



January 3, 2012

Gina Ridgely
Protected Areas Strategy Advisor, NWT PAS Secretariat
Environment & Conservation
Aboriginal Affairs and Northern Development Canada
P.O. Box 1500
Yellowknife, NT X1A 2R3

Dear Ms. Ridgely,

Re: Industry Response to Socio-Economic Assessment for Ramparts Candidate Area

The Chamber of Mines would like to thank you for the opportunity to review the *Phase 2: Socio-Economic Assessment (SEA) of Boundary Options for the Ts'ude Niline tu'yeta (Ramparts region) Candidate Protected Area*.

We are pleased to see that the report acknowledges the important work of the Northwest Territories Geoscience Office that identifies the significant mineral potential that exists in much of the Ramparts region, for zinc, lead, copper, oil & gas, and even diamonds. The known value of resources in the ground is in the many billions of dollars; the unknown value of resources that might be determined of value in future could be even higher. Protecting these rare resources too must be a critically important consideration in deciding whether the Ramparts Region requires a formal protected areas designation – in whole, in part or conceivably not at all.

Overall, we found the document to be a difficult read and not as effective as it could be to help communities and decision makers understand just what is possible from non-renewable resource development in the Ramparts area.

For example, the Assessment Report:

- does not identify new technologies that could allow development to proceed with much reduced environmental footprint and impact;
- indicates that few benefits would be available for the community of Good Hope from mining development when, in fact, mining has in recent years evolved to become the largest employer of Aboriginal people in Canada;

- identifies that community opportunities from a mine would be so far in the future (2050) as to render them negligible;
- takes an unusual and highly questionable approach to value the land based on the assumption that each Canadian household might be willing to pay \$5.50 to protect the Ramparts region. To weigh the value of a highly questionable cash “donation” against the value of non-renewable resource development that invests in people through meaningful training, employment and business opportunities is unreasonable and suspect. It actually begs the question whether each Canadian household is aware that they could save ten times that amount annually from their hard earned wages if the NWT used resource development to become more self-reliant and reduced its reliance on those same Canadian households to pay the very high annual transfer (welfare) payments;
- contains a variety of complex economic calculations and terms like Net Present Value, Internal Rate of Return, etc. that may confuse the average reader; and
- ironically, paints a picture of the odds being so high against development that one should draw the conclusion that no protected areas designation is required.

We found the document quite discouraging from a minerals development perspective and we are very concerned that decision makers will read it equally as bleakly and reduce the importance of future non-renewable resource development in drawing their conclusions.

Therefore, in our attached response, we have tried to take a much more positive and realistic approach to describe what we believe is possible. This better represents what industry and communities are capable of when they work together. We also believe that it is the best approach to take when trying to make decisions today based on incomplete knowledge and understanding of what the future holds, decisions that will affect generations to come.

Yours truly,



Tom Hoefler
Executive Director

c.c.: Mr. Paul Latour, Canadian Wildlife Service
Ms. Heather Bourassa, President, Yamoga Land Corporation
Chief Wilfred McNeely Jr., K’asho Got’ine Community Council
Mr. Christian Bertelson, A/Director, Minerals & Petroleum Resources, AANDC,
Yellowknife, NT
Ms. Deborah Archibald, Director, Minerals, Oil & Gas, GNWT, Yellowknife, NT
Ms. Ethel Blondin-Andrew, Chairperson, Sahtu Secretariat Inc., Deline, NT



CHAMBER OF MINES RESPONSE – RAMPARTS SOCIO-ECONOMIC ASSESSMENT

The Chamber of Mines has had the opportunity to review the Socio-Economic Assessment of Ts'ude Niline Tu'eyeta (Ramparts River and Wetlands) Candidate Protected Area, Phase 2: Socio-Economic Assessment of Boundary Options.

Overall, we found the document quite discouraging from a minerals development perspective and we are very concerned that decision makers will read it equally as bleakly and reduce the importance of future non-renewable resource development in drawing their conclusions.

