

**SUBMISSION**  
**to the**  
**STANDING COMMITTEE ON GENERAL GOVERNMENT**

**Re: Bill 173, the *MINING AMENDMENT ACT, 2009***

**July 2009**

**by**

**FUME (Fight Unwanted Mining & Exploration)**

**and**

**LGLCA (Little Glamor Lake Cottagers' Association)  
representing several neighbouring Cottage Associations in  
Highlands East, Haliburton County**

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**FUME** (Fight Unwanted Mining & Exploration) and **LGLCA** (Little Glamor Lake Cottagers' Association – on behalf of itself and several neighbouring cottage associations) wish to thank the Standing Committee on General Government for this opportunity to present our views on **Bill 173**, the ***Mining Amendment Act, 2009***. We wish to make clear from the outset that we are not anti-mining, per se; however, we firmly believe that, while there is a need and place for a vibrant mining economy, there are equally areas where mining activity must be strictly controlled, even denied from taking place. We respectfully beg your indulgence as we explain our position.

### **Who we are:**

**FUME** is an aggregation of approximately 2000 member property holders spread throughout Haliburton, Peterborough and Victoria Counties, concerned about the potential advent of 'open pit' mining in our local areas. Our concerns were raised over the past three years with the staking and claiming of vast areas of both SRO (surface rights only) private lands as well as adjacent Crown lands. Worries spread with the publication of media stories announcing impending development of uranium mines and the holding of public meetings by junior mining company promoters. This was soon accompanied by exploration activity on Crown lands which resulted in damage, destruction and degradation of local forests, which mess was left behind, un-remediated, when the promoters discontinued their work. Both **FUME** and **LGLCA** have been active participants in the 2008 "consultative process" organized by MNDM, and have allied forces with **CBMAR** (Coalition for Balanced Mining Act Reform). **CBMAR**, supported by many others, submitted the "**Three Modest Proposals**" as a way to achieve some better balance between mining/prospecting interests and the land owners/citizens whose lives are impacted when mines are developed. Those proposals are particularly addressed to the needs of Southern Ontario. That is where our concern is centred; we do not address the needs of the Near or the Far North, leaving it to residents of those areas to address their own local concerns.

**LGLCA** is a registered, not-for-profit corporation organized to look after the needs of cottagers on Little Glamor Lake, Highlands East, Haliburton County. It numbers approximately 110 members. It is representative of many such cottage organizations which are found on almost all the lakes and rivers in Haliburton. In this sense, each lake association can be regarded as a community, just like any cross-roads hamlet or village in Southern Ontario. Our lakes may have as few as 80-100 homes, or as many as 800, or more. We are, indeed, communities, and most have elected officials and corporate structures. We are often 'unseen' as one drives the secondary highways which criss-cross our lake-strewn, tourist-recreational environment. Population figures derived from decennial Census-

taking are very misleading. While the 2006 Census gives a population of 16,000 for Haliburton County, we know that we have an 'effective population' closer to 250,000 or 300,000. How is this so? The difference is in the seasonal resident population which floods north from the GTA, the Golden Horseshoe, and from towns stretching from Kingston to Windsor. Hundreds of thousands, perhaps even a million or more Southern Ontarians own waterfront cottages, country 'get-aways' and other recreational properties throughout 'cottage country', stretching from the shores of Lake Huron to the Ottawa River. It is, today, a 'floating population' which lives 4 or 5 days a week in the Golden Horseshoe, etc., and drives three hours (or less) to spend 2 or 3 days residing amongst us. We know that we speak for many of these cottagers as well as year-round local residents, more and more of whom are retiring to live at their recreational homes rather than the city. It is this total 'effective population' which drives our present-day Haliburton economy, which has invested billions of dollars in real property development, contributes millions more in municipal property taxes, creates thousands of jobs and makes the cash registers of local businesses ring. It is out of concern for this recreationally-based economic engine that we speak to you today.

### **The essence of our concern:**

When we began to tackle these issues almost three years ago, we had three major concerns as they relate to Southern Ontario: one, the separation of mineral rights from surface rights in relation to privately held lands; two, the lack of comprehensive environmental assessment of mining ventures, particularly with regard to exploratory activity occurring on Crown lands; and, three, the ineffectiveness of local Official Plans and the need for greater municipal control over the planning, zoning and actual permitting of mining activities taking place on Crown lands within organized municipal boundaries. Bill 173 seeks to address the first of these concerns. In our view, it fails miserably in relation to the latter two.

### **Historical perspective:**

The present *Mining Act* is generally regarded as badly outmoded and a piece of legislation which creates much controversy and strife. In short, it lacks fairness and balance. It simply does not address modern-day requirements well. This is, perhaps, not surprising, given its underlying premise and philosophy that "mining trumps all" and that "mining is the highest and best use of land". That premise relates back in time to an assumption by the government of the day that "mining would be the path to a glorious and successful future for Ontario". History has shown us that there have been other, more successful paths, and that the mining road has been costly as well as destructive in terms of health

and environment. Mining is but one part of the Ontario economy, and, in Southern Ontario, a small one at that.

