

File No. MA 002-06

L. Kamerman )  
Mining and Lands Commissioner )

Thursday, the 21st day  
of September, 2006.

**THE MINING ACT**

**IN THE MATTER OF**

Those lands circumscribed by Forfeited Patented Mining Claim L1535, being patent 876 Temiskaming, dated the 2nd day of June, 1915, situate in the Township of Teck, in the District of Temiskaming, Province of Ontario, having a Notice of Forfeiture on title, signed by the Minister of Mines on the 11th day of May, 1959, and registered in the Land Registry Office in Haileybury, Ontario, on the 13th day of May, 1959;

**AND IN THE MATTER OF**

Those lands circumscribed by Forfeited Patented Mining Claim L2728, being patent 459 Temiskaming, dated the 6th day of August, 1914, situate in the Township of Teck, in the District of Temiskaming, Province of Ontario, having a Notice of Forfeiture on title, signed by the Minister of Mines on the 11th day of May, 1959, and registered in the Land Registry Office in Haileybury, Ontario, on the 13th day of May, 1959;

**AND IN THE MATTER OF**

An application to stake the Mining Rights under Patented Mining Claims L-1535 and L-2728, pursuant to subsection 32(1) of the Mining Act, as shown on the attached Schedule "A".

**B E T W E E N:**

ERIC JOSEPH MARION

Applicant

- and -

	<b>PARCEL #</b>		<b>PIN #</b>
THE CORPORATION OF THE	9169 SEC CST	61408	0627
TOWN OF KIRKLAND LAKE*	9169 SEC CST	“	0559
“	8195 SEC CST	“	0546
“	8348 SEC CST	“	0225
“	8348 SEC CST	“	0270
“	8348 SEC CST	“	0272
“	8348 SEC CST	“	0274
“	8348 SEC CST	“	0331
“	8349 SEC CST	“	0332
“	8349 SEC CST	“	0333

	<b>PARCEL #</b>		<b>PIN #</b>
THE CORPORATION OF THE	10962 SEC CST	“	0651
TOWN OF KIRKLAND LAKE*	10962 SEC CST	“	0937
“	13366 SEC CST	“	0766
“	12747 SEC CST	“	0763
“	9169 SEC CST	“	0925
THE CORPORATION OF THE	9169 SEC CST	“	0926
TOWNSHIP OF TECK*	9169 SEC CST	“	0927
“	9169 SEC CST	“	0928
“	8195 SEC CST	“	0920
KIRKLAND & DISTRICT	12772 SEC CST	“	0764
ASSOCIATION FOR THE			
MENTALLY RETARDED			
(Community Living Kirkland Lake)*			
“	12773 SEC CST	“	0346
“	12774 SEC CST	“	0347
DISTRICT OF TIMISKAMING	10612 SEC CST	“	0709
SOCIAL SERVICES			
ADMINISTRATION BOARD*			
KIRKLAND LAKE NON-PROFIT	12701 SEC CST	“	0769
HOUSING CORPORATION*			
“	12702 SEC CST	“	0708
DISTRICT SCHOOL BOARD	13681 SEC CST	“	0936
ONTARIO NORTH EAST***			
MAURICE ALCIDE LESSARD*	13017 SEC CST	“	0585
SANDRA MAY LESSARD*			
JEAN-PAUL JOSEPH	13060 SEC CST	“	0757
VILLENEUVE**			
ROSANNE GRACIA VILLENEUVE **			
PHILIP THOMAS FORCELLINI**	12706 SEC CST	“	0759
SILVIA RENATE FORCELLINI**			
JOSEPH EDMOND MARCEL	13061 SEC CST	“	0758
ROZON*			
YVONNE MADELIENE ROZON*			
"	12709 SEC CST	“	0755
RUTH MARY VERNON*	8320 SEC CST	“	0778
VICTOIRE NOELLA DODDS *	8319 SEC CST	“	0810
ROXANNE LORAIN BROOKES*	9639 SEC CST	“	0713
LEE ERNEST CHOUINARD*	10572 SEC CST	“	0710
FRANK ALBERT ZIDAR	10053 SEC CST	“	0711
VADA ZIDAR*			
RAYMOND EUGENE	10052 SEC CST	“	0712
LAFLECHE*			
LYNNE LOUISE LAFLECHE*			
JEAN PAUL CORMIER*	10659 SEC CST	61408	0771
CHANTAL MONA BOUCHER*			
BRADLEY MORGAN PULLEN*	10653 SEC CST	61408	0772
DARLEEN CATHY SMITH*			
WALTER JOSEPH SZACH*	10918 SEC CST	“	0773
ANITA JUNE SZACH*			
RODNEY LEE DAVIS*	13396 SEC CST	“	0762
MELANIE MARGARET			
KOROSCIL*			

