

File No. MA 027-05

L. Kamerman)
Mining and Lands Commissioner) Friday, the 28th day
of April, 2006.

THE MINING ACT

IN THE MATTER OF

An application under subsections 51(4), 51(6) and 80(2) of the **Mining Act** in respect of certain portions of the surface rights of Mining Claims TB-3014812 and 3014815, situate in the Dawson Road Lots Area, in the Thunder Bay Mining Division, recorded in the name of Kenneth Robert Kukkee, hereinafter referred to as the “Kukkee Mining Claims”;
(amended April 28, 2006)

AND IN THE MATTER OF

A referral by the Minister of Northern Development and Mines to the tribunal pursuant to subsection 51(4) of the **Mining Act**;

AND IN THE MATTER OF

An application for a direction from the tribunal to the Minister of Northern Development and Mines that the surface rights over particular portions of the Kukkee Mining Claims be removed from staking pursuant to section 35 of the **Mining Act**, as being required for the use of the Crown, as contemplated by subsection 51(6) of the **Mining Act**;
(amended April 28, 2006)

AND IN THE MATTER OF

An application for an order excluding particular portions of the surface rights from the Kukkee Mining Claims.

B E T W E E N:

MINISTER OF NATURAL RESOURCES
Applicant

- and -

KENNETH ROBERT KUKKEE
Respondent

ORDER ON CONSENT

WHEREAS this referral from the Minister of Northern Development and Mines was received on the 16th day of November, 2005;

AND WHEREAS this application was scheduled to be heard in Thunder Bay, Ontario, on the 25th and 26th days of April, 2006;

AND WHEREAS after the commencement of the hearing, the parties requested a short adjournment to discuss settlement of the matter and were able to arrive at a settlement;

AND WHEREAS Minutes of Settlement, dated the 25th day of April, 2006, were drafted and executed by Mr. Kenneth Kukkee, Respondent in this matter and Mr. Craig Hockridge, agent and representative of the Applicant with the authority to sign the Minutes of Settlement, said Minutes being filed with the tribunal, and the matter was adjourned;

1. IT IS ORDERED that the application of the Minister of Natural Resources pursuant to subsections 51(4) and (6) of the **Mining Act**, and in part, pursuant to subsection 80(2), for the exclusion of such portions of the surface rights of the Kukkee Mining Claims TB-3014812 and 3014815 as shown outlined in red on the sketch attached to and forming part of this Order be and is hereby granted **AND FURTHER** that such surface rights be and are hereby surrendered to the Crown.

2. IT IS FURTHER ORDERED that the Respondent, Mr. Kenneth Kukkee and his assigns shall retain and preserve all such rights to access and work his mining rights pursuant to the **Mining Act**, **AND FURTHER** the Applicant, the Minister of Natural Resources shall allow the aforementioned Respondent, Mr. Kenneth Kukkee and his assigns to conduct and perform all phases of assessment work, exploration and extraction permitted by the **Mining Act** and shall allow access to the aforementioned Respondent, Mr. Kenneth Kukkee and his assigns for the purposes of conducting and performing such activities as are permitted by the **Mining Act**.

3. IT IS FURTHER DIRECTED that the Minister Order the withdrawal of the surface rights of those portions of the Kukkee Mining Claims TB-3014812 and 3014815 as shown outlined in red on the sketch attached to and forming part of this Order and marked Schedule "B", pursuant to clause 35(1)(a) of the **Mining Act**.

4. IT IS FURTHER ORDERED that the notation "Pending Proceedings", which is recorded on the abstracts of the Kukkee Mining Claims, to be effective from the 16th day of November, 2005, be removed from the abstracts of the Kukkee Mining Claims.

5. IT IS FURTHER ORDERED that the time during which this application was pending before the tribunal, being the 16th day of November, 2005 until the 28th day of April, 2006, a total of 164 days, be excluded in computing time within which work upon the Kukkee Mining Claims is to be performed and filed.

6. **IT IS FURTHER ORDERED** that the 16th day of January, 2007, be fixed as the date by which the next unit of prescribed assessment work, as set out in Schedule “A”, attached to this order, must be performed and filed on Mining Claim TB-3014812, pursuant to subsection 67(3) of the **Mining Act** and all subsequent anniversary dates are deemed to be January 16, pursuant to subsection 67(4) of the **Mining Act**.

7. **IT IS FURTHER ORDERED** that the 24th day of February, 2009, be fixed as the date by which the next unit of prescribed assessment work, as set out in Schedule “A”, attached to this order, must be performed and filed on Mining Claim TB-3014815, pursuant to subsection 67(3) of the **Mining Act** and all subsequent anniversary dates are deemed to be February 24, pursuant to subsection 67(4) of the **Mining Act**.

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

IT IS FURTHER ADVISED that pursuant to subsection 129(4) of the **Mining Act**, as amended, a copy of this Order shall be forwarded by this 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 28th day of April, 2006.

Original signed by L. Kamerman

L. Kamerman
MINING AND LANDS COMMISSIONER

SCHEDULE 'A'

Mining Claim	New Due Date
TB-3014812	January 16, 2007
TB-3014815	February 24, 2009