Part of the problem arises from the notion that a property's mineral rights can be separated from its surface rights - a throwback to feudal times, when kings with 'Divine Rights' owned everything, both above and below the surface. This has fostered problems for private landowners whose mineral rights have become separated from their surface rights, often unknown to the landholder. Of greater concern is the way in which mineral rights on Crown lands are administered by the Province. At the same time as those lands fall within organized municipal boundaries with elected local councils who have adopted Official Plans, zoning by-laws and other restrictive measures which apply to private landowners, these municipalities and their residents are often powerless to control the introduction of exploration and mining activities that are at odds with local plans and wishes, yet authorized by the Province.

### **The example of Highlands East, Haliburton County:**

While it is certainly true that our area was the site of small uranium mining activity in the past, that has not been so for many years now. A half-century ago, smaller 'shaft-and-tunnel' mining operations provided a modicum of employment for Haliburton, along with other resource extraction operations such as forestry. In the intervening years, however, much of the area has been given over to a recreationally and environmentally based economy. As highways were improved and better, faster cars produced, 'cottage country' became a regular weekend and holiday destination for many of those in Southern Ontario. For 50 to 60 years now, development of waterfront cabins and country retreats has grown incrementally. Studies show the presence of some 35,000 to 40,000 waterfront properties in the Haliburton watershed alone. This story is repeated all across Central Ontario from Lake Huron to the Ottawa River. Today, 'cottage country', as it has become known, represents billions upon billions of dollars in capital investment. This far outweighs any investment by mining. Waterfront property values are so great today that they generate between 75% and 80% of all municipal tax revenues. They are by far the largest contributor to municipal coffers, yet they receive the smallest portion (perhaps only 15%) of municipal services in return. How is this so, and why is it important when considering changes to the *Mining Act*?

Waterfront property values have escalated dramatically during the past 15-20 years. As a result, municipal assessments, based upon current market values, have correspondingly increased. Most cottages, however, are remotely located on private road networks, are not municipally serviced and, therefore, consume little by way of municipal programs. In short, recreational properties subsidize the service programs of the municipalities in which they are located. So what?

To understand the point being made, one simply needs to appreciate why cottages exist at all: they are recreational 'get-aways' where humans go to remove themselves from noise and strife, to relax in peaceful surroundings where they can enjoy wildlife, swim, fish, breathe clean air, and do it all in peace and quietude. Cottagers and tourists do not flock to open pit mining sites when going on vacation. To allow open pit mining operations to return to Haliburton will be to turn back the clock and risk jeopardizing a half-century and billions of dollars in recreational property investment, to say nothing of the thousands of jobs created simply by the number of vacationers flocking here, buying groceries at local supermarkets, lumber at local yards, hardware, clothes at local shops and meals at restaurants. Anything which threatens the enjoyment of tourists and recreational or cottage visitors has the potential to chase away millions of dollars in business income, along with jobs it creates.

We believe, both as locals and as cottagers, that permitting mining to return to Haliburton will negatively impact upon recreational and cottage property values, as well as any other local properties located nearby. If these highly assessed properties fall in value, so will municipal assessments upon which they are based. If municipal assessments fall, local councils are left with only two options: either cut back on services, or raise mill rates. In either case, it is the year-round residents who suffer the most. If cottage values fall and mill rates go up, cottagers do not suffer because the net effect will remain the same; but, taxes for non-seasonal, non-waterfront residents could skyrocket. Similarly, if municipal services are curtailed, cottagers do not suffer because they receive few services anyway, but year-round, non-waterfront ratepayers will lose.

Those are the simple economic facts and dangers of allowing mining back into areas where it is not suited, and not desired. Mines may create a small number of jobs; it is unlikely they will make up for the potential loss of employment when/if the cottage crowd pulls out. Mines on Crown lands will not contribute to local municipal tax revenues as other local private property owners do, yet they will very likely cause a loss of revenue presently generated by private, high-paying waterfront owners.

### **What can be done to remedy this situation?**

We at **FUME** and **LGLCA** wish to commend the government for its decision to rectify the SRO/mineral rights separation issue by removing any remaining SRO lands in Southern Ontario from any further staking and claiming. While we wish that currently staked lands could also have been brought within such protection, we recognize the legal and cost implications of so doing. At least this step should prevent further ongoing animosity. However, in our view, **Bill 173, the**

**Mining Amendment Act**, falls short in addressing other important issues related to Southern Ontario.

In the view of **FUME** and **LGLCA**, **Bill 173** fails to provide sufficient recognition of the needs of Southern Ontario by neglecting to require full environmental assessments at all levels of mining activity, including early exploration, and in not granting to municipalities the power to decide and control if, when and where mining may take place within municipal boundaries, including on Crown lands. Mining operations are currently exempt from environmental assessments, an incredible and unacceptable situation given the significant environmental impact of mining.