	<b>PARCEL #</b>		<b>PIN #</b>
MARLENE WATSON*	8427 SEC CST	“	0777
CAROL LILIANNE LESSARD*	8652 SEC CST	“	0776
ROBERT RAOUL GALARNEAU*	12686 SEC CST	“	0340
SHANNON LORRAINE GALARNEAU *			
ERIC VICTOR NIELSON*	12667 SEC CST	“	0341
LEANNE CATHARINE NIELSON*			
MICHEL YVON MOREAU*	13338 SEC CST	“	0273
KIMBERLEY ANN MOREAU*			
PAUL DENIS GUERTIN**	12680 SEC CST	“	0344
MICHELINE DORCINA GUERTIN**			
MICHAEL BRISSETTE**	13384 SEC CST	“	0345
NICOLE BRISSETTE **			
WILLIAM RODERICK MACDONALD **	12670 SEC CST	“	0349
LORRAINE ANNE MACDONALD**			
JOHN KARL DOXSEE**	12663 SEC CST	“	0350
CHRISTINE ANN DOXSEE**			
GERHARD MEYER*	12664 SEC CST	“	0354
IDA ELISABETH MEYER*			
CAROLYN LYNN SPINATO*	12672 SEC CST	“	0355
FRANK CARLO SPINATO*			
DANIEL GERALD NAPOLEON MAILLE *	13364 SEC CST	“	0765
CINDY GAIL DAVIS*			
DONNA LEE CREMA*	13367 SEC CST	“	0767
BASIL McMILLAN	13272 SEC CST	“	0768
ALLEN LAUZON	12725 SEC CST	“	0756
LOUISE LAUZON			
ALLEN LAUZON	12756 SEC CST	“	0760
LOUISE LAUZON			

Respondents

(Amended September 21, 2006)

### CONSENT ORDER

**WHEREAS THIS APPLICATION** was received by this tribunal on the 16th day of January, 2006;

**AND WHEREAS** an Order To File documentation was issued by this tribunal on the 8th day of February, 2006;

**AND WHEREAS** documentation was filed by the applicant with both the tribunal and the respondents on or about the 9th day of March, 2006 and subsequently, by some of the respondents named above on the applicant and the tribunal;

**AND WHEREAS** those respondents identified above by an asterisk (\*), provided their signed consent, with conditions in some cases, to the tribunal, for the granting of this application;

**AND WHEREAS** six respondents (as identified above with two asterisks, (\*\*)) did not respond or provide their consent to this application, as shown on the attached map of the subject area as outlined in red and marked Schedule "A";

**AND WHEREAS** only one respondent, being the District School Board, Ontario North East (DSB) as identified above with three asterisks (\*\*\*) responded negatively and did not provide its consent;

**AND WHEREAS** in addition to the correspondence received by the tribunal from the DSB, on the 4th and 9th days of May, 2006, the tribunal wrote to the DSB on the 16th day of May, 2006 and the tribunal registrar and the agent for the appellant held a telephone conference call with the DSB in order to better understand and to address their concerns, on the 6th day of June, 2006;

**1. IT IS ORDERED** that the application to stake the Mining Rights under Patented Mining Claims L-1535 and L-2728, pursuant to subsection 32(1) of the **Mining Act**, be and is hereby granted to the applicant, Mr. Eric Joseph Marion, upon the following conditions:

**Non-Intrusive Work**

The following conditions will apply for exploratory works considered to be non-intrusive in nature, being geophysical, geochemical and geological surveying and prospecting;

1. Walking access to the subject property is permissible in any season provided that any persons accessing the property do not interfere with the normal enjoyment or maintenance of these lands. Any motorized access across the property will require prior consent of the property owner.
2. Geotechnical surveys are acceptable but will be scheduled to not interfere with public use of the lands.
3. If any grid lines are established where they are visible, station pickets will be erected after the playing fields are in use, and removed prior to subsequent use.
4. Line cutting or other permanent markings are permissible provided specific approval has been obtained from the Corporation of the Town of Kirkland Lake.

