7A 1W3

All comments should be sent by October 15. We will introduce legislation in the upcoming session and, if it is passed, new rules would be in place for later next year.

The ministry will be reaching out to First Nation and Métis communities for their input through meetings with First Nation and Métis leaders and organizations. In addition, we will provide copies of this discussion paper to all First Nation communities and Aboriginal organizations in the province, then follow up with direct invitations for input. Focused meetings for mineral sector and other stakeholders will be held in appropriate locations throughout Ontario.

For further information on the review and modernization process, please call 1-888-415-9845 or email us at [miningact@ontario.ca](mailto:miningact@ontario.ca).

## Context of the Modernization Process

Ontario wants to ensure that mining potential across the province is developed in a sustainable way that continues to benefit the province and respects communities.

Premier Dalton McGuinty set that clear context for a modernized Mining Act when he announced Ontario's Far North Planning initiative on July 14, 2008.

"We're going to modernize the way mining companies stake and explore their claims to be more respectful of private land owners and Aboriginal communities," he said.

The Premier stressed that the goal, both in the Far North region and across the province, is to strike the right balance between conservation and development. Ontario wants to ensure that its mining industry remains strong. This includes ensuring that mining practices are up to date, and that Aboriginal rights and interests are given the appropriate consideration.

"We think exploration and mine development should only happen with the early consultation and accommodation with local Aboriginal communities," the Premier said.

The Premier also announced that Ontario will develop a system of Resource Benefits Sharing that would see Aboriginal communities benefit directly from resource development.

## What We Have Learned So Far

### Consultation with Aboriginal Communities

In February 2007, the Ministry of Northern Development and Mines released a discussion paper, [Toward Developing an Aboriginal Consultation Approach for Mineral Sector Activities](#), and initiated a collaborative engagement process with the goal of developing an improved Aboriginal consultation approach.

The ministry held community-based discussions across Ontario, met with several political territorial organizations and tribal councils, as well as the Métis Nation of Ontario, and held several facilitated workshops. Through these discussions, we learned that Aboriginal communities have a variety of views on mineral sector activities, and when and how they want to be consulted.

Aboriginal communities told us:

- They want to be consulted and accommodated at all stages of the mining sequence, including preliminary exploration
- They desire meaningful participation in land use decision making and economic development
- They desire a measure of control over development within their traditional territories, including proposed activities before exploration work is undertaken
- They require assistance to build capacity that would allow them to participate fully.

Based on what we have heard, the ministry has implemented a transitional approach to consultation that includes a pilot project to protect sites of significant spiritual and cultural value from staking; notifying new mining claim holders on when and how to engage Aboriginal communities; and providing quarterly maps and reports to First Nations showing any recent claims recorded in their general vicinity.

The ministry has also undertaken relationship building that has led to Memoranda of Understanding or Communication with three First Nation communities in the Far North. It has pursued further collaboration under the Far North Geological Mapping Initiative with several others.

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**Map Staking**

*Traditional claim staking systems require prospectors to go onto the ground and physically mark out their claim using wooden posts and a prescribed staking method.*

*Map staking, on the other hand, does not require physical entry on land to acquire a claim. Using a map that shows where mineral rights are available, it allows prospectors to select and register their claims, either manually with paper maps or through an automated or electronic manner that uses a Geographic Information System.*

**Surface rights and mining rights**

The ministry has consulted on issues of concern to private property owners, with particular focus on southern Ontario.

Based on advice from the Minister's Mining Act Advisory Committee, which includes representation from the mineral industry, surface rights stakeholders, tourist operators, environmental organizations and Aboriginal organizations, the ministry posted proposed Mining Act changes on the Environmental Registry in July 2007. Proposals for where surface rights are privately held included provisions that would place greater restrictions on areas open to staking, stronger notification requirements after staking and prior to exploration, as well as the introduction of map staking. Input received is reflected in this discussion paper.

**Other consultations**

The ministry undertook extensive consultations across the province on Ontario's Mineral Development Strategy. Input was received from 38 organizations, Northern Development Councils, First Nation and Métis leadership, several First Nation communities, tribal councils and political territorial organizations. Participants stressed the need for stronger relationships between Aboriginal communities and the mineral sector, as well as enhanced communications among all groups.