Overall, we found the document to be a difficult read and not as effective as we would have liked to have seen in delivering the appropriate messages to help communities and decision makers understand just what is possible from non-renewable resource development in the Ramparts area. For example, it:

- takes a contemporary, perhaps even dated, view of technologies that industry might use. It does not identify new technologies that could allow development to proceed with much reduced environmental footprint and impact;
- indicates that few benefits would be available for the community of Good Hope from mining development when, in fact, mining has evolved to become the largest employer of Aboriginal people in Canada today;
- identifies that these few community opportunities from a mine would be so far in the future (2050) as to render them negligible;
- takes an unusual and highly questionable approach to value the land based on the assumption that each Canadian household might be willing to pay \$5.50 to protect the Ramparts region. For the report to weigh the value of a highly questionable cash “donation” against the value of non-renewable resource development that invests in people through meaningful training, employment and business opportunities is unreasonable and suspect. It actually begs the question whether each Canadian household is aware that they could save ten times that amount annually from their hard earned wages if the NWT used resource development to become more self-reliant and reduced its reliance on those same Canadian households to pay the NWT very high annual transfer (tantamount to welfare) payments;
- contains a variety of complex economic calculations and terms like Net Present Value, Internal Rate of Return, etc. that may confuse the average reader; and
- ironically, paints a picture of the odds being so high against development that one could draw the conclusion that no protected areas designation is required.

In our response below, we have tried to take a much more positive and realistic approach to describe what we believe is possible. This better represents what industry and communities are capable of when they work together. We also believe that it is the best approach to take when trying to make decisions today that will affect generations to come, but based on incomplete knowledge and understanding of what the future holds.

CONTEXT & CONSIDERATIONS

In providing our view of the Ramparts SEA Report, we would like to provide for reference the *Land Use Planning Position Statement* released in early 2011 by our national sister organization the Prospectors and Developers Association of Canada and adopted by the Chamber of Mines Board in 2011. This is attached as an Appendix.

The *Position Statement* offers the PDAC's views on Guiding Principles and Practices that its members believe should guide the development of public policy and legislation regulating land use planning for Crown lands and governing access to those lands for mineral exploration and mine development purposes. The purpose is to ensure that decision-makers, advisory groups, and the general public are aware of the impact that land use planning has on mineral development and economic potential as well as those principles and practices that can be implemented to ensure that society's environmental, social and economic goals are achieved. The *Position Statement* provides the reasons why the minerals industry so strongly urges that permanent protection of lands be minimized

In considering possible protection for the Ramparts Region, there are four possible ways to protect the region:

1. Apply formal protections like National Parks, National Wildlife Areas, etc., that add protection that will be FOREVER. It will not be possible – politically or practically – to ever have that protection removed. In addition, control of the land under those national designations reverts back to the Federal Government;
2. Apply protection under the Sahtu Land Use Plan. This allows the protection to be revisited every 5 years and allows flexibility in adding or removing protection as circumstances dictate. Control of the land stays closer to home through the Land Use Planning Board's shared decision making;
3. Simply use the regulatory environment to protect lands. There are many (and some would argue there are too many) laws and regulations on what can and can't be done in the NWT. Again, since much of this regulatory environment is shared through various boards of public governance, control of what happens on the land stays closer to the region; or

4. Do nothing. The socio-economic assessment report already paints a bleak picture of little mineral development occurring in the area. If that is the case, then it might be quite sufficient and much less expensive to simply do nothing, and the land will remain untouched by mining as it has to date.

The SEA Report acknowledges on page 39 that doing its analysis “...is particularly challenging, given the limited availability of resource information and the uncertainty about the future local, regional, national and international factors that will determine if and when non-renewable resource development in Ts’ude niline Tu’eyeta will actually occur.”

Given that we are considering decisions that are “forever”, and that we don’t know what “forever” will bring in the form of such things as technology, commodity prices, societal needs, community expectations, etc., our advice is to use a combination of the latter 3 approaches, rather than the formal Federal protected area designations.

THE ART OF THE POSSIBLE – THINKING CREATIVELY

In making decisions about land use that are “forever” decisions – those that apply formal protection that can never be removed – it is critically important that we think about what could be possible in the future. It would be arrogant and short sighted – and unfair to future generations – if we believed that we know everything today that is possible about what tomorrow could bring.