**Light to Heavy Exploratory Work**

Should the claim holder or parties working under its direction wish to perform intrusive exploratory work such as drilling, trenching or permanent markings and line cutting, a detailed work and restoration plan shall be submitted to the Corporation of the Town of Kirkland Lake for consideration. The exploratory work and restoration plan shall include;

1. a plan describing type and location of all works proposed,
2. a work schedule showing timing and working hours,
3. a detailed plan, including a demonstration of adequate funds, for the restoration of all affected areas,
4. details of proposed noise control if warranted, to ensure noise levels do not exceed that of ambient traffic.
5. details of proposed dust suppression, if warranted
6. details of proposed control of ground vibration, if warranted
7. In the event that the claim holder and any of the respondents that have provided their consent to this application can not come to an agreement concerning drilling on their property, the matter may be referred to the Mining and Lands Commissioner for resolution.
8. In the event that a production decision is made, the production activities will be designed so as not to be visible to or audible by the public. Prior to the commencement of on site production activities, the claim holder will consult with both the Corporation of the Town of Kirkland Lake and the Ministry of Northern Development and Mines (MNDM). The claim holder will provide details of the proposed production program to both the Corporation of the Town of Kirkland Lake and the MNDM. The details will include comment on possible adverse impacts to other users of the lands. No production activities that will physically affect the surface rights shall be commenced without prior written consent from the Corporation of the Town of Kirkland Lake and the MNDM. In the event that such consent is withheld, the claim holder may refer the matter to the Mining and Lands Commissioner for resolution.
9. The claim holder or parties working under its direction, will not release deleterious substances or contaminants (as defined in the **Environmental Protection Act**, R.S.O. 1990, c. E.19, as amended), into the atmosphere, streams or water bodies on the properties, unless approved by the Ontario Ministry of the Environment.
10. All work sites shall be kept in neat, tidy and professional condition. Any physical damage to the lands, or facilities (caused by the claim holder or those working at its direction), will be repaired or restored to the original condition, at the claim holder's expense. If repairs are not made in a timely fashion, after written request to do so by the Corporation of the Town of Kirkland Lake, the town shall be at liberty to use its own resources for such remedial work, and will be entitled to reasonable compensation to affect such repairs.

11. With regards to Parcel 13396 SEC CST property identifier number 0762, there shall be no removal of any vegetation, no grid work and the establishment of no temporary or permanent structures.

### **Hours of Operations**

1. All work is to be performed between the hours of 7:00 a.m. and 5:00 p.m., Monday to Friday, unless otherwise approved by the property owner(s) upon whose property the work is to be performed.
2. Work will not be performed when other activities are scheduled or are taking place.
3. All light to heavy exploratory work is to be performed during off seasons and proper precautions to protect the public and to make immediate restoration will be required.

**2. IT IS FURTHER ORDERED** that in an effort to be as unobtrusive as possible, the applicant is instructed to conduct the staking by using commercial 4" by 4" timber as mining claim posts pursuant to Subsection 14 (3) of the Staking Regulations (O. Reg. 7/96), and stake out the unpatented mining claim by erecting the number 1 claim corner post on the claim boundary at or near the north east angle of L1535 and witness the number 2 corner post, the number 3 corner post and the number 4 corner post from that location pursuant to subsection 12 (3) of the Staking Regulations (O.Reg. 7/96).

**3. IT IS FURTHER ORDERED** that this Order applies to the mining rights under the property of each respondent, but, for those respondents who have not provided their consent, being parcel 13681 SEC CST, property identification number 0936, parcel 12706 SEC CST, property identification number, 0759, parcel 13060 SEC CST, property identification number, 0757, parcel 12680 SEC CST, property identification number 0344, parcel 13384 SEC CST, property identification number 0345, parcel 12670 SEC CST, property identification number 0349 and parcel 12663 SEC CST, property identification number 0350, no exploration work will be conducted upon or under their property without their prior written consent.