The ministry has also considered comments received through other engagement vehicles, including current discussions on the development of the Growth Plan for Northern Ontario. Northerners have told us of the importance mining plays in the economic prosperity of their communities.

## Ontario's Mining Act

The purpose of the [Mining Act](#), which applies throughout Ontario, is “to encourage prospecting, staking and exploration for the development of mineral resources and to minimize the impact of these activities on public health and safety and the environment through rehabilitation of mining lands in Ontario.”

Despite its name, the Mining Act has limited application in the day-to-day activities of operating mines. Generally, it focuses on activities that occur before and after mineral production. These activities include the acquisition and maintenance of mineral rights - claim staking, prospecting, mineral exploration and mine development related to mining land tenure - and the safe, environmentally sustainable closure of mining operations.

The Mining Act does not, however, regulate the following matters, which are covered by other legislation:

- Environmental standards for air, water or land
- Health and safety standards
- Lands in parks and protected areas
- Uranium mining (regulated by federal government, however early exploration is regulated by province)
- Land use planning.

## A Historical Perspective

Regulation of mining in Ontario began in 1845, when the province was still known as Upper Canada, through a collection of statutes that regulated exploration rights, licensing, reporting requirements and land tenure, and established revenue streams, such as taxes, royalties and fees.

In 1864, these statutes were consolidated through the Gold Mining Act, which governed 'quartz' and gold mining. It also introduced mining inspectors to administer and enforce the act.

After Confederation, the Gold and Silver Mining Act of 1868 added provisions that addressed exploration on private and Crown lands, and implemented a more comprehensive mineral royalty system. This was quickly succeeded by the Mining Act of 1869, which expanded the scope of provincial legislation to include regulations on the broader array of ore and mineral commodities discovered in Ontario around that time.

A major revision of the Mining Act in 1906 introduced several key features of the current act, including efficient processes to secure interests in mining claims through work requirements and a dispute resolution mechanism.

The Mining Act was periodically amended throughout the 20th century. Changes included enhancements to the authority of the Mining and Lands Commissioner; introduction of a domestic processing requirement following the First World War; and various exclusions and withdrawals of land pertaining to resources such as timber, aggregates, hydro-electric generation and other purposes in the public interest.

Major amendments to the Mining Act in the early 1990s saw the addition of Part VII, the requirements for mine closure and reclamation. Further amendments in 2000 included requirements for Aboriginal consultation on closure plans.

In 2007, the government established the framework for Ontario's emerging diamond industry by augmenting the Mining Act with the province's first diamond regulations to enable the valuation of diamonds in Ontario, as well as the payment and administration of diamond royalties.

The "Good Samaritan" amendment to the Mining Act was also passed in 2007 to allow the private sector to conduct voluntary mine rehabilitation on certain Crown-held abandoned mine sites without exposure to undue liabilities.

## Elements of the Review

The government believes five critical policy issues must be addressed in this review of Ontario's Mining Act:

### **1. Mineral tenure system and security of investment**

Potential adjustments to the mineral tenure system, including free entry, to assure investment security while taking into account other interests, including Aboriginal community concerns and private landowners' issues

### **2. Aboriginal rights and interests related to mining development**

Potential approaches to consultation and accommodation related to the broad range of mineral sector activities as they affect Aboriginal and treaty rights.

### **3. Regulatory processes for exploration activities on Crown Land**

Potential approaches to regulating exploration activities, including consultation and accommodation with Aboriginal communities.

### **4. Land use planning in Ontario's Far North**

Potential approaches to the requirement that new mines in the Far North would need community land use plans supported by local First Nations.

### **5. Private rights and interests relating to mining development (mineral rights/surface rights issues)**

Potential approaches to address mineral rights and surface rights issues.

### **Lands not open to staking**

*Lands with privately owned mineral rights are not open for staking.*

*Most lands with Crown-owned mineral rights are open for claim staking. However, some are generally not open to staking. These include lands used for: residential subdivisions, provincial parks, conservation reserves, First Nation reserves, a dwelling, cemetery, public building, garden, orchard or crops that may be damaged, railway lands or Crown town sites. In some cases, staking may be allowed with consent.*

## **1. Mineral Tenure System and Security of Investment**

Mineral tenure refers to the system of granting and administering exploration and mineral rights.