Future circumstances no doubt will be very much different from what they are today. For example, future technologies will offer us a variety of new options; commodity prices and even the types of commodities society needs will fluctuate; and future generations may have very different views of development.

From this perspective, the Chamber of Mines would like to add to the Socio-Economic Assessment discussion the following 4 approaches to considering what could be possible within the Ramparts region:

- Using technology opportunities;
- Maximizing mining opportunities;
- Maximizing exploration opportunities; and
- Improving the odds by taking a strategic approach.

From these considerations, we argue against long term permanent protection through federally regulated protected areas in favour of short term protection under the Sahtu Land Use Plan.

USING TECHNOLOGY OPPORTUNITIES

Development of new technology has been helpful in advancing civilization and enabling what once seemed impossible.

- In 1960, a large mining company discovered an interesting gold deposit in the middle of the Arctic barrenlands far from any infrastructure. After doing nothing with it for nearly 20 years, they sold it believing it was just too far from all-weather roads to ever be developed. Because they had their vision fixed on an all-weather road, they missed a big opportunity. The company that purchased the deposit – Echo Bay Mines – then did what nobody had dreamed of. They built the mine using cargo aircraft, and then constructed an ice road nearly 600 kilometres long to service it. The Lupin Mine became possible, and in fact became one of Canada’s top gold mines. The ice road technology that they developed now successfully services the diamond mines of the NWT and does so with no significant adverse environmental effects.



Ice road to Lupin Mine now supports diamond mines.

- Fifteen years ago, people would have said that it would be impossible to mine diamonds from an open pit on the bottom of a 60 km-long lake. In being presented with that very problem, the Diavik diamond mine’s engineers rose to the challenge. By researching dikes in use around the world, as well as new equipment available from Germany, they developed an innovative new dike technology that has allowed them to “borrow” the lake bottom for mining. As a result, they are now able to mine three ore bodies from under Lac De Gras, and most importantly they have been able to create hundreds of jobs and new business opportunities for northern



New dike technology allows Diavik to mine diamonds from the lake bottom, and will let them return it as fish habitat later.

communities and residents. This has all been done with no significant adverse impacts to the environment. Diavik's success with their new dike technology received Canada's highest engineering award.

- In 2010, in the southern United States, the Audubon Society was doing its own creative thinking. While they had previously closed off an area rich in bird life (and oil and gas potential) to create a major bird sanctuary, technological advances in horizontal drilling were causing them to rethink their position. Audubon found that they could now allow oil and gas production from under the sanctuary because doing so would not produce significant adverse environmental effects on the birds or their habitat; and the money they would receive from leasing the ground could be used to restore habitat and fund other Society projects. A win:win situation that could see protection and development occur simultaneously.

The Ramparts SEA report unfortunately does not contemplate such innovation.

The report assumes that the only way a zinc or copper mine can be developed is by using the very traditional model that would require an all weather road be built to the Mackenzie River, along with a bridge over the river to get the product to an as yet un-built Mackenzie Valley highway. That is certainly a huge hurdle that will make mining very difficult.

Unfortunately, by taking such a short sighted approach, other approaches are not contemplated; for example:

- hauling freight on a winter road to a port on the Mackenzie River and then barging the product to the coast for further shipping internationally; or
- using emerging Hybrid Air Vehicle (HAV) technology which has the potential to reduce the need for roads. Recently, Discovery Air of Yellowknife announced they were proceeding with construction and trials of the first ever commercial HAV. Many in industry are excited by this new technology which could allow development to occur and with little environmental footprint or costs to build roads, railroad, bridges, or ports. This technology has the potential to be a complete game changer.



New shipping technology could reduce mining footprint.

Who knows which of today’s challenges can be overcome in 10 or 20 years? It will also enable us to minimize our impacts on the fragile northern ecosystem.

By using positive thinking of what might be possible in the future, we might make very different decisions on what protections we should apply to the land. We might also take appropriate steps to maximize opportunities and benefits for Fort Good Hope and the Sahtu region.

