

Fact Sheet: The Chiefs of Ontario Call for a 365 Day Moratorium of Online Mine Claims Staking

1. In accordance with a resolution passed by the Ontario Chiefs-in-Assembly, **the Chiefs of Ontario are calling on the Government of Ontario to declare a territory-wide moratorium on the Mining Lands Administration System (MLAS) for 365 days, as of January 24, 2024.**
2. In 2018, Ontario launched the Mining Lands Administration System (MLAS), resulting in the acceleration of land claims being staked virtually within Ontario. The online virtual staking of land has placed substantial pressure on First Nations across Ontario, as they attempt to monitor, track, and participate in a meaningful way with potential mineral development opportunities. The MLAS also continues to reduce the amount of land available for First Nations looking to reach land settlements via claims negotiations that may already be underway.
3. The online claim staking process further allows for the minimization of First Nations consent and any requirements based on the duty to consult and accommodate by being conducted in a globally accessible virtual environment. The virtual mining process in Ontario compromises and impacts the Spirit and Intent of all Treaties and unceded territories in Ontario.
 - a. [Anishinabek Nation](#), a political advocate for 39-member First Nations across Ontario, has closely monitored and tracked mining claims in 2023.
 - b. As of November 2023, there are **164,036 claims** within their territory, a drastic increase of 35,163 claims since May/June 2023.
4. In a precedent-setting case from September 2023, the Supreme Court of British Columbia in [Gitxaala v. British Columbia](#) found that B.C.'s system of issuing mineral claims triggers the duty to consult, and found that B.C.'s Chief Gold Commissioner ("Commissioner") breached the duty to consult by failing to properly implement the Mineral Tenure Act (BC) to create a structure for consultation. The Commissioner was given 18 months to design and enact a consultation process for Indigenous groups adversely impacted by online mineral claims made within their territory.
5. Lack of consultation and accommodation that meets the legal threshold of the Duty to Consult is common – both by private industry and the Ontario Government. In proposing regulatory amendments to Bill 71: *Building More Mines Act*, Ontario's Ministry of Mines has failed to meaningfully fulfill the duty to consult. The lack of clear messaging surrounding meaningful and fulsome consultation with First Nations is an extreme concern, as Bill 71 has the potential to adversely impact Inherent, Treaty, and Aboriginal Rights. It is mandatory that Ontario fulfill its duty to consult and accommodate First Nations due to the impact that Bill 71 will have on Treaty land. Furthermore, the Ministry's process of holding information sessions does not fulfill the criteria outlined by [COO's Minimum Standards and Principles for Consultation and Engagement](#).