In Ontario and throughout most of Canada, this system – commonly known as the “free entry” system – sets out the rules for acquiring title to Crown-owned minerals. It has four key features:

- The right of prospectors to enter lands containing Crown-owned minerals to undertake mineral exploration
- The right of prospectors to acquire mineral exploration rights by properly staking a claim and having it recorded with the mining recorder
- The exclusive right of the claim holder to carry out further exploration within the area covered by the claim
- The right of the claim holder to obtain a mining lease – the tenure instrument required to undertake mineral production – provided proper procedures and requirements have been complied with.

Free entry does not include an automatic right to mine. To develop a mine, a lease holder must obtain a wide range of provincial and federal permits and approvals.

(For a more detailed discussion of the free entry system, please see *The “Free Entry” System – Divergence Among Key Players*, an excerpt from [State of the Debate – Aboriginal Communities and Non-Renewable Resource Development](#), by the National Round Table on the Environment and the Economy).

Mining land tenure issues can engender sharp differences of opinion that are often difficult to reconcile. And yet that is the task – to find solutions that benefit Ontario and balance all of our respective interests.

In the ministry’s ongoing engagement process on consultation approaches, many Aboriginal communities have expressed concern about the way the Mining Act sets the rules for acquiring title to Crown-owned minerals. (This is discussed more fully in *Element 2 – Aboriginal Rights and Interests Related to Mining Development* on Page 14.)

Surface rights holders, particularly those who own vacation or retirement properties in rural areas, often find the act’s approach completely at odds with their own enjoyment of their lands. (Surface rights issues are discussed in more detail in *Element 5 – Private Rights and Interests* on Page 17.) At the same time, prospectors, mineral exploration companies and mining investors have told us they place a high value on the confidentiality, security and certainty provided by the current system. In fact, mineral tenure is the only asset against which mineral companies can raise financing.

***In this consultation***, we would like to explore potential adjustments to the current mineral tenure system that would take into account the concerns of Aboriginal communities and private landholders while, at the same time, continuing to assure mineral investment security.

### *Questions to Consider*

- What potential adjustments to the mineral tenure system, including free entry, could we consider to better address the concerns of First Nation and Métis communities?
- How could we ensure that the Mining Act continues to provide investment security?
- How could we reduce potential conflicts between the property owners who hold only surface rights and prospectors or mining companies who wish to acquire mineral exploration rights on those lands?

## 2. Aboriginal Rights and Interests Related to Mining Development

### **Traditional Lands**

*In Northern Ontario, most land outside reserve land is Crown land. Many First Nations consider these Crown lands to be part of their traditional lands.*

*Boundaries of these traditional lands are often undefined and may overlap with the traditional lands of other First Nations.*

The Ontario government is committed to meeting its duty to consult with Aboriginal people.

As the original inhabitants of this province, Aboriginal people have constitutionally protected rights and recognized interests.

They look for meaningful participation in both land-use decision making and economic development within their traditional lands. They see impacts on their social, traditional and ecological environment from mineral exploration and development. They want meaningful and informed consultation throughout the mining sequence.

Aboriginal communities in Ontario are all different, however. As we have learned through our Aboriginal engagement process, there is no single approach to consultation that can encompass the needs and outlooks of more than 100 First Nation and Métis communities.

For that reason, our consultation framework must be flexible enough to accommodate a variety of different perspectives. At the same time, it must ensure that consultation requirements are met and that investment continues to be encouraged.

***In this consultation***, we want to look at a range of approaches to consultation with and accommodation of Aboriginal communities related to the broad spectrum of mineral sector activities, including claim staking and exploration.

### **Questions to Consider**

- How could First Nation and Métis communities be engaged, consulted and accommodated in the following stages of the mining sequence:
  - Prior to early exploration
  - Post claim staking exploration
  - Advanced exploration
  - Mine development?
- What are the necessary elements of an open and transparent process?

### 3. Introducing Regulatory Processes for Exploration Activities on Crown Land

During its ongoing *Aboriginal Engagement on Consultation*, the ministry has engaged more than 50 First Nation communities across the province, met with First Nation and Métis leaders, tribal councils and political territorial organizations, and sought advice through the mining technical table process of Oski-Machiitawin (formerly the Northern Table).

We have consistently heard that Aboriginal communities want meaningful and informed consultation throughout the mining sequence by prospectors, exploration companies and government.

