



July 28, 2009

Leigh Boynton
Policy Advisor
Ministry of Northern Development and Mines
Deputy Minister's Office
Corporate Policy Secretariat
99 Wellesley Street West
Suite 5630
Whitney Block
Toronto Ontario
M7A 1W3

Re: Proposed Legislative Amendments to the Mining Act
EBR Registry Number: 010-6559

Dear Mr. Boynton,

On behalf of the Ontario Professional Planners Institute (OPPI), we would like to thank the Ministry of Northern Development and Mines for the opportunity to comment on Bill 173, an Act to Amend the Mining Act.

OPPI is the recognized voice of the Province's planning profession. Our more than 3,000 members work in government, private practice, universities, and non-profit agencies in the fields of urban and rural development, urban design, environmental planning, transportation, health and social services, heritage conservation, housing, and economic development.

1. Mineral Rights/Surface Rights Issues

The division of surface and mineral rights is an important issue. Land use compatibility issues can arise when one owner holds surface rights and another holds the mineral rights, and the second party seeks to explore the potential or develop their mineral rights.

The approach proposed in the legislation regarding the withdrawal of mineral

rights is reasonable and recognizes the differences between Northern and Southern Ontario (i.e. less developed with extensive mineral potential versus more developed and relatively limited mineral potential).

It will be important though to consult with any affected surface right holder as well as the relevant land use planning approval authority (i.e. local and/or provincial) to ensure that these individuals/bodies have an opportunity to meaningfully comment on any withdrawal application, prior to a decision on that application. This would also help to ensure that any land use planning policies/regulations that apply to surface rights, complement the status of any mineral rights.

In the same vein, mineral rights holders should be consulted on land use planning applications affecting surface rights. This would require planning approval authorities to have access to mineral tenure data held/maintained by MNM to be able to meet the notification requirements articulated in the Planning Act.

2. Closure Plans

The Mining Act currently requires that proponents consult with local municipalities on their Closure Plans before they submit them to MNM for approval. Given the importance of closure plans to setting the end use of the property (i.e. former use or as otherwise set out in an approved Closure Plan) it is important that municipalities actively participate in these discussions to ensure that the best possible end use is found. There may be an opportunity through these discussions to connect to the closure plan process to the municipality's Official Plan and long term strategic Economic Plan, as well.

3. First Nations Consultation

We are supportive of the government's efforts to consult with First Nations/Metis during the mining sequence. The government should be encouraged to continue its capacity building efforts in these communities to help ensure effective and meaningful consultation (e.g. Aboriginal Affairs' Relationship Fund).

OPPI members will be closely involved in the implementation of the proposed amendment, and have a strong resource of expertise in addressing the types of issues raised above. The Institute would be pleased to be involved in any further consultation efforts to develop and refine these proposals towards their final form. For further information or to schedule a meeting, please contact Loretta Ryan, MCIP, RPP, Manager, Policy and

Communications at 416-483-1873, x226.

Yours truly,

A handwritten signature in black ink that reads "Wayne Caldwell". The signature is written in a cursive style with a period at the end.

Wayne Caldwell, MCIP, RPP
President
Ontario Professional Planners Institute

Copy:

George McKibbin, MCIP, RPP, Chair, Policy Development Committee, OPPI
Loretta Ryan, MCIP, RPP, Manager, Policy & Communications, OPPI