**4. IT IS FURTHER ORDERED** that no costs shall be payable by any party to this application.

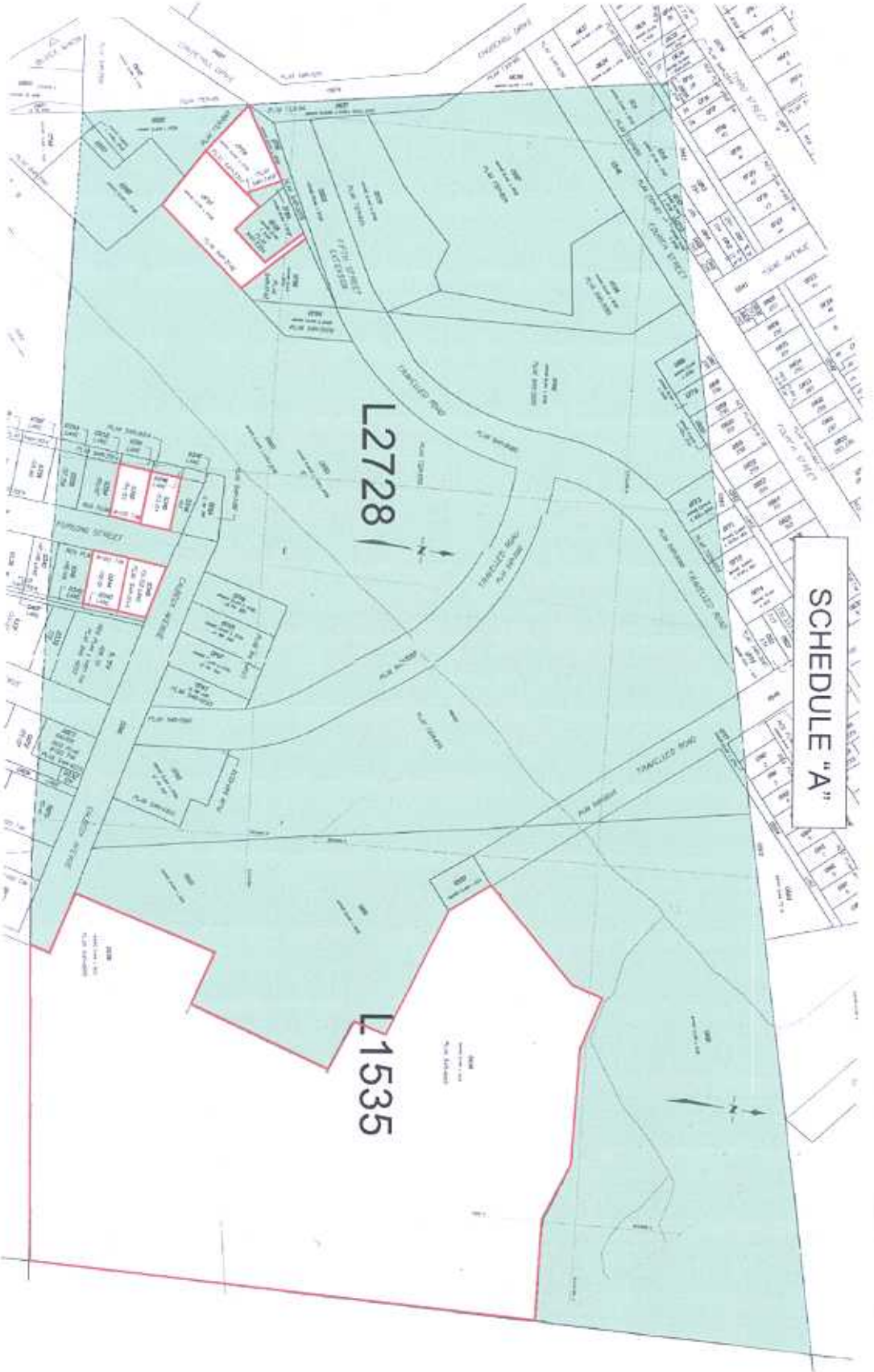
**THIS TRIBUNAL FURTHER DIRECTS** the Provincial Mining Recorder, to vacate those lands covered by Withdrawal Order No. W-L-25/05, covering surface and mining rights situate in the Township of Teck, (G-3719) in the Larder Lake Mining Division, dated the 31st day of March, 2005, made pursuant to section 35 of the **Mining Act** and to open the area, as outlined in the attached Schedule "A", being the mining rights under Patented Mining Claims L-1535 and L-2728, respectively, for staking for the applicant, Mr. Eric Joseph Marion.

**THIS TRIBUNAL FURTHER ADVISES** that pursuant to subsection 129(4) of the **Mining Act**, R.S.O. 1990, c. M.14, as amended, a copy of this Order shall be forwarded by the tribunal to the Provincial Mining Recorder **WHO IS HEREBY DIRECTED** to amend the records in the Provincial Recording Office as necessary and in accordance with the aforementioned subsection 129(4).

**DATED** this 21st day of September, 2006.

Original signed by L. Kamerman

L. Kamerman  
MINING AND LANDS COMMISSIONER



SCHEDULE "A"

L2728

L1535