The government's traditional perspective has been that most early exploration activity is non-intrusive and that it has minimal impact on Aboriginal and treaty rights. Aboriginal communities have told us, however, that such activity may have significant impacts, depending on its timing and location.

The Mining Act generally does not regulate early stage exploration activities once a claim has been staked. To better address consultation with Aboriginal communities, the ministry may consider introducing an enhanced regulatory approach under the Mining Act.

(Surface rights are discussed in *Element 5 – Private Rights and Interests* on Page 17.)

**In this consultation**, we want to examine various regulatory approaches for early exploration activities.

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#### **Oski- Machiitawin**

**(formerly the Northern Table)**

*Ontario and Nishnawbe Aski Nation (NAN) launched Oski- Machiitawin (New Beginning) to work together on common priorities and address issues identified by northern First Nations.*

*NAN is a political territorial organization representing 49 First Nation communities within Treaty 9 and the Ontario portion of Treaty 5.*

#### *Questions to Consider*

- How could a regulatory process for exploration activities be designed to ensure that the rights of First Nation and Métis communities are respected?
- What elements could be included in a regulatory process for mineral exploration?
- How could a regulatory process work in a fair and timely fashion?

#### **4. Land Use Planning in Ontario's Far North**

On July 14, Premier Dalton McGuinty announced that Ontario was launching a Far North Planning initiative.

The Ontario government will be protecting more than 225,000 square kilometres – or more than half of the Northern Boreal lands – in an interconnected network of conservation lands. Priority will be given to protecting lands with key ecological features such as habitat for endangered species or important carbon sinks. These lands will be permanently protected through the Far North planning process. Activity on these lands will be restricted to tourism and traditional Aboriginal uses.

The government will work with all northern communities and resource industries to create a broad plan for sustainable development. As well, local plans will be developed in agreement with First Nations. Each year, a number of communities will complete these local plans.

The entire process is expected to take 10 to 15 years.

Mineral claim staking and exploration will continue during the Far North Planning period. However, to ensure proper planning and community input, the opening of new mines in the Far North would require community land use plans supported by local Aboriginal communities.

***In this consultation***, we want to discuss how these requirements for land use planning can be implemented in the Far North.

#### ***Question to Consider***

- How should community land use planning and local Aboriginal community support for new mine openings be reflected in the approvals system for mining in the Far North?

## 5. Private Rights and Interests (Surface Rights/Mining Rights Conflicts)

For the purpose of mineral exploration in Ontario, the Mining Act defines two types of land rights and ownership. “Mining Rights” are the rights to minerals on, in or under any land; and “surface rights” are all other rights, besides mining rights, in land.

These distinctive land rights may be held by the same person or could be held separately. If the Crown holds the mining rights on lands that are open for staking, any person with a prospector’s licence may stake the land and attain the exclusive right to explore for minerals. In recent years, conflicts have arisen as a result of exploration companies or individuals entering private property, where mineral rights are owned by the Crown, to stake out mining claims or to undertake ground exploration work.

In southern Ontario (south of the French River and Lake Nipissing) only about 1.4 per cent of the land consists of privately held surface rights that do not include mineral rights (Crown mineral rights). These properties are concentrated in areas northwest of Kingston and northeast of Peterborough.

In Northern Ontario, approximately 0.4 per cent of the land consists of private surface rights properties that do not include mineral rights. These properties are spread across the near north around communities such as Kenora, Thunder Bay, Sault Ste Marie, Sudbury, North Bay, Timmins, Kirkland Lake and Cobalt. Northern mining communities are supportive of maintaining separate surface rights and mining rights in order to maintain mineral development over the long term.

The ministry posted proposed Mining Act changes on the Environmental Registry in July 2007. The proposal put forward several potential changes:

- Introducing map staking in place of physical staking in southern Ontario and requiring restoration of surface conditions on private land after exploration
- Broadening the list of specific lands that are not open to claim staking
- Introducing notification rules for claim staking and enhanced prior notification for exploration work
- Requiring landowner consent for exploration on an expanded list of categories of private lands.

***In this consultation***, we hope to build on our previous surface rights/mining rights consultation to reduce or remove conflicts.

