

Building More Mines Act, 2023

FACT SHEET

April 2024

CHANGES TO THE NOTICE OF PROJECT STATUS AND NOTICE OF MATERIAL CHANGE FORMS

The Ministry of Mines has updated two forms related to Part VII of the *Mining Act* (the Act): the approved form for a Notice of Project Status (NPS) and the approved form for a Notice of Material Change (NMC). The purpose of these updates is to reflect changes to the Act made through the *Building More Mines Act, 2023* (BMMA), as well as changes to regulations under the Act resulting from the revocation and replacement of O. Reg. 240/00 by O. Reg. 35/24 (Rehabilitation of Lands). The changes are effective as of April 1, 2024.

Both the NPS and the NMC are designed to ensure proponents provide the ministry with the information it needs to provide direction on whether public notice or Aboriginal consultation are required for the purposes of subsections 140(1), 141(1), and 143(1) of the Act (including related requirements under sections 9 and 12 of O. Reg. 35/24). Where required, these notice and consultation processes are preconditions to the submission and filing of closure plans and closure plan amendments.

As a result, it is important for proponents to review the forms carefully, including the guidance embedded in the form, and ensure they have provided all of the information that is necessary.

Updates to the Notice of Project Status form

Proponents are required to submit a NPS prior to beginning advanced exploration (subsection 140(1) of the Act), or prior to commencing or recommencing mine production (subsections 141(1) and 141.1(2) of the Act). A NPS is also required where closure has begun, and when there are any changes in the stages of closure (subsection 144(1) of the Act).

Under subsection 11(1) of O. Reg. 35/24, a NPS must be submitted in the approved form. Forms can be found online in the Central Forms Repository - <https://forms.mgcs.gov.on.ca/>.

The updates to the approved NPS form include the following:

- Updated guidance for each section of the form; and

- New questions added to the form, where proponents indicate whether they anticipate seeking approval for the use of phased financial assurance, conditional filing orders, post-closure state determinations, and exemptions in connection with the preparation and filing of a closure plan.

Updates to the Notice of Material Change form

Proponents are required to submit a NMC if a change that could reasonably be expected to have a material effect on the adequacy of the proponent's filed closure plan is planned, has occurred, or is likely to occur (subsection 144(2) of the Act). While not every NMC will necessarily require a closure plan amendment, submitting a NMC is the first precondition towards submitting a closure plan amendment under subsection 143(1) of the Act.

Under subsection 13 of O. Reg. 35/24, a NMC must be submitted in the approved form. Forms can be found online in the Central Forms Repository - <https://forms.mgcs.gov.on.ca/>.

The updates to the approved NMC form include the following:

- Updated guidance for each section under the form;
- New questions added to the form, where proponents indicate whether, at the time of form submission, they anticipate using any of the updated flexibility mechanisms arising from the recent amendments to the Act and regulations (phased financial assurance, conditional filing orders, post-closure state determinations, and exemptions); and
- Edits and updates to align with the amended test under subsection 144(2) of the Act, including text boxes requiring:
 - A description of the nature and scope of the change(s)
 - A description of the effects of the change(s) on the adequacy of a closure plan
 - A description of the anticipated amendments to the closure plan that are required due to the change(s), and the Parts of the Mine Rehabilitation Code that are relevant to such amendments.

The addition of these text-based fields allowed for a significant reduction in the detailed checklist of technical information at the end of the form.

While this fact sheet is intended to provide information on updates to approved forms under the *Mining Act*, it is not legal advice. Requirements relating to submission of approved forms are contained in the *Mining Act* and its regulations. While all efforts are made to ensure the accuracy of this information, if there is any discrepancy between this fact sheet and the Act or its regulations, the provisions of the Act and/or regulation prevail.