**Bill 173** should be amended to require thorough environmental assessment at all stages of mining operations, including exploratory stages. Furthermore, in recognition of the democratic right of all citizens within a municipality to be treated equally and fairly, municipalities must be given the authority to decide where mining activities may occur within their boundaries. It is simply inequitable that a private landowner is restricted by Official Plans or zoning by-laws from carrying on an activity, while a mining company on adjacent Crown land may proceed to operate in a manner completely inconsistent with that of the rest of the community. Billions of dollars of capital investment have gone into recreational properties throughout 'cottage country' in the expectation that these were lands destined for environmentally protected, compatible use. Their value and existence are threatened by invasive, unwanted exploration and mining development which does not necessarily have to play by the same rules. **Bill 173** must be amended to give municipalities the power to decide through local official planning where mining activities will take place. Staking should not be permitted until such planning has occurred and is locally approved.

**FUME** and **LGLCA** are not alone in these comments. Similar criticisms of the shortcomings of **Bill 173** have been raised, we believe, by **AMO** (Association of Municipalities of Ontario), **FOCA** (Federation of Ontario Cottage Associations), **CBMAR** (Coalition for Balanced Mining Act Reform), **CIELAP** (Canadian Institute for Environmental Law and Policy), **Ecojustice** (formerly Sierra Legal Defence Fund), **Ontario Nature** (Federation of Ontario Naturalists), and **many, many others**. We are aware of many municipalities throughout 'cottage country' who have, for years, been pleading with the Province to grant more thorough control over planning and development related to Crown lands within their boundaries. Now that proposals have been introduced to amend the *Mining Act*, it is time to do so in a truly comprehensive manner, not simply skirt around and prolong its outmoded shortcomings.

**Summing up:**

It is clear that, while the *Mining Act* must necessarily deal with all of Ontario, certain specific needs relating to Southern Ontario have not been met in **Bill 173**, as introduced. The further changes which **FUME, LGLCA and many others** request are not simply of importance to a few rural municipalities scattered across 'cottage country'. This is an area of many communities, built up around almost every lake and river in South-Central Ontario. Alongside other, more easily recognizable inland villages and towns of the area, they represent a vast 'floating' population of several million Ontario residents who utilise this beautiful recreational environment not only for seasonal and year-round second homes, but also for day trips to go fishing, skiing or just plain relaxing.

This 'floating' population is the true economic engine which drives employment and municipal budgets throughout 'cottage country'. It buys hundreds of products at local stores and creates thousands of jobs while contributing millions in local taxes. Recreational tourism dwarfs anything that mining could ever contribute. It is 'green', environmentally sensitive and is here for the 'long haul'. Mining is none of these; it is dirty, environmentally destructive and only interested in being around so long as the minerals last. Open pit mining practices of the present day are totally incompatible with the underlying reasons that people come to our 'cottage country' municipalities in the first place. Our recreational environment needs to be safeguarded, not further threatened.

**Bill 173** is important, therefore, to all Members of the Ontario Legislature, not just those in 'mining country', the Near or the Far North, or those in Haliburton, Frontenac or Tay Valley. It should also be viewed by those MPP's representing electoral ridings in the very southern-most areas of Ontario (the corridor south of Hwy. 7 stretching from Kingston to Sarnia and Windsor) as being of the utmost importance. It is these political representatives who are the 'home riding' MPP's of millions of Ontario citizens who currently flock to the recreational playgrounds of 'cottage country'. It is these 'southern' Ontario MPP's who have a large and important responsibility to adequately represent the interests of those of their constituents who travel to or hold property in recreational 'cottage country'. We have been in touch with many, and will continue to press our case with them.

**One final comment:**

We are aware that certain of our critics like to portray us as being NIMBY – suggesting that we are selfishly interested in our own welfare, and simply are a group of wealthy owners of summer playgrounds. Nothing could be further from the truth! We represent both cottage owners and locals alike. Many of the former are those who own humble cabins that have been in their families for many generations. Some of the latter are those who have retired from hectic city living

and invested their life savings in purchasing a simple retirement home in pleasant environmental surroundings, only now to feel beset by the anguish that their idyll may be threatened by noisy, unhealthy, environmentally destructive open pit mining by an undesirable neighbour.

We make no apologies whatsoever about caring for and wishing to preserve as much as possible the beauty which surrounds us. We make no apologies for wanting to protect our homes, our investments and a way of life created in expectation of a continuing right to the “quiet enjoyment” of our lands. The mining industry speaks of its need to have “security of tenure”. So do we. We seek respect for, and security of, our local environment, free from the intrusion of destructive open pit mining. We seek security for our homes and the hard earned life savings that have gone into them.

**We leave you with this question:**

If the last remaining pool of oil were to be discovered beneath the corner of King and Bay Streets in Toronto, would we expect our government to issue a permit to allow the bulldozers and explosives experts to begin knocking down the bank towers and start drilling for oil? Or, if a major deposit of diamonds were to be found beneath the back lawns of Queen’s Park, would MNDM permit staking and open pit mining operations to destroy the Legislative Buildings and tear up University of Toronto lands? Highly unlikely, and not without great cries of outrage from Torontonians. Why, then, should staking, exploration or mining be allowed to invade, injure and destroy established communities in ‘cottage country’? Fair is fair. Sometimes it’s best to leave hidden resources buried and untouched, in the greater interest of preserving those natural treasures and beauty in the environment above.

Thank you.