### *Questions to Consider*

- How could a requirement to file an exploration work plan complement the proposed changes to the Mining Act that were discussed in the 2007 EBR posting?
- What other ways could we protect the interests of surface rights property owners while maintaining access to Crown mineral resources?

## Glossary

- **Domestic Processing Requirement:** All lands disposed of under the Mining Act or any other act are subject to the condition that all ores or minerals mined shall be treated and refined in Canada. In cases where domestic processing is determined to be non-viable, the government may exempt certain lands from the processing requirement for a set period of time.
- **Free Entry:** The right of access to Crown-owned mineral resources that are situated on any lands that are open for exploration and mining. This concept includes:
  - A right of free access to lands on which the minerals are in public ownership
  - A right to acquire the exclusive rights to explore for minerals through the staking out of a mining claim
  - A right to proceed to bring a mining claim to lease (acquire mining land tenure required as a prerequisite to mining)

*Note: In order to develop a mine, a lease holder must obtain a broad set of provincial and federal permits and approvals.*
- **Impact Benefit Agreements (IBAs):** Agreements signed between mining companies and First Nation communities in Canada in order to establish formal relationships between them to reduce the predicted impact of a mine and secure economic benefit for affected communities.
- **Map Staking:** A system of acquiring mining claims that does not require the on-the-ground physical demarcation of claim boundaries. Map staking could involve a “paper map selection process” that uses the survey fabric on existing claim maps, or a fully electronic system using a Geographic Information System.
- **Mine Rehabilitation:** Measures, including protective measures, taken in accordance with the prescribed standards to treat a site or mine hazard so that the use or condition of the site, is restored to its former use or condition, or is made suitable for a use that the Director of Mine Rehabilitation sees fit.
- **Mine Closure Plan:** A plan to rehabilitate a site or mine hazard that has been prepared and filed in accordance with the Mining Act and that includes a provision of financial assurance to the Crown for the performance of the closure plan requirements.
- **Minerals:** All naturally occurring metallic and non-metallic minerals, including natural gas, petroleum, coal, salt, quarry and pit material, gold, silver and all rare and precious minerals and metals, but does not include sand, gravel and peat.
- **Mineral Exploration:** The search for deposits of useful minerals or fossil fuels including prospecting and more advanced activities that establish the nature of a known mineral deposit prior to mine development. Exploration activities may include geoscience surveys such as remote sensing, photogeology, geophysical and geochemical methods.

- **Mineral Tenure System:** Refers to the system for acquiring:
  - Exclusive rights to explore for Crown minerals (mining claims, Exploratory Licences of Occupation) and
  - Mining rights (mining leases, freehold patents and mining Licences of Occupation)
- **Mineral Rights / Mining Rights:** The right to minerals on, in or under any land.
- **Mining Claim:** A defined area of land staked out by a prospector licensee that gives a claim holder the exclusive right to explore for Crown minerals. The minimum size of a mining claim is 16 hectares (400 metres to a side); the maximum size is 16 claim units.
- **Mining Lands** include:
  - a) Lands and mining rights patented or leased under the Mining Act
  - b) Lands or mining rights located, staked out, used or intended to be used for mining purposes
  - c) Surface rights granted solely for mining purposes.
- **Mining Lease:** A defined area of mining land (previously a mining claim or part of a claim) that gives the holder title to the minerals.
 

*Note: A claim holder has the right to obtain a mining lease for part or all of a mining claim, by complying with all the related requirements under the Mining Act.*
- **Prospecting:** The physical search for minerals, fossils, precious metals or mineral specimens.
- **Resource Benefits Sharing:** A mechanism to include Aboriginal people in the assorted benefits of natural resource development within Ontario. The benefits range from:
  - Crown resource revenue sharing – the sharing of Crown revenues from natural resource development with Aboriginal communities
  - Crown resource sharing – ensuring Aboriginal communities have natural resource allocations;
  - Involving Aboriginal communities in the management of natural resources – such as resource management councils and co-management arrangements; and private sector collaboration and cooperation with Aboriginal communities
- **Surface Right:** Every right in land other than mining rights.

## Other Resources

[Ministry of Northern Development and Mines, Mines and Minerals Division](#)

[A Guide to Staking Mining Claims](#) and [A Summary of Claim Staking Regulations](#)

[Mining Act RSO 1990](#)

[Ontario Mining Facts](#)

[First Nation Communities in Ontario](#)