For example, if decision makers would like to receive the socio-economic benefits from mining but not have the environmental footprint that an all-weather road could bring, then they could set the bar that high in the land use plan. While it may not be possible using today’s technology, this approach doesn’t close the door on future opportunities when for example, technology presents new solutions or future generations decide development opportunities are right for them.

MAXIMIZING MINING OPPORTUNITIES

The NWT diamond mines have shown what is possible with respect to creating jobs and business opportunities. It is a more positive result than what the SEA Report paints for the Ramparts region.

A mere 10 years ago, we often heard people in the mining industry and in communities say that “Aboriginal people don’t like to work underground.” For years, this myth helped create a self-fulfilling prophesy.

Thankfully though, there were those who challenged this incorrect belief.

As a result of very effective training programs and a belief in “what is possible”, there are an increasing number of Aboriginal underground miners working in the diamond mines today.

They join a significant number of Aboriginal and other northerners who were already working in the mines. By 2010, nearly 18,000 person years of northern employment had been created at the mines, and half of those jobs were filled by Aboriginal workers.



Half the northern diamond miners today are Aboriginal.

In addition, the diamond mines set new standards by investing over \$8 billion in northern businesses, with half of it going to new Aboriginal businesses. These businesses in turn created even more job opportunities.

In 2010, in its first year of operations, Nunavut's brand new Meadowbank gold mine has reduced unemployment in Baker Lake from some 50% to less than 10%.

If mining were to take place in the Ramparts region, we do not doubt that similar achievements could be made for the community of Fort Good Hope and the Sahtu region.

But this would require we take appropriate steps and we get creative.

The Chamber agrees with the report's observations that communities face challenges in maximizing employment in an industry like mining which has such a large variety of jobs and skill requirements. But by thinking from the perspective of what's possible, we can set high goals and achieve high success in local and Aboriginal employment through education and training.

It would require we organize training programs, we increase high school graduation rates and we encourage residents to seek higher education. It's certainly within the realm of possibility to achieve what the newest diamond and gold mines have. Why not set our sights even higher and surpass their achievements?

There are many opportunities available in the industry. Working together to find solutions to the barriers that block these opportunities is the way the people of Fort Good Hope, the Sahtu region and the NWT will all benefit.

MAXIMIZING EXPLORATION OPPORTUNITIES

Mineral exploration is another area where more work can be done to create local benefits.

While much effort has gone into creating Aboriginal job and business opportunities from mining, similar efforts have yet to be made for exploration. Admittedly, there is room for improvement.

The Chamber of Mines is currently working with the NWT Government and with Aurora College to develop a *Geological Field Assistant* training program for communities. Along with existing training programs available for diamond drilling and camp catering, we believe it is possible to significantly increase job opportunities in mineral exploration by providing training for *Geological Field Assistants*.

Mineral exploration also lends itself to being exploited repetitively for local benefit.

Contrary perhaps to popular belief, the exploration industry can almost be considered a renewable business. There are even northerners who have learned how to take advantage of that.

Let us explain.

When a company explores a region once and finds nothing, we might conclude that there is nothing of value there. But that is not necessarily the case. It simply means that they didn't find anything.

Often they are looking for a specific mineral, and are somewhat blinded to any others. There may be little rock exposed for them to examine. Also, the technological tools that they use are limited in how far they can "see" underground. Geologists simply cannot say for sure that once an area has been explored for minerals that none are there. But, the opposite could well be true.

Earth scientists are always learning more about where valuable mineral deposits might be found. They continue to develop new technologies and techniques (eg, geochemical and geophysical tools) to help understand what lies beneath the ground, and to improve the odds of exploration.

This means that we can use their new ideas and tools to go back and explore lands that have been explored in the past. And every time we do that, we must spend money and generate jobs and business opportunities.

Mineral exploration is in fact, a repetitive process that can often take over 20 years before a mineable deposit might be found. That's not a bad thing, as one can reap benefits from staking and restaking mineral claims, and through many successive exploration programs. In this way, mineral exploration is somewhat renewable.

