



## A GOOD PRACTICES GUIDE FOR STAKING AND EXPLORATION WHEN WORKING WITH PRIVATE SURFACE RIGHTS OWNERS

As urban areas expand and rural areas are becoming more developed, prospecting and staking on land with privately owned surface rights has become a focus of attention. There are requirements in the Mining Act governing claim staking and exploration. In addition, the Ministry of Northern Development and Mines recommends the following best practices to foster good relationships with surface rights holders. Always remember: *you* are the face of mineral exploration in Ontario.

### CLAIM STAKING

You are encouraged to...

- Do a title search and contact the owner before you enter for staking or exploration.
- Never enter a private property unannounced.
- Identify yourself to confirm that you are planning to stake a claim or, if you have already staked the property, advise the surface rights owner you have done so.
- Be patient. Remember that the landowner may not understand the requirements of the Mining Act and may be very apprehensive of your presence.
- Listen to the surface owner's concerns and try to address them factually and with courtesy. Encourage the owner to contact the Ministry of Northern Development and Mines for further information.

- Use less intrusive staking methods authorized under the Claim Staking Regulation (O. Reg 196/06) such as witnessing. Witnessing a claim corner (where authorized) can be less intrusive as it eliminates the need to blaze a boundary line through the property.
- Where at all possible, avoid cutting or blazing trees on private property. Bring your own claim posts.
- Contact the Provincial Recording Office in Sudbury if you have any questions about compliance with the staking rules and/or less intrusive staking practices as prescribed in the Mining Act.

### GROUND EXPLORATION WORK

You are encouraged to...

- Allow as much time as possible to give notice to the surface rights owner that you intend to conduct ground exploration work on the property (we strongly suggest a minimum of 30 days in advance to give the landowner sufficient time to learn about the process and the rights of all involved).
- Provide the landowner with details of your exploration plans (in addition to using the Mining Act's prescribed form - "*Notice of Intention to Perform Assessment Work*"). Explain the kind of work that will be done, the timelines involved, who will be doing the work, where the work will be carried out and why.
- Advise the surface rights owner if there are changes in your exploration program (30 days notice is suggested).
- Maintain an ongoing dialogue with the surface rights owner throughout your presence on the land.
- Avoid obvious privately held values on the land (e.g., buildings, the yard, garden, shed, etc.) as prescribed in the Mining Act.
- Enter into an agreement with the surface rights owner with respect to your activities on the land.
- Provide the land owner a few days notice prior to actually undertaking any agreed upon activity.
- Assure the landowner you plan to rehabilitate the site(s) before you leave (e.g. fill and level trenches).
- Make every effort to design a program to accommodate a surface rights owner's concerns.

### REMEMBER:

- YOU REPRESENT ONTARIO'S MINERAL EXPLORATION INDUSTRY. BE AN AMBASSADOR.
- VERIFY OWNERSHIP PRIOR TO ENTRY.
- BE RESPECTFUL OF THE LAND AND THE FACT THE SURFACE RIGHTS BELONG TO SOMEONE ELSE
- REMEMBER, ABOVE ALL, THAT COMMUNICATION IS THE KEY.

### CONTACT US:

THE PROVINCIAL RECORDER IF YOU HAVE QUESTIONS  
TOLL FREE: 1-888-415-9845 ext. 5742

### Links to other related information:

MNDM Mining Lands Website:  
<http://www.ontario.ca/landrights>

FACTS ABOUT MINING IN ONTARIO  
Prospecting on Private Land in Ontario  
Frequently Asked Questions about Mineral Staking in Ontario  
[http://www.mndm.gov.on.ca/mndm/mines/lands/bulbrd/surface\\_rights/default\\_e.asp](http://www.mndm.gov.on.ca/mndm/mines/lands/bulbrd/surface_rights/default_e.asp)

ONTARIO PROSPECTORS' ASSOCIATION  
<http://www.ontarioprospectors.com/>

PROSPECTORS AND DEVELOPERS ASSOCIATION OF CANADA  
<http://www.pdac.ca/pdac/programs/e3.html>