



The Mining Association of Canada  
L'Association minière du Canada

February 28, 2008

**BY EMAIL AND COURIER**

Mr. Neil McCrank, Q.,C., P.Eng.  
Special Representative of the Minister of Indian  
Affairs and Northern Development  
1411 Shelbourne Street  
Calgary, Alberta  
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Dear Mr. McCrank

**Re: Submission of the Exploration and Mining Industry to the  
*Northern Regulatory Improvement Initiative***

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We are pleased to submit on behalf of our respective organizations the written submission of the exploration and mining industry to the *Northern Regulatory Improvement Initiative* (the “**NRII**”). The submission reflects extensive input from a broad spectrum of industry participants and their advisors, and outlines a series of recommendations for your review.

To put the submission into context, however, we would like to highlight three overarching issues

**1. Commitment to Implement NRII Findings**

While encouraged by the announcement of the NRII and the progress that this initiative has been achieved thus far, we note that the federal government has not yet indicated how it intends to assess your findings and recommendations, rank them in order of priority and develop a plan of action to put them into effect.

We trust that work is nonetheless proceeding behind the scenes so the NRII will achieve its intended goals in a timely manner. We feel obliged to raise the point, however, given that many recommendations for northern regulatory reform have already been made to the federal government that have yet to be fully implemented. The 2005 report of the Auditor General of Canada is a case in point. We therefore look forward to further details and stand ready to contribute to the further evolution of the process as it proceeds to the implementation phase.

**2. Accountability for Decisions**

Given its unique constitutional circumstances, a wide array of government departments and agencies have historically shared jurisdiction over the environment, natural resource development and related matters. The result is a regulatory matrix that is more diversified and less coordinated than the corresponding regimes in the provinces. Over the past decade, however, the implementation of the *Mackenzie Valley Resource Management Act* has significantly increased both the total number of players and the complexity of the system.

While the result is a regulatory regime that often goes beyond what is apparently needed to accomplish the task at hand, the most damaging consequence is the loss of accountability.

The ever-expanding array of players in the regulatory arena has fostered a climate in which no single entity or individual is ultimately responsible for reconciling competing claims, reaching a reasoned decision based on the broader public interest, and taking ownership of the consequences of that decision. These conditions contribute to a decline of public confidence in our governmental structures, a trend that should concern all Canadians who see the rule of law and the principles of natural justice as fundamental to our society.

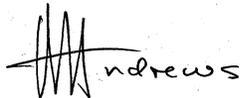
### 3. Settlement of Land Claims

There will always be room to improve the regulatory regime for environmental assessment and project approval. However, to the extent that Aboriginal land claims remain unresolved, the management of land and the approval of natural resource developments are likely to remain controversial and divisive.

Reform of the regulatory regime alone will therefore not ensure, in the long term, the responsible and sustainable development of the significant natural resource legacy of the north. The settlement of land claims is equally if not more important. Decisive action is therefore required to address this fundamental problem.

We trust that our submission will assist you in fulfilling your very important mandate and reiterate our willingness to continue to support your work.

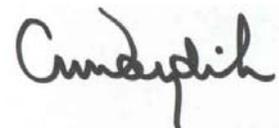
Yours truly,



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