This means that we cannot close the door on future opportunities from the Ramparts region, or any other region for that matter.

IMPROVING THE ODDS - TAKING A STRATEGIC APPROACH

In the NWT today, there are many strategies focused on protecting the environment. But there is no minerals strategy and there is no oil and gas strategy; in fact there is no economic development strategy to help attract investment. We are out of balance.

People of Fort Good Hope and the larger Sahtu region could help restore that balance through a strategic approach that would attract exploration investment and create local opportunities in training, employment and business – an open-for-business approach.

Since the NWT is one of the most undermapped regions in Canada, industry knows very little about it. Even the somewhat focused efforts that the NWT Geoscience Office did on the Ramparts region, it is in no way as focused as industry would do if they were attracted to explore the area. However, initiatives like the *Protected Areas Strategy* itself add to the uncertainty that keeps investors away.

The community could change this.

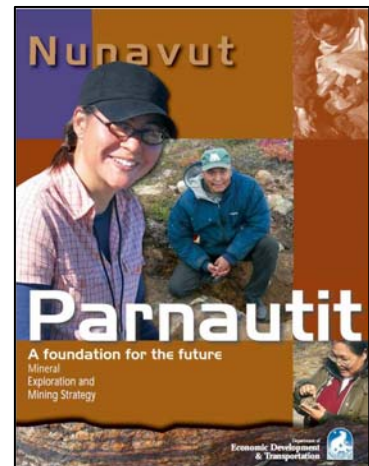
By working closely with the Northwest Territories Geoscience Office and the Canadian Northern Economic Development Agency (CanNor) for example, they might create an investment package to help attract industry investment to the region.

The Chamber of Mines believes that the Sahtu and each of its regions could create opportunities for investment by developing their own *Minerals Strategy*. Such a strategy would create certainty for industry investment by – amongst other things – clarifying the area is open for development and specifically in which areas.

Nunavut, created a minerals strategy – *Parnautit* – in 2003 and its strategic approach to helping support industry and communities for resource development has helped advance investment and community benefits in that territory.

A *NWT Minerals Strategy* would also promote the further gathering of geosciences information which in turn helps attract more investment.

Through the resulting exploration, opportunities would become available. The odds of discovering mineable deposits would improve, and with time mines and their significant jobs and business opportunities could emerge.



Nunavut's Mining Strategy adds certainty.

CONCLUSION

The Chamber of Mines is aware of the environmental concerns that communities have over development on their lands. We respect that communities want their land protected. That is what the regulatory environment is intended to do. We also respect that communities want to find opportunities to benefit from their land, to create jobs and businesses for example.

The tone of the Ramparts SEA report tends to flag problems and concerns which cast a bias against mineral development. Taken together, there may be a very real desire to protect the entire region forever.

However, forever is a long, long time.

We know the future will bring change:

- Future generations may decide they want development in the Ramparts region.
- Future technology may allow development with negligible environmental footprint and impact.
- Society may need different commodities.

- Commodity prices will change.

Given all these unknowns, making “forever” decisions on land use must not be taken lightly.

The Socio-economic report on the Ramparts outlines great potential for zinc, lead, copper, oil & gas, and even diamonds. With so little exploration done in the area, it is nearly impossible to say for sure whether or not those commodities occur in economically viable deposits. However, the potential alone should begin to inform the community of what is possible.

The potential to develop the land to create training, employment and business opportunities for the community are real and the only way to gauge the possible benefits is to explore the territory and find out exactly what it is that the land holds.

The Chamber of Mines urges the community of Fort Good Hope and the Sahtu to think big – to think about what could be possible.

We respectfully suggest that long term, permanent Federal protections not be used, or be used very judiciously. In a world of unknowns, we recommend the decision makers opt for the shorter term protection that regulations and that the Land Use Plan can provide. This will maximize options and opportunities so as to provide future generations with flexibility, and without endangering the environment.

