

NORTHWATCH

December 3, 2023

Mines and Minerals Division
Ontario Ministry of Mines

Sent by email to MiningActAmendments@ontario.ca

ERO number 019-7761

Re. **Potential Changes to Ontario's Plans and Permits Regime for Mineral Exploration**

On October 19th, 2023 the Ministry of Mines posted a notice on the Environmental Registry of Ontario announcing a 45 day comment period on Ontario's exploration plans and permits regime. According to the posting, the Ministry of Mines is seeking input "on opportunities to improve the exploration plans and permits regime to ensure exploration activities occur in a timely manner, the Crown continues to meet its consultation obligations, and Ontario can meet the increased global demand for responsibly sourced mineral resources, including critical minerals."

The stated rationale for the proposal is increased global interest in Ontario's mineral resources, including critical minerals, which has in an increase in mining claim registrations and exploration spending by proponents. Purportedly, the Ministry has heard from industry stakeholders that aspects of the current regulatory process are unduly time-consuming, costly, and difficult to navigate and so to "help Ontario remain competitive in the global exploration environment, the Ministry is committed to considering opportunities to remove unnecessary barriers to identifying and developing mineral supply for manufacturing in Ontario, consistent with Ontario's Critical Minerals Strategy." The notice also stated that some Indigenous communities are experiencing frustration with the number of notifications and separate consultation processes related to early exploration activity.

The ERO post states that "the Ministry understands that Ontario's exploration plans and permits regime should reflect the fact that early exploration activities typically have a focused geographic scope, short duration, and limited impacts to the environment." We dispute this statement, as our observations are that mineral exploration activities and their impacts can be widespread and with lasting and severe impacts at the site level. Further, the current increased level of mineral exploration is the very reason why Ontario must have a well constructed regime for managing mineral exploration and minimizing environmental and social impacts.

These comments are preliminary in nature and are being submitted at this time in order to meet the comment deadline. Northwatch reserves the right to provide supplementary comments. Our comments include but are not limited to the following.



1: Modernizing the Requirements for Exploration Plans and Permits and Encouraging Innovation

- The qualifier of “within a 200-metre radius should be removed with respect to the limits for Mechanized surface stripping and for pitting and trenching, and the respective limits should be stated as Total surface area stripped is greater than 100 square metres or pitting and trenching of Greater than 3 cubic metres in volume regardless of distance between this activity and the next adjacent activity
- While the thresholds were introduced over a decade ago, there was extensive and detailed debate at that time and the “current technological advancements in the field of early exploration” cited in this paper were also cited at that time; at issue is not impact of the activity rather than the specific piece of equipment being used to impose that impact, and the impact of stripping, pitting, trenching, outcrop washing etc. have not been diminished by the passing of the last decade; in reality, what has developed over the last decade is the level of environmental concern over continued loss of natural habitat, biodiversity, ecosystem function and undisturbed areas
- That “new technology” can provide easier access to the landscape, does not decreasing the impact of the disturbance of the exploration activities themselves (e.g. stripping, pitting, trenching, outcrop washing etc. on the ground and increased access only serves to facilitate these activities and so facilitate greater levels of impact; when these provisions were debated over a decade ago the means of access (road vs helicopter) as not the rationale for setting the limit of 150 kilograms in weight
- At time of development, the option of applying for a plan versus a permit was a compromise, and one that was recognized at the time as an arrangement that would lead to environmental compromise; if there are to be changes made to the assignment of activities to either plan or permit it should be to erase the option of a plan and have all activities subject to permitting requirements
- An additional measure should be introduced at this point to require the assembly of an inventory of natural and cultural values to precede all mineral exploration activities that will cause site disturbances (for example, stripping, pitting, trenching, outcrop washing); this should be a required activity as a phase I of developing an exploration plan/permit, with the plan/permit then including a clearly laid out strategy for the protection of the environmental and cultural values that were inventoried

THEME 2: Increase Flexibility in the Plans and Permits Regime

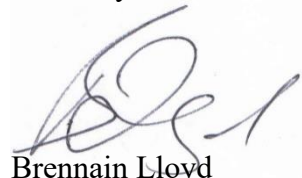
- We very much support technological improvements being made to the MLAS system to allow filing and viewing of exploration plans/permits as part of the MLAS system; generally speaking, the MLAS system is not user friendly, and changes should be tested with a variety of user groups, including but not limited to the mining and exploration
- Through improvements to the MLAS system or through some other mapping interface, users should be able to access mining claims, assessment work, closure plans, all permits, EBR notices, and plans/permits through a single interface; search functions should allow users to search by township, district, nearest First Nation or municipality, watershed, treaty area, or by data set (mining claims, assessment work, closure plans, all permits, EBR notices, and plans/permits)
- The argued need for flexibility would be reduced if explorationists had an understanding and familiarity with the land which will be subject to the exploration activity in advance of planning that activity; with the onset of online mapping, a claim can be acquired without having walked the land, and therefore an exploration activity might be planned with no actual knowledge of the physical attributes of the land; as noted above, the development of an inventory of natural and cultural values should precede all mineral exploration activities; the development of this inventory would require familiarity with the site, and would provide the information need to not only develop a strategy for the protection of the environmental and cultural values that were inventoried, but also an informed exploration strategy
- The argument that the requirement for specific activity required in a permit “lacks flexibility and does not allow proponents to change their programs in response to new data obtained in the field” supports the assessment that proponents are seeking the ability to develop generic plans or permits absence of any knowledge or consideration of site-specific conditions or provisions to protect site-specific values or features
- Concerns with the terms and conditions placed on permits include that they cannot be relied upon to protect sites specific ecological and cultural values and features, that there are not commensurate conditions to ensure rehabilitation measures are adequate, carried out, and effective
- Any changes to a longer plan term must be accompanied by annual reporting on which activities have been carried out and what rehabilitation measures have been implemented

THEME 3: Reducing Administrative Burden and Increasing Efficiencies

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- It may be appropriate for the Ministry to set standards of service, such as ensuring responses within set periods of time, but it would follow that the Government of Ontario would be required to ensure that a sufficient work force is in place to meet these standards of service

Thank you for your consideration of these comments. We look forward to further dialogue on these important matters.

Sincerely,



Brennain Lloyd
Northwatch Project Coordinator