APPENDIX

January 2011

PROSPECTORS AND DEVELOPERS ASSOCIATION OF CANADA (PDAC)

POSITION STATEMENT – LAND USE PLANNING AND LAND ACCESS

Introduction

The exploration and mining sector makes a significant contribution to the prosperity and well-being of Canadians in virtually all of the provinces and territories. To continue to do so, however, the industry must meet the challenges inherent in discovering new mineral deposits, confirming their economic value, and bringing them into production.

While many factors have contributed to Canada's enviable record of success in exploration and mining, the ability to explore large tracts of land is one of the most critical. Mineral deposits that are capable of supporting commercial development occur very rarely, and are difficult and costly to find. As a result, the extent to which the land base is available for exploration – or conversely, off limits – will profoundly influence how often new mines are found.

The need to explore large tracts of land in order to achieve exploration success does not translate into adverse impacts over extensive portions of the landscape. Many exploration programs never proceed beyond the preliminary or "grass roots" stage. Consequently, they involve only transitory activities that have no lasting environmental impact. When exploration programs require a more significant field presence, they still leave the land and the living systems it supports essentially unaltered provided that they are carried out in compliance with law and in accordance with good practices of the kind recommended in *e3 Plus: a Framework for Responsible Exploration*, a CSR program developed by the PDAC.

Moreover, if a mine is ultimately established, the surface area it occupies will typically represent only a small fraction of the total area that was explored in order to locate the underlying deposit. In addition, an exhaustive assessment of the potential environmental and socio-economic impacts of each new mining operation must be completed before production is allowed to proceed. As part of that review, the proponent must provide financial security in an amount sufficient to cover the cost of reclamation and abandonment when mining operations are over.

Against this backdrop, the PDAC maintains that mineral exploration, mine development and mining operations can be conducted in keeping with the principles of sustainable development, and in harmony with the environmental, social, and economic priorities of Canadians. A strong and vibrant exploration and mining sector that operates on this basis will be well positioned to deliver local, regional and national benefits, while minimizing or mitigating any unavoidable adverse impacts. However, continued success will depend on future exploration discoveries that, in turn, require sufficient access to the land base in order to locate new mineral deposits.

With these objectives in mind, the PDAC has prepared this Position Statement in order to articulate the principles and practices that its members believe should guide the development of public policy and legislation regulating land use planning for Crown lands and governing access to those lands for mineral exploration and mine development purposes.

Guiding Principles and Practices for Public Policy and Legislation

1. Establish basic goals and objectives

The overarching goal of public policy and legislation for land use planning and land access regimes should be the development and implementation of a transparent and balanced process that applies impartial criteria appropriately, reconciles competing priorities fairly, and gives proper weight to the public interest. Achieving these objectives requires a process based on broad, inclusive representation across society that promotes the involvement of Aboriginal peoples, local communities, interest groups, the exploration and mining sector itself, and the public at large.

2. Account for global economic factors

Canada's mineral resources are owned, in large part, by the Crown. However, significant investment by the private sector is essential in order to explore for and develop these resources. Total expenditures ranging from \$1 billion to as much as \$4 billion may be necessary in order to locate an economically viable mineral deposit and establish a full-scale mining operation.

The PDAC therefore encourages governments throughout Canada to develop clearly-defined land use planning and land access policies that take into account the intense world-wide competition for exploration and development dollars, that recognize the high level of risk inherent at each stage of the exploration and mining cycle, and that provide for responsive and timely decision-making. Similarly, the PDAC recommends that the bodies responsible for managing Aboriginal-owned lands that offer mineral development potential give the same factors appropriate consideration.

3. Accommodate the need for confidentiality before acquisition of tenure

Exploration is a highly competitive field where confidential, proprietary information often plays a critical role in selecting the lands considered prospective for mineral discoveries and development. Regimes that regulate land use and land access should therefore respect the need to protect this intellectual property until the holder has secured the underlying mineral tenure.

4. Integrate environmental, social and economic goals

Land use planning and land access regimes should adopt an integrated approach that balances environmental protection and conservation goals with society's needs for the economic benefits that mineral resource development generates. This approach should take into account the scope and nature of the proposed activity, any potential impact on local communities, the environment, the biota and habitats considered to be at risk and the tools available to mitigate any adverse consequences or compensate for any unavoidable losses. These principles are particularly important at the early stages of mineral exploration where, if properly managed, activities in the field should have little, if any, undesirable impact on the environment or local communities.

While endorsing this approach, members of the exploration and mining sector acknowledge that full protection status may be granted for certain portions of the landscape where all forms of industrial activity will be precluded in order to protect significant or irreplaceable ecological, aesthetic or cultural values.

5. Avoid alienation without evaluation

Land use and land access regimes should not allow significant tracts of land to be alienated from the inventory available for exploration without clear evidence that the public interest is better served by making the mineral development potential of the land subservient to its other intrinsic values. Removing

any such area from the land base requires a careful balancing of competing objectives based on information of sufficient scope and quality.

Far-reaching or potentially irreversible decisions to remove significant tracts from the land inventory should therefore be deferred until it is possible to conduct a rigorous analysis of their potential mineral value as compared with their ecological, aesthetic or cultural significance. It is also essential to assess, on a local and regional basis, the beneficial and adverse socio-economic implications of each potential designation for such areas, taking into account the anticipated impacts on the present and future well-being of local and regional communities.

6. Allow for infrastructure and access requirements

Land use and land access policies should specifically confirm that areas known to have promising mineral potential are open for exploration and mining. However, this approach will ultimately not be effective unless allowance is also made for the infrastructure necessary to support exploration, development and mining operations.

Given that economic mineral deposits are generally found in remote, underserved regions, particular attention should be paid to allocating land for surface transportation systems including roads, railways and pipelines, as well as for airports, ocean ports, electrical generation and transmission facilities and other supporting infrastructure. Similarly, it is important to ensure that arrangements for access by workers, contractors and suppliers will facilitate a fair and equitable distribution of employment opportunities and other economic benefits to nearby communities, along with those in the surrounding region.

7. Strive for clarity, certainty, efficiency and timeliness

Land use planning and land access regimes will not achieve their intended objectives unless they are framed in clear and consistent language, structured so as to promote certainty and efficiency, and administered in a way that promotes timely decision-making. For similar reasons, care should be taken to avoid establishing constraints, conditions or limitations under land use plans that, where necessary, can be addressed more appropriately through site-specific licences and permits.

8. Define responsibilities for Aboriginal engagement and consultation

Land use planning and land access policies, in conjunction with related regulatory regimes, should clearly spell out the respective responsibilities of proponents and government authorities in fulfilling the duty to consult and, where appropriate, accommodate Aboriginal peoples. Doing so will help to minimize potential risk and uncertainty whenever governments grant proponents the right to conduct mineral exploration and development activities that could potentially infringe upon Aboriginal or treaty rights.

9. Incorporate periodic review and refinement

While striving for clarity and certainty, land use planning and land access regimes should still be sufficiently flexible to respond to developments that indicate a need to re-evaluate or revise their requirements. A dynamic and adaptive approach that takes into account new information, fresh insight or updated analysis is necessary. Systems of this kind should likewise obligate public authorities to undertake a periodic review at appropriate intervals to identify any modifications or refinements that are warranted.

10. Encourage broad involvement and collaborative dialogue

At their most fundamental level, land use planning and land access decision-making entail a collaborative dialogue among those who have a particular interest in the lands or regions in question. Public authorities should therefore facilitate, encourage and where appropriate, actively participate, in a continuing exchange among these parties.

The processes and practices that are integral to land access and land use planning should promote a greater mutual understanding of the complementary or competing goals and objectives within society, and thereby reduce the risk and frequency of needless conflict or controversy. Aboriginal peoples have a unique and irreplaceable role to play in that dialogue, given the constitutional protection that the law affords to their Aboriginal and treaty rights, their special relationship with the land, and the importance of that relationship to maintaining their cultures and traditional ways of life.

11. Ensure that decision-makers have the necessary resources

Land use planning and land access decisions are typically complex, invariably challenging, and often controversial. Consequently, public authorities must assess the long-term economic, social and environmental consequences of the potential alternatives carefully and methodically. It is therefore essential that decision-makers have the capacity, resources, expertise